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Presidential Documents

Title 3—

The President

Proclamation 8515 of May 6, 2010

Military Spouse Appreciation Day, 2010

By the President of the United States of America

A Proclamation

When Americans answer the call to serve in our Armed Forces, a sacred trust is forged. Our men and women in uniform take on the duty of protecting us all, and their spouses and families also help shoulder this important responsibility. As we mark Military Spouse Appreciation Day, we reaffirm our steadfast commitment to supporting and honoring the husbands, wives, and loved ones of our Nation's servicemembers.

At the heart of our Armed Forces, servicemembers' spouses keep our military families on track. They balance family life, military life, and their careers—all while supporting other military families and giving back to their communities. Many have served in uniform themselves and, understanding the obligations involved, can provide unparalleled support. They are pillars of strength in their families, often celebrating their children's life milestones while the other parent is away.

Military spouses also care for our wounded warriors and honor the memory of our Nation's fallen heroes, including their own loved ones. They impact countless lives on military bases and in schools, places of worship, and neighborhoods across our Nation. Their contributions help protect our freedom by strengthening our communities and our servicemembers.

My Administration is committed to improving opportunities and quality of life for these brave spouses and families who know the separation and stress of war. We are increasing servicemembers' compensation as well as funding for better housing, job training, counseling, outreach, and support for spouses and their families. We are also expanding our ground forces to reduce the strain of repeated deployments, and to give servicemembers more time with their loved ones.

There are many ways for each of us to show our appreciation for military spouses. Working through community-based organizations, workplaces, schools, and places of worship, we can help them support their families, establish or build a career, and address the unique challenges they face.

I am inspired every day by our men and women in uniform and their families. They are America's greatest military asset, and my Administration is committed to fulfilling our obligations to them. Today, let us honor the spouses and families who support our servicemembers and, in doing so, help defend our Nation and preserve our liberty.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 7, 2010, as Military Spouse Appreciation Day. I call upon the people of the United States to honor military spouses with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of May, in the year of our Lord two thousand ten, and of the Independence of the United States of America the two hundred and thirty-fourth.



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Rules and Regulations

Federal Register
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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 40

[Docket No. RM08–19–002; Order No. 729–A]

Mandatory Reliability Standards for the Calculation of Available Transfer Capability, Capacity Benefit Margins, Transmission Reliability Margins, Total Transfer Capability, and Existing Transmission Commitments and Mandatory Reliability Standards for the Bulk-Power System

Issued May 5, 2010.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order on clarification.

SUMMARY: In this order, the Commission grants several requests for clarification of Order No. 729, which approved and directed modification of six Modeling, Data, and Analysis Reliability Standards submitted to the Commission for approval by the North American Electric Reliability Corporation, the Commission-certified Electric Reliability Organization for the United States. As discussed below, the Commission clarifies the implementation timeline for these Reliability Standards as well as certain directed modifications.

DATES: *Effective Date*: This rule will become effective June 10, 2010.

FOR FURTHER INFORMATION CONTACT: Jonathan First (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8529.

Cory Lankford (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6711.

Christopher Young (Technical Information), Office of Electric Reliability, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6403.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Jon Wellinghoff, Chairman; Marc Spitzer, Philip D. Moeller, and John R. Norris.

Order No. 729–A

Order on Clarification

(Issued May 5, 2010)

1. In this order, the Commission grants several requests for clarification of Order No. 729,[1] which approved and directed modification of six Modeling, Data, and Analysis (MOD) Reliability Standards submitted to the Commission for approval by the North American Electric Reliability Corporation (NERC), the Commission-certified Electric Reliability Organization (ERO) for the United States.[2] As discussed below, the Commission clarifies the implementation timeline for these Reliability Standards as well as certain directed modifications.

I. Background

2. On November 24, 2009, the Commission issued a Final Rule in this proceeding that approved the six MOD Reliability Standards submitted to the Commission by the ERO. The approved Reliability Standards pertain to methodologies for the consistent and transparent calculation of available transfer capability or available flowgate capability. Pursuant to section 215(d)(5) of the FPA [3] and section 39.5(f) of our regulations, the Commission directed the ERO to develop certain modifications to the MOD Reliability Standards. The Commission also directed NERC to retire the existing MOD Reliability Standards replaced by the versions approved in the Final Rule once the new versions became effective.

3. On December 23, 2009, American Public Power Association (APPA) and Transmission Access Policy Study Group (TAPS), Duke Energy Carolinas, LLC (Duke), Edison Electric Institute (EEI), ISO New England (ISO–NE), and NERC filed timely requests for clarification.

II. Discussion

A. Implementation Schedule

4. In the Final Rule, the Commission directed that the Reliability Standards become effective according to the schedule proposed by the ERO.[4] Thus, the Commission stated that the MOD Reliability Standards shall become effective on the first calendar quarter that is twelve months beyond the date that the Reliability Standards are approved by all applicable regulatory authorities. The Commission found that this implementation schedule struck a reasonable balance between the need for timely reform and the needs of transmission service providers and transmission operators to make adjustments to their calculations of available transfer capability, capacity benefit margin and transfer reserve margin. In response to comments on its notice of proposed rulemaking, the Commission clarified that, under this plan, the Reliability Standards shall become effective on the first day of the first quarter occurring 365 days after approval by all applicable regulatory authorities. Approval by the Commission would be effective 60 days after the date of publication of the Final Rule in the **Federal Register.**[5]

Requests for Clarification

5. Several petitioners requested clarification of the implementation schedule. If the Commission intended approval of the MOD Reliability Standards to be effective upon their approval of all regulatory authorities, including the applicable Canadian provinces, APPA and TAPS, along with ISO–NE, ask the Commission to clarify a process to keep the Commission and industry informed on the status of the required regulatory approval process. By contrast, EEI asks the Commission to clarify that the MOD Reliability Standards will become effective in the United States no earlier than the first

[1] *Mandatory Reliability Standards for the Calculation of Available Transfer Capability, Capacity Benefit Margins, Transmission Reliability Margins, Total Transfer Capability, and Existing Transmission Commitments and Mandatory Reliability Standards for the Bulk-Power System,* Order No. 729, 129 FERC ¶ 61,155 (2009).

[2] *North American Electric Reliability Corp.,* 116 FERC ¶ 61,062, *order on reh'g & compliance,* 117 FERC ¶ 61,126 (2006), *aff'd sub nom. Alcoa Inc.* v. *FERC,* 564 F.3d 1342 (DC Cir. 2009).

[3] 16 U.S.C. 824o(d)(5) (2006).

[4] Order No. 729, 129 FERC ¶ 61,155 at P 95.

[5] *Id.*

day of the first quarter occurring 365 days after the Commission approves the MOD Reliability Standards.

6. NERC also requests clarification and provides some insight into its proposed implementation schedule. NERC explains that the term "all applicable regulatory authorities," as it is used in the MOD Reliability Standards, includes the Commission and the relevant regulatory authorities in the Canadian provinces. NERC states that, when it developed the implementation schedule, all participants anticipated that the processes for approving the MOD Reliability Standards in all jurisdictions would result in approvals that occurred at roughly the same time. However, according to NERC, the processes for approval of Reliability Standards are in various stages of development in various jurisdictions. Accordingly, NERC requests that the Commission clarify that the MOD Reliability Standards shall become effective within the United States no earlier than the first day of the first quarter occurring 365 days after the publication of Order No. 729 in the **Federal Register.**

Commission Determination

7. The Commission agrees that, without further clarification about regulatory approvals in the Canadian provinces, the approved implementation schedule is not determinative as to the effective date of the MOD Reliability Standards within the United States. Without a clear process for informing entities of the approval by all appropriate regulatory authorities, the implementation schedule presents some compliance risks. NERC has indicated that it would support implementation of the MOD Reliability Standards within the United States as of the first day of the first quarter occurring 365 days after the publication of Order No. 729 in the **Federal Register.** The Commission agrees that this implementation schedule is appropriate. Accordingly, the Commission clarifies that the MOD Reliability Standards shall become effective within the United States as of the first day of the first quarter occurring 365 days after the publication of Order No. 729 in the **Federal Register,** *i.e.,* January 1, 2011.

8. Compliance with these MOD Reliability Standards requires an exchange of information and data among neighboring transmission service providers. In some instances, for example, a transmission service provider within the United States may need to exchange information and data with a neighboring transmission service provider located in a jurisdiction where the Reliability Standard is not yet enforceable. In this situation, the transmission service provider within the United States shall share information with the transmission service provider located in another jurisdiction pursuant to the requirements of these MOD Reliability Standards. Nevertheless, the transmission service providers and transmission operators within the continental United States who must rely on information and data from utilities located in another country to comply with these Reliability Standards shall not be penalized solely for the failure of a utility located in another jurisdiction to provide such information and data, until such time that the MOD Reliability Standards become mandatory in that foreign jurisdiction.

9. So that the Commission is informed about international approval of these MOD Reliability Standards, we direct the ERO to file notices with the Commission when any other applicable regulatory authority approves any or all of the MOD Reliability Standards approved by the Commission in Order No. 729. The ERO also must post notice of such approval on its Web site.

B. Audit Scope

10. In the Final Rule, the Commission directed the ERO to conduct an audit to measure compliance with the MOD Reliability Standards. In response to comments on its notice of proposed rulemaking, the Commission clarified that these audits are not intended to address the competitive effects of these MOD Reliability Standards.[6] The Commission further stated that the audits should review each component of available transfer or flowgate capability, including the transmission service provider's calculation of capacity benefit margin and transmission reliability margin, for transparency and verifiability to ensure compliance with the MOD Reliability Standards.[7] The Commission explained that such an audit is consistent with Requirement R3.1 of Reliability Standard MOD–001–1, which requires transmission service providers to include in their available transfer capability implementation documents information describing how the selected methodology (or methodologies) has been implemented. Under Requirement R3.1, transmission service providers are to provide enough detail for the Commission and others to validate the results of the calculation given the same information used by the transmission service provider.

Request for Clarification

11. Duke contends that, although Requirement R3.1 of MOD–001–1 may be broad enough to permit the ERO to audit capacity benefit margin and transfer reliability margin calculation to determine if they can be validated, Reliability Standards MOD–004–1 and MOD–008–1 are not the source for such authority. Accordingly, Duke asks the Commission to clarify that the audits of MOD–004–1 and MOD–008–1 are to be limited to compliance with the explicit requirements of those Reliability Standards.

Commission Determination

12. Reliability Standard MOD–001–1 establishes foundational requirements that oblige entities to select a methodology for calculating available transfer or flowgate capability and then make the appropriate calculations. Reliability Standards MOD–004–1 and MOD–008–1 establish the methodologies for calculating capacity benefit margin and transmission reliability margin, respectively. The NERC Glossary of Terms Used in Reliability Standards (NERC Glossary) defines available transfer capability as "Total Transfer Capability less Exiting Transmission Commitments (including retail customer service), less a Capacity Benefit Margin, less a Transmission Reliability Margin, plus Postbacks, plus counterflows."[8] Thus, both capacity benefit margin and transmission reliability margin are integral components of any available transfer or flowgate calculation.

13. Under Requirement R3.1 of MOD–001–1, a transmission service provider must include in its implementation documentation:

"[i]nformation describing how the selected methodology (or methodologies) has been implemented, in such detail that, given the same information used by the Transmission Service Provider, the results of the [available transfer capability] or [available flowgate capability] calculations can be validated.[9] Because capacity benefit margin and transfer reliability margin are integral components of any available transfer or flowgate capability calculation, we believe that, for an entity to validate the results of an available transfer or flowgate capability calculation, the calculations of capacity benefit margin and transfer reliability margin must also

[6] Order No. 729, 129 FERC ¶ 61,155 at P 106.

[7] *Id.*

[8] *See* NERC Glossary, *available at: http://www.nerc.com/docs/standards/rs/Glossary_2009April20.pdf.*

[9] Reliability Standard MOD–001–1, Requirement R3.1.

be detailed in the implementation document with such detail that they can be validated. Thus, the Commission clarifies that the calculations of capacity benefit margin and transfer reliability margin, performed under MOD–004–1 and MOD–008–1 respectively, are properly audited under Requirement R3.1 of MOD–001–1.

C. Benchmarking

14. In the Final Rule, the Commission directed the ERO to develop benchmarking and updating requirements for the MOD Reliability Standards to measure modeled available transfer and flowgate capability values against actual values.[10] The Commission stated that such requirements should specify the frequency for benchmarking and updating the available transfer and flowgate capability values and should require transmission service providers to update their models after any incident that substantially alters system conditions, such as generation outages.[11]

Request for Clarification

15. Duke states that, in Order No. 693, the Commission directed the ERO to modify Reliability Standard MOD–014–0 to include a requirement for validating models against actual system results. Duke states that the Commission reinforced this requirement in Order No. 890–A, holding that the models used by the transmission provider to calculate available transfer capability, and not actual available transfer capability values, must be benchmarked. Duke requests that the Commission clarify that its directive in Order No. 729 to develop benchmarking and updating requirements is the same as the directives in Order Nos. 693 and 890–A, and is not intended to require a different form of benchmarking.

Commission Determination

16. The Commission clarifies that the directive in Order No. 729 to develop benchmarking and updating requirements is related to the directives in Order Nos. 693, 890, and 890–A. In Order No. 693, the Commission directed modification of Reliability Standard MOD–014–0 to include a requirement that the models developed under the Reliability Standard be validated against actual system responses and that the maximum discrepancy between the model results and the actual system response should be specified in the Reliability Standard.[12] Similarly, in Order No. 890, the Commission directed public utilities, working through NERC, to modify certain MOD Reliability Standards to incorporate requirements for the periodic review and modification of certain models.[13] In Order No. 890–A, the Commission clarified this directive by stating that the *models used* by the transmission provider to calculate available transfer capability, and not actual available transfer capability values, must be benchmarked.[14]

17. The Commission remains concerned about the accuracy of the models used to calculate available transfer capability. Accordingly, in Order No. 729, the Commission directed the ERO to develop benchmarking and updating requirements to measure the results of the available transfer and flowgate calculations against actual values. The Commission's directive to develop benchmarking and updating requirements stems from the same concerns raised in Order Nos. 693, 890, and 890–A. The benchmarking and updating requirements directed in Order No. 729 are not intended to require a different form of benchmarking than required under those prior orders.

D. Treatment of Network Resource Designations

18. In the Final Rule, the Commission found that Reliability Standards MOD–028–1 and MOD–029–1 failed to address the directive in Order No. 693 to specify how transmission service providers should determine which generators should be modeled in service when calculating available transfer capability.[15] Specifically, with regard to MOD–028–1, the Commission noted that Requirement R3.1.3, which addresses designated network resources, governs the calculation of total transfer capability, not existing transmission commitments. The Commission stated that the only information provided as to the effect of designating and undesignating a network resource on existing transmission commitments is in Requirement R8, which merely states that "the firm capacity set aside for Network Integration Transmission Service" will be included. Accordingly, the Commission directed the ERO, pursuant to section 215(d)(5) of the FPA and section 39.5(f) of its regulations, to develop a modification to MOD–028–1 and MOD–029–1 to specify that base generation schedules used in the calculation available transfer capability will reflect the modeling of all designated network resources and other resources that are committed to or have the legal obligation to run, as they are expected to run, and to address the effect on available transfer capability of designating and undesignating a network resource.

Request for Clarification

19. Duke contends that the Commission's directive requiring additional specificity regarding the effect of designating and undesignating a network resource on existing transmission commitments is inappropriately focused on modifications to Requirement R8 of MOD–028–1. Duke states that which requirements need to be amended to include the desired additional specificity will be dependent on which components of available transfer capability are impacted by the base model and network resource designations and undesignations. According to Duke, the Commission erred in stating that existing transmission capacity includes firm capacity set aside for network integration transmission service. According to Duke, within MOD–028–1, the relationship between capacity set aside for network integration transmission service and existing transmission commitment is a narrower concept than the Commission presents in Order No. 729. Accordingly, Duke recommends that the Commission should not expect Requirement R8 of MOD–028–1 to be modified as a result of an effort to include the additional specificity and requests that the Commission clarify that the added specificity should be included in whichever Requirement(s) are relevant and appropriate.

Commission Determination

20. In the Final Rule, the Commission did not intend to direct the ERO to necessarily develop a modification to Requirement R8 of MOD–028–1. The ERO may develop a modification to another appropriate requirement of MOD–028–1 to capture the additional specificity required regarding the effect

[10] Order No. 729, 129 FERC ¶ 61,155 at P 162.

[11] *Id.*

[12] *Mandatory Reliability Standards for the Bulk-Power System,* Order No. 693, 72 FR 16416 (Apr. 4, 2007), FERC Stats. & Regs. ¶ 31,242, at P 1210 (2007), *order on reh'g,* Order No. 693–A, 120 FERC ¶ 61,053 (2007).

[13] *Preventing Undue Discrimination and Preference in Transmission Service,* Order No. 890, 72 FR 12266 (Mar. 15, 2007), FERC Stats. & Regs. ¶ 31,241, at P 290 (2007), *order on reh'g,* Order No. 890–A, 73 FR 2984 (Jan. 16, 2008), FERC Stats. & Regs. ¶ 31,261 (2007), *order on reh'g,* Order No. 890–B, 123 FERC ¶ 61,299 (2008), *order on reh'g,* Order No. 890–C, 126 FERC ¶ 61,228 (2009).

[14] Order No. 890–A, FERC Stats. & Regs. ¶ 31,261 at P 99.

[15] Order No. 729, 129 FERC ¶ 61,155 at P 171 (citing Order No. 693, FERC Stats. & Regs. ¶ 31,242 at P 119).

of designating and undesignating a network resource on existing transmission commitments or, as Duke notes, any other relevant component of available transmission capacity. Nevertheless, any modification developed to fulfill this requirement must specify how transmission providers should model base generation dispatch in a consistent manner that includes all designated network resources and other resources that are committed to or have the legal obligation to run, as they are expected to run.[16]

E. Updates To Dispatch Model Following Material Changes

21. In the Final Rule, the Commission determined that, to be useful, hourly, daily, and monthly available transfer and flowgate capability values must be calculated and posted in advance of the relevant time periods.[17] The Commission found that Requirement R8 of MOD–001–1 and Requirement R10 of MOD–030–2 require that such posting will occur far enough in advance to meet this need. Nevertheless, in light of concerns raised by commenters, the Commission directed the ERO to develop modifications to MOD–001–1 and MOD–030–2 to clarify that material changes in system conditions will trigger an update whenever practical.[18]

Request for Clarification

22. Duke states that it agrees that material changes should trigger an update whenever practical, but admonishes that such a requirement is too vague to be enforceable, let alone auditable, by the ERO due to differing interpretations of the phrases "material changes" and "whenever practical." Accordingly, Duke requests that the Commission provide further clarity to the ERO as to the desired modifications.

Commission Determination

23. The Commission agrees that it could be difficult in some instances to enforce a requirement that hinges upon such phrases as "material changes" and "whenever practical." Nevertheless, we believe that such modifications would be useful to ensure timely updates of available transfer or flowgate capability values. If the ERO is unable to modify the requirements of MOD–001–1 and MOD–030–2 to incorporate such language in a manner that sets clear criteria or measures of whether an entity is in compliance with the relevant Reliability Standard or cannot otherwise identify specific changes in system conditions that require an update, the ERO must, at a minimum, include this language in its measures of compliance associated with those Reliability Standards.

F. Managing the Use of Capacity Benefit Margins

24. In the Final Rule, the Commission determined that ISOs, RTOs, and other entities with a wide view of system reliability needs should be able to provide input into determining the total amount of capacity benefit margin required to preserve the reliability of the system.[19] The Commission pointed out, though, that Requirements R1.3 and R7 of MOD–004–1 already make clear that determination of need for generation capability import requirement made by a load-serving entity or resource planner are not final. The Commission added that the third bullet of both Requirements R5 and R6 explicitly list reserve margin or resource adequacy requirements established by RTOs and ISOs among the factors to be considered in establishing capacity benefit margin values for available transfer capability paths or flowgates used in available transfer or flowgate capability calculations. To ensure that the Reliability Standard clearly identifies how the transmission service provider will manage situations where the requested use of capacity benefit margin exceeds the capacity benefit margin available, the Commission directed the ERO to develop a modification to MOD–004–1 to clarify the term "manage" in Requirement R1.3.[20]

Request for Clarification

25. Duke states that it understands the Commission's directive to require that the manner in which such a situation is managed should be transparent to all users in the relevant capacity benefit margin implementation document. Accordingly, Duke asks the Commission to clarify that it intended to direct the ERO to modify the Reliability Standard to require that transmission service providers explain in their capacity benefit margin implementation document their specific method for managing a situation where the requested use of capacity benefit margin exceeds the capacity benefit margin available, recognizing that each transmission service provider may have its own method.

Commission Determination

26. In Order Nos. 890 and 693, the Commission emphasized that each load-serving entity has the right to request that capacity benefit margin be set aside, and to use transmission capacity set aside for that purpose, to meet its verifiable generation reliability criteria requirement.[21] The Commission is concerned that Reliability Standard MOD–004–1 could allow a transmission service provider to calculate, allocate, and use capacity benefit margin in a way that impairs the reliable operation of the Bulk-Power System. Under the Reliability Standard, the transmission service provider is to "reflect consideration" of studies provided by load-serving entities and resource planners demonstrating a need for capacity benefit margin and "manage" situations where the requested use of capacity benefit margin exceeds the capacity benefit margin available. Reliability Standard MOD–004–1 places no bounds on this "consideration" and "management" and, for example, would permit a transmission service provider to make decisions regarding the use of capacity benefit margin based solely on economic considerations notwithstanding a demonstration of need for capacity benefit margin by a load-serving entity or resource planner.

27. These concerns would be diminished if the transmission service provider's capacity benefit margin implementation document were sufficiently transparent to allow others to validate the method of managing capacity benefit margin. Accordingly, the Commission upholds its decision to direct the ERO to develop a modification that would clarify the term "manage" in Requirement R1.3. The Commission clarifies, however, that the ERO, through its Reliability Standards development process, should determine the manner in which this clarification is made.

III. Information Collection Statement

28. The Office of Management and Budget (OMB) regulations require that OMB approve certain information collection requirements imposed by an agency.[22] The revisions to the information collection requirements for transmission service providers and transmission operators adopted in Order No. 729 were approved under OMB Control No. 1902–0244. This order clarifies these requirements in order to

[16] *See* Order No. 693, FERC Stats. & Regs. ¶ 31,242 at P 1041.

[17] Order No. 729, 129 FERC ¶ 61,155 at P 179.

[18] *Id.*

[19] Order No. 729, 129 FERC ¶ 61,155 at P 222.

[20] *Id.*

[21] Order No. 693, FERC Stats. & Regs. ¶ 31,242 at P 1080; *see also* Order No. 890, FERC Stats. & Regs. ¶ 31,241 at P 259; Order No. 890–A, FERC Stats. & Regs. ¶ 31,261 at P 82.

[22] 5 CFR 1320.

more clearly state the obligations imposed in Order No. 729, but does not substantively alter those requirements. OMB approval of this order is therefore unnecessary. However, the Commission will send a copy of this order to OMB for informational purposes only.

IV. Document Availability

29. In addition to publishing the full text of this document in the **Federal Register,** the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (*http://www.ferc.gov*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

30. From FERC's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

31. User assistance is available for eLibrary and the FERC's Web site during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or e-mail at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. E-mail the Public Reference Room at *public.referenceroom@ferc.gov*.

V. Effective Date and Congressional Notification

32. Clarifications adopted in this Final Rule will become effective June 10, 2010.

List of Subjects in 18 CFR Part 40

By the Commission.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–11089 Filed 5–10–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9350]

RIN 1545–BE24

AJCA Modifications To the Section 6011 Regulations; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to final regulations (TD 9350) which were published in the **Federal Register** on Friday, August 3, 2007 (72 FR 43146) that modify the rules relating to the disclosure of reportable transactions under section 6011.

DATES: This correction is effective on May 11, 2010, and is applicable on August 3, 2007.

FOR FURTHER INFORMATION CONTACT: Charles D. Wien or Michael H. Beker, (202) 622–3070 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9350) that are the subject of this document are under section 6011 of the Internal Revenue Code.

Need for Correction

As published, the final regulations (TD 9350) contain an error that may prove to be misleading and is in need of clarification.

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 amendment:

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 1.6011–4 is amended by revising the fifth sentence of paragraph (e)(1) to read as follows:

§ 1.6011–4 Requirement of statement disclosing participation in certain transactions by taxpayers.

* * * * *

(e) * * *

(1) * * * In the case of a taxpayer that is a partnership, an S corporation, or a trust, the disclosure statement for a reportable transaction must be attached to the partnership, S corporation, or trust's tax return for each taxable year in which the partnership, S corporation, or trust participates in the transaction under the rules of paragraph (c)(3)(i) of this section. * * *

* * * * *

LaNita Van Dyke,

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

[FR Doc. 2010–11078 Filed 5–10–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9350]

RIN 1545–BE24

AJCA Modifications To the Section 6011 Regulations; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to final regulations (TD 9350) which were published in the **Federal Register** on Friday, August 3, 2007 (72 FR 43146) that modify the rules relating to the disclosure of reportable transactions under section 6011.

DATES: This correction is effective on May 11, 2010, and is applicable on August 3, 2007.

FOR FURTHER INFORMATION CONTACT: Charles D. Wien or Michael H. Beker, (202) 622–3070 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9350) that are the subject of this document are under section 6011 of the Internal Revenue Code.

Need for Correction

As published, the final regulations (TD 9350) contain an error that may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (TD 9350) which were the subject of FR Doc. 07–3786, is corrected as follows:

On page 43146, column 2, in the preamble, under the caption heading **FOR FURTHER INFORMATION CONTACT**, the

language "Charles D. Wien, Michael H. Beker, or Tolsun N. Waddle, 202–622–3070 (not a toll-free number)." is removed and replaced with the language "Charles D. Wien or Michael H. Beker, 202–622–3070 (not a toll-free number).".

LaNita Van Dyke,

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

[FR Doc. 2010–11079 Filed 5–10–10; 8:45 am]

BILLING CODE 4830–01–P

NATIONAL MEDIATION BOARD

29 CFR Parts 1202 and 1206

[Docket No. C–6964]

RIN 3140–ZA00

Representation Election Procedure

AGENCY: National Mediation Board.

ACTION: Final rule.

SUMMARY: As part of its ongoing efforts to further the statutory goals of the Railway Labor Act, the National Mediation Board (NMB or Board) is amending its Railway Labor Act rules to provide that, in representation disputes, a majority of valid ballots cast will determine the craft or class representative. This change to its election procedures will provide a more reliable measure/indicator of employee sentiment in representation disputes and provide employees with clear choices in representation matters.

DATES: *Effective Date:* The final rule is effective June 10, 2010.

FOR FURTHER INFORMATION CONTACT: Mary Johnson, General Counsel, National Mediation Board, 202–692–5050, *infoline@nmb.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Under Section 2, Ninth of the Railway Labor Act (RLA or Act), it is the duty of the National Mediation Board (NMB or Board) to investigate representation disputes "among a carrier's employees as to who are the representatives of such employees * * * and to certify to both parties, in writing * * * the name or names of the individuals or organizations that have been designated and authorized to represent the employees involved in the dispute, and certify the same to the carrier." 45 U.S.C. 152, Ninth. Upon receipt of the Board's certification, the carrier is obligated to treat with the certified organization as the employee's bargaining representative.

The RLA authorizes the NMB to hold a secret ballot election or employ "any other appropriate method" to ascertain the identities of duly designated employee representatives. Section 2, Ninth. The Board's current policy requires that a majority of eligible voters in the craft or class must cast valid ballots in favor of representation. This policy is based on the Board's original construction of Section 2, Fourth of the RLA, which provides that, "[t]he majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class * * *." 45 U.S.C. 152, Fourth.

The language of Section 2, Fourth and Section 2, Ninth was added to the RLA as part of the 1934 amendments and was directed at the continuing problem of company unions. As the Supreme Court noted:

> Experience had shown, before the amendment of 1934, that when there was no dispute as to the organizations authorized to represent the employees, and when there was willingness of the employer to meet such representative for a discussion of their grievances, amicable adjustment of differences had generally followed and strikes had been avoided. On the other hand, a prolific source of dispute had been the maintenance by the railroads of company unions and the denial by railway management of the authority of representatives chosen by their employees.

Virginian Ry. Co. v. *System Fed'n No. 40,* 300 U.S. 515, 545–546 (1937) (citations omitted). The Report of the House Committee on Interstate and Foreign Commerce on the 1934 amendments states that

> [t]he Railway Labor Act of 1926, now in effect, provides that representatives of the employees, for the purpose of collective bargaining, shall be selected without interference, influence, or coercion by railway management, but it does not provide the machinery necessary to determine who are to be such representatives. These rights of the employees under the present act are denied by railway managements by their disputing the authority of the freely chosen representatives of the employees to represent them. A considerable number of railway managements maintain company unions, under the control of the officers of the carriers, and pay the salary of the employees' representatives, a practice that is clearly contrary to the purpose of the present Railway Labor Act, but it is difficult to prevent it because the act does not carry specific language in respect to that matter.

H.R. Rep. No. 73–1944, at 1 (1934). Accordingly, the report notes that "[m]achinery is provided for the taking of a secret ballot to enable the Board of Mediation to determine what representatives the employees desire to have negotiate for them with managements of the carriers in matter affecting their wages and working conditions." *Id.*

The Board originally interpreted the language of Section 2, Fourth as requiring a majority of all those eligible to vote to choose a representative rather than a majority of the votes cast. As noted in the Notice of Proposed Rulemaking (NPRM), however, this interpretation of Section 2, Fourth, was reached "not on the basis of legal opinion and precedents, but on what seemed to the Board best from an administration point of view." 1 NMB Ann. Rep. 19 (1935). That same Board also noted, "[w]here, however, the parties to a dispute agreed among themselves that they would be bound by a majority of the votes cast, the Board took the position that it would certify on this basis, on the ground that the Board's duties in these cases are to settle disputes among employees." *Id.* In 1947, United States Attorney General Tom C. Clark, responding to a question from the NMB on its authority under Section 2, Fourth, stated his opinion that

> the National Mediation Board has the power to certify a representative which receives a majority of the votes cast at an election despite the fact that less than a majority of those eligible to vote participated in the election. While the National Mediation Board has this power, it need not exercise it automatically upon finding that a majority of those participating were in favor of a particular representative.

40 U.S. Op. Att'y Gen. 541, at 544–545 (1947).

On November 3, 2009, the NMB published a NPRM in the **Federal Register** inviting public comments for 60 days on a proposal to amend its RLA rules to provide that, in representation disputes, a majority of ballots cast will determine the craft or class representative. 74 FR 56,750. In its NPRM, the Board stated its belief, based on the language of the RLA, principles of statutory construction, and Supreme Court precedent, that it has the authority to reasonably interpret Section 2, Fourth to allow the Board to certify as collective bargaining representative any organization which receives a majority of valid ballots cast in an election. While acknowledging that it has reaffirmed its policy of certifying a representative based on a majority of eligible voters on several occasions since 1935, the Board noted that this construction of Section 2, Fourth was adopted in an earlier era, under circumstances that are different from those prevailing in the rail and air industries today. Further, the Board noted that the current election procedures provide no opportunity for

employees to cast a ballot against representation and presume that the failure or refusal of an eligible voter to participate in an NMB-conducted election to be the functional equivalent of a "no union" vote. Specifically, the Board proposed modifying its election procedures to determine the craft or class representative by a majority of valid ballots cast and provide employees with an opportunity to vote "no" or against union representation. Subsequently, the NMB published a Notice of Meeting in the **Federal Register** inviting interested parties to attend an open meeting with the Board to share their views on the proposed rule changes regarding representation election procedures. Meeting Notice, 74 FR 57,427 (Nov. 6, 2009).

II. Notice-and-Comment Period

In response to the NPRM, the NMB received 24,962 submissions during the official comment period from a wide variety of individuals, employees, air and rail carriers, trade and professional associations, labor unions, Members of Congress, law firms, and others. (Comments may be viewed at the NMB's Web site at *http://www.nmb.gov*) Additionally, the NMB received written and oral comments from the 31 individuals and representatives of constituent groups under the RLA that participated in the December 7, 2009 open meeting.

Nearly 98 percent of the comments received in response to the NPRM were either: (1) Very general statements; (2) personal anecdotes of experience or participation in the NMB's election procedures; or (3) identical or nearly identical "form letters" or "postcards" sent in response to comment initiatives sponsored by various constituent groups such as the International Association of Machinists (IAM) and the Association of Flight Attendants (AFA). The remaining comments reflect strongly held views for and against the NMB's proposed change. The NMB has carefully considered all of the comments, analyses, and arguments for and against the proposed change.

Although the Board is aware that the notice-and-comment period of the Administrative Procedure Act (APA) is not a referendum, it notes that the majority of the comments it received supported the proposed change. In addition to agreeing with the Board's position that it has the statutory authority to make this change and that the legislative history of the RLA supports such a change, these commenters applauded the NPRM as a positive change that would ensure that the majority of those who vote in a representation election will determine the outcome of that election. Many commenters in support of the NPRM noted that the current rule is contrary to common standards of democracy where the outcome of an election is determined by the majority of those who vote. Because a number of employees will not participate in any election, they argued, the current rule handicaps unions that must achieve what amounts to a "supermajority" in order to secure representation. Some commenters supporting the NPRM stated that the Board should follow the procedures utilized by the National Labor Relations Board (NLRB) so all employees under private-sector Federal labor law will be subject to uniform representation election procedures. They argue that the election procedures in NMB elections can be confusing to some employees and frustrating to others who wish to vote against union representation but have no way to do so. Congressman Glenn Nye and others state that aviation and rail workers should not be subject to a more "onerous process" than other workers when deciding whether to seek union representation. Other commenters in favor of the NPRM argue that there has been a decrease in union organizing and this change will help reverse that trend. A number of political scientists stated that "the proposed rule change represents a shift from long-established practice, but it is a shift long overdue. Since 1935, when the [original procedure] was adopted, electoral technology has improved and our perspective on good electoral practice progressed. The old rule reflects the thinking of an earlier era; the proposed change is consistent with the current state of our knowledge and understanding." [1] Some of the arguments in favor of the NPRM will be discussed in greater detail in the discussion that follows; however, the preamble will focus on the Board's response to the substantive arguments raised by those opposed to the NPRM.

III. Summary of Comments on the NMB's Proposed Change To its Election Procedures

While the NPRM only concerns one aspect of the Board's election procedures, namely the Board's interpretation of Section 2, Fourth in determining how best to ascertain the clear, uncoerced choice of a bargaining representative, if any, by the affected employees, the commenters expressed widely divergent views of the proposed change and the Board's deliberation and process in formulating the NPRM. The major comments received and the Board's response to those comments are as follows.

A. Motions for Disqualification

Following the close of the comment period under the NPRM, by letter dated January 8, 2010, ATA [2] requested that Board Members Harry Hoglander and Linda Puchala disqualify themselves from further participation in the rulemaking because the "available facts give the appearance that Members Hoglander and Puchala have prejudged the specific issues." On January 15, 2010, Right to Work also filed a motion requesting the disqualification of Members Hoglander and Puchala. After careful review of the arguments presented, there is no basis for either Member Hoglander's or Member Puchala's recusal or disqualification from the rulemaking. Rulemaking requires a decision maker to choose between competing priorities in proposing a rule. The subject matter of a rulemaking—and this one is no exception—is often controversial. Prejudgment and/or bias is not established by the mere fact, however, that a proposal is controversial or that the decision maker brings his or her own beliefs, philosophy and experience to bear when choosing between two competing interests to propose a policy course. As discussed below, ATA and Right to Work have failed to establish "a clear and convincing showing that [an agency member] has an unalterably closed mind on matters critical to the disposition of the rulemaking." *Ass'n of Nat'l Adver.* v. *Fed. Trade Comm'n,* 627 F2d 1151, 1154 (DC Cir. 1979).

ATA and Right to Work each contend [3] that "[p]ublicly available facts give the appearance that Members Hoglander and Puchala have predetermined the issues raised by the November 3 NPRM." Neither ATA nor Right to Work, however, cites any statements by either Member Hoglander or Member Puchala concerning the subject matter of the NPRM as the basis for their assertion. Instead, they rely on the following as evidence of bias and prejudgment:

(1) An alleged inadequacy of the Board's process for proposing changes to its election procedure rules, by publishing an NPRM in the **Federal Register** with a 60-day comment

[1] Professors Margaret Levi, Elinor Ostrom, Robert Keohane, Robert Putnam, Peter Katzenstein, Henry Brady, Dianne Pinderhughes, Kent Jennings, Ira Katznelson, and Theda Skocpol submitted a comment in support of the NPRM.

[2] ATA members American Airlines, Continental Airlines, Southwest Airlines, United Airlines, UPS Airlines, and US Airways did not join in this motion.

[3] Both motions may be viewed at the NMB's Web site at *http://www.nmb.gov.*

period and holding an open public meeting rather than a hearing similar to the one held in *Chamber of Commerce,* 14 NMB 347 (1987);

(2) Chairman Dougherty's November 2, 2009 letter to Republican United States Senators McConnell, Isakson, Roberts, Coburn, Gregg, Enzi, Hatch, Alexander, and Burr in which she asserted that she was excluded from drafting of the NPRM and excluded from discussions regarding the timing of the NPRM;

(3) Inferences drawn from the timing of the NPRM and representation disputes in several large crafts or classes of employees at the post-merger Delta Air Lines. ATA and Right to Work also rely on statements by Association of Flight Attendants-CWA (AFA) President Patricia Friend during an August 24, 2009 [4] interview on the Union Edge Talk Radio Show regarding the Board's composition and election rules and AFA's application regarding the Flight Attendant craft or class at Delta; and

(4) The leadership positions that Members Hoglander and Puchala previously held with the Air Line Pilots Association (ALPA) and the AFA, respectively.

It cannot be questioned that parties to an administrative proceeding have a right to a fair and open proceeding before an unbiased decision maker. In their motions, ATA and Right to Work challenge both the adequacy and fairness of the procedure chosen by the Board majority to propose a change to the election rules and the Board majority's impartiality as decision makers. As discussed below, the Board majority finds that there is no merit to either challenge.

With regard to the procedure chosen by the Board majority, ATA and Right to Work characterize informal rulemaking under the APA as a flawed process with an inadequate comment period that did not provide for a thorough evidentiary hearing that included the taking of testimony under oath and the cross-examination of witnesses. By utilizing the notice-and-comment procedures of informal rulemaking under the APA, however, the Board followed an open administrative process and interested persons were given an adequate comment period [5] as well as access to all meeting testimony and comments received. 5 U.S.C. 553(c). Under the APA, the trial-like hearing advocated by ATA and Right to Work is required only when an agency engages in formal rulemaking. Formal rulemaking, however, is used when an agency's rules are required by statute "to be made on the record after opportunity for an agency hearing." *Id.* The RLA contains no such provision and such formal procedures have long been disfavored when not required by statute. *See, e.g., Vermont Yankee Nuclear Power Corp.* v. *Natural Res. Def. Council,* 435 U.S. 519 (1978).

ATA and Right to Work also assert that there is evidence of bias in the Agency's failure to follow a procedure similar to that used in *Chamber of Commerce,* 14 NMB 347 (1987), and to conduct an evidentiary hearing to consider whether to change its election rules. *See also In re Chamber of Commerce,* 12 NMB 326 (1985) (notice of hearing). In that case, the Board chose to not follow the APA procedures described above because it had not yet decided whether to initiate the rulemaking process in response to the United States Chamber of Commerce's (Chamber) petition to amend the Board's rules. In its decision on the format of the proceeding with regard to those petitions, the Board stated that "5 U.S.C. 553 refers to the actual rule-making process, a process which the Board has not initiated at this time, should it ever do so." *In re Chamber of Commerce,* 13 NMB 90, 93 (1986). The Board further stated that, "in making its determination of whether or not to propose amendments to its rules, [the NMB] has the discretion to conduct the procedures preliminary to that determination in any manner which it finds to be appropriate." *Id.* at 94 (emphasis added). Thus, the Board has in no way bound itself to the procedures it chose to follow in the *Chamber of Commerce* case. Further, in the Board's recent decision in *Delta Air Lines, Inc.,* 35 NMB 129, 132 (2008), it stated that it would not make a change to its election procedures "without first engaging in a complete and open administrative process to consider the matter." Contrary to the assertions of ATA and Right to Work, in deciding to adopt this change through the informal rulemaking provisions of the APA, the Board has followed the appropriate procedure that provided for public participation, for fairness to the affected parties, and for the agency to have before it information relevant to the particular administrative problem. *MCI Telecommunications Corp.* v. *Fed. Commc'n Comm'n,* 57 F.3d 1136, 1141 (DC Cir. 1995).

With regard to the impartiality of Members Hoglander and Puchala as agency decision makers, ATA and Right to Work contend that the facts show that they have prejudged the issues and should be disqualified from further participation. In *National Advertisers,* 627 F.2d at 1154, the court found that disqualification of a decision maker in a rulemaking proceeding is required "only when there is a clear and convincing showing that [an agency member] has an unalterably closed mind on matters critical to the disposition of rulemaking." In reaching this decision, the court rejected the contention that the standard used to disqualify a decision maker in an adjudicatory hearing, namely whether "a disinterested observer may conclude that the [decision maker] has in some measure adjudged the facts as well as the law of a particular case in advance of hearing it," because of the fundamental differences between the nature of adjudicatory proceedings and the nature of rulemaking proceedings. *Id.* at 1168 (citing *Cinderella Career & Finishing Sch., Inc.* v. *Fed. Trade Comm'n,* 425 F.2d 583, 591 (DC Cir. 1970)). The court noted that:

> The object of the rule making proceeding is the implementation or prescription of law or policy for the future, rather than the evaluation of a respondent's past conduct. Typically, the issues relate not to the evidentiary facts, as to which the veracity and demeanor of witnesses would often be important, but rather to the policy-making conclusions to be drawn from the facts * * *. Conversely, adjudication is concerned with the determination of past and present rights and liabilities. Normally there is involved a decision as to whether past conduct was unlawful, so that the proceeding is characterized by an accusatory flavor and may result in disciplinary action.

Id. at 1160 (quoting *Attorney General's Manual on the Administrative Procedure Act* 14 (1947)).

Because the object of rulemaking is the implementation of law or policy to the future, the agency decision maker functions like a legislator when participating in rulemaking. The administrator is expected to bring his or her views and insights to bear on the issues confronting the agency. In requiring "compelling proof" that an administrator is unable to carry out his or her duties in a constitutionally permissible manner to compel disqualification, the court stated that:

> [t]he requirements of due process clearly recognize the necessity for rulemakers to formulate policy in a manner similar to legislative action * * *. We would eviscerate the proper evolution of policymaking were we to disqualify every administrator who has opinions on the correct course of his agency's future action."

Id. at 1174. For example, in *National Advertisers,* 627 F.2d at 1154, the court determined that the Chairman of the

[4] ATA's motion cites the original broadcast date of the interview as August 25, 2009, however, a search of the archives at *http://theunionedge.com* reveals the broadcast date to be August 24, 2009.

[5] Executive Order 12,866 states that "each agency should afford the public a meaningful opportunity to comment on any proposed regulation, which in most cases should include a comment period of not less than 60 days." Exec. Order No. 12,866, 58 FR 51,735 (1993).

Federal Trade Commission (FTC or Commission) was not disqualified from participating in rulemaking proposing restrictions on advertising directed at children despite public comments in which he (1) asserted that children could not distinguish between advertising and other forms of communication; (2) cited Supreme Court precedent giving the Commission great discretion in declaring unfair trade practices; and (3) discussed the negative effects of advertising on children. The court concluded that these statements were a discussion of a legal theory by which the Commission could adopt a rule if circumstances warranted and did not demonstrate the Chairman's unwillingness or inability to consider opposing arguments.

As noted above, ATA and Right to Work do not rely on any statements by either Member Hoglander or Member Puchala to establish bias and prejudgment. They rely only on statements in an interview given by Patricia Friend, President of AFA; the opinion of Chairman Dougherty expressed in a letter to U.S. Senators; and inferences drawn by ATA and Right to Work from the timing of the NPRM and the Board Members' biographies. These statements, opinions, and inferences are insufficient to compel either recusal or disqualification. The transcript of Ms. Friend's interview states in relevant part:

> Host: And we were talking just very briefly about the new member that has been appointed to the NMB, Linda Puchala and President Friend can you tell us a little bit about her and what her background is?
>
> Pat Friend: Yes, Linda was—I think I mentioned this just before the break—she was from—if I get my dates right, from like 1979 to 1986 the President of the Association of Flight Attendants. So we've known her for a long time and then for the past five or six years she actually has worked at the National Mediation Board specifically doing some mediation, but mostly running the alternate dispute resolution part of the Board. Linda is in my experience, is about one of the best consensus builders that I've ever met so we were just thrilled that we were able to get her nominated and confirmed and to do it in really a timely fashion, you know, I can't take credit, full credit for this, because we had lots of help with in the labor movement and within the Obama administration, but for a second tier agency which the National Mediation Board is, to get a member nominated and confirmed before July was really an outstanding effort. There was a lot of people working on it and—but, it was very, very important to us that we have a properly, sort of fair, board in place before this election between the Northwest and the Delta Flight attendants takes place.

Exhibit A, p. 6 January 4, 2010 Written Comment in response to NPRM from Delta Airlines. These statements have no bearing on whether or not Member Puchala has a closed mind with regard to the NPRM. Ms. Friend's statement establishes only her desire for a fair administrative process and her support for Member Puchala's appointment, describing Member Puchala as a "consensus builder." She is not advocating that the Board make specific changes to its procedures. Further, Ms. Friend was not alone in making public statements in support of Member Puchala. In a May 5, 2009, Business Review article, "Delta backs Obama's labor board nominee," Mike Campbell, Delta executive vice president of human resources and labor relations, stated "Ms. Puchala has years of valuable experience, including time with the NMB. She enjoys broad support among the airline industry and labor community. We look forward to her confirmation to become a member of the NMB." In that same interview, Campbell also stated, "It is equally important to our employees to quickly resolve representation for those workgroups in which representation remains unresolved. To that end, we urge the Senate to confirm Linda Puchala as soon as possible."

ATA and Right to Work also rely on the differing opinions among the Board Members as to whether and how to consider amending the Board's election procedures. As Chairman Dougherty's dissent to the NPRM makes clear, she advocated a different approach to the Board's consideration of amending the election rules. The Board majority, however, followed the mandates of the APA in considering, drafting, adopting, and promulgating the NPRM. The APA requires that a NPRM must include the following: "(1) A statement of the time, place, and nature of public rulemaking proceedings; (2) reference to the legal authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved." 5 U.S.C. 553(b). The November 3, 2009 NPRM met these requirements. To the extent that ATA and Right to Work question the Board majority's deliberative process, the Board notes that this process is an internal agency matter and outside the scope of the rulemaking proceedings.

It is clear that the Chairman disagreed with her colleagues on both whether any change to the current voting procedures is necessary and how such a change should be proposed. However, the Chairman's dissenting views were published in the **Federal Register** with the NPRM and have been incorporated in many comments opposed to the NPRM. Her admittedly different policy view as a dissenting member does not establish that Members Hoglander and Puchala were not free, in theory and in reality, to change their mind upon consideration of the presentations and comments made by those who would be affected. As the court in *National Advertisers,* recognized:

> An administrator's presence within an agency reflects the political judgment of the President and Senate. As Judge Prettyman of this court aptly noted, a "Commission's view of what is best in the public interest may change from time to time. Commissions themselves change, underlying philosophies differ, and experience often dictates changes."

627 F.2d 1151, 1174 (quoting *Pinellas Broadcasting Co.* v. *Fed. Commc'n Comm'n,* 230 F.2d 204, 206 (DC Cir. 1956), *cert. denied.* 350 U.S. 1107 (1956)).

ATA and Right to Work infer some bias because of the existence of representation disputes among employees at Delta. As discussed more fully below in Section III.C., the Board, however, has continued to carry out all its obligations in representation matters including investigating representation disputes, holding elections and certifying the results of those elections during the rulemaking process. Under Section 2, Ninth of the RLA, neither the Board nor carriers may initiate a representation proceeding because "Congress left no ambiguity in Section 2, Ninth: the Board may investigate a representation dispute only upon request of the employees involved in the dispute." *Ry. Labor Executives' Ass'n* v. *NMB,* 29 F.3d 655, 664 (DC Cir. 1994) (emphasis in original) (deciding the narrow issue of who can initiate a representation dispute under Section 2, Ninth). Therefore, the timing of when employees or their representatives file applications or withdraw those applications is not within the control of the Board.

Right to Work also contends that an inference of bias and prejudgment should be drawn from the fact that Members Hoglander and Puchala previously held leadership positions in unions. This contention has no merit. An administrative official is presumed to be objective and "capable of judging a particular controversy fairly on the basis of its own circumstances." *United States* v. *Morgan,* 313 U.S. 409, 421 (1941). Whether the official is engaged in adjudication or rulemaking, the mere proof that he or she has taken a public position, expressed strong views or holds an underlying philosophy with respect an issue in dispute cannot overcome that presumption. *Hortonville*

Joint Sch. Dist. No. 1 v. *Hortonville Educ. Ass'n,* 426 U.S. 482 (1976). *See also C & W Fish Co.* v. *Fox,* 931 F.2d 1556, 1564–1565 (DC Cir. 1991) (finding no clear and convincing evidence of an unalterably closed mind where immediately prior to appointment to position where he adopted a drift gillnet ban, agency decision maker had served as chairman of the Florida Marine Fisheries Commission, was an outspoken advocate of banning drift gillnets, and publicly stated that "this kind of gear [*i.e.,* drift gillnets] should be eliminated."). Thus, while the prior union positions held by Members Hoglander and Puchala may evince an underlying philosophy, it is hardly clear and convincing evidence of an unalterably closed mind.

ATA and Right to work have presented no evidence, let alone clear and convincing evidence, that establishes that either Member Hog lander or Member Puchala are unwilling to appropriately consider comments on the proposed rule or possess an unalterably closed mind on the issues in the NPRM. Accordingly, neither recusal nor disqualification is necessary.

B. Process Leading to the NPRM

In the oral and written statements received at the December 7, 2009 meeting and in written comments submitted pursuant to the NPRM, commenters including Delta Airlines, Inc. (Delta), the Air Transport Association (ATA),[6] the Regional Airline Association (RAA), the Airline Industrial Relations Conference (Air-Con), the National Railway Labor Conference (NRLC), the labor and employment law firm of Littler Mendelson, P.C. (Littler), the National Air Transportation Association's Airline Services Council (ASC), Claude Sullivan, an RLA practitioner, the National Right to Work Legal Defense Foundation, Inc., (Right to Work)), Regional Air Cargo Carriers Association (RACCA), Bombardier Aerospace/ Flexjet (Flexjet) and some Members of Congress suggest that, by proceeding with the NPRM, the Board has compromised its neutrality and surrendered the integrity necessary to carry out its representation duties under the Act. These commenters rely on statements in an August 2009 interview given by AFA president Patricia Friend, the withdrawal of pending applications involving employees at Delta by the IAM and AFA around the time of the publication of the NPRM, and two letters from Chairman Dougherty to United States Senators Johnny Isakson, Bob Corker, Jim Bunning, Robert Bennett, Saxby Chambliss, George Voinovich and Orrin Hatch as support for their belief that the Board's actions leading up to the NPRM were inadequate and improper. The commenters suggest that the Chairman's correspondence indicates that the Board majority acted with undue haste and followed an inadequate internal process in deciding to proceed with the NPRM. Other commenters, including a number of Republican Members of the United States House of Representatives,[7] simply characterized the NPRM as "a politically motivated decision that tilts airline and rail representation elections in the favor of organized labor. This decision is too important to be decided by two appointed and unelected Democrats who have chosen to ignore legal and policy precedents that have governed representation rules for airline and rail employees for more than 75 years."

The Board disagrees with those comments that assert that it has abandoned its neutrality at any point during this rulemaking. The Board majority followed the mandates of the APA in considering, drafting, adopting, and promulgating the NPRM. The APA requires that a NPRM must include the following: "(1) A statement of the time, place, and nature of public rulemaking proceedings; (2) reference to the legal authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved." 5 U.S.C. 553(b). The November 3, 2009 NPRM met these requirements. To the extent that the dissent and other commenters question the Board majority's deliberative process, the Board notes that this process is an internal agency matter and outside the scope of the rulemaking proceedings. In the NPRM, the Board majority expressed a view that a change should be proposed and Chairman Dougherty disagreed. Both views, however, were expressed in the NPRM and have served as a basis for comment.

Some Members of Congress suggest that the proposed change to the election procedure is too important to be entrusted to the appointed members of the NMB. For the following reasons, the Board disagrees. First, in the NPRM, the Board is proposing a change to its own interpretation of the RLA. Thus, the "legal and policy precedents" at issue are the Board's own determinations. It is without doubt that an agency is free to change its interpretations and its policies so long as the new policy or interpretation is permissible under the statute, there are good reasons for it, and the agency believes it to be better. *Fed. Commc'n Comm'n* v. *Fox Television Stations,* 129 S. Ct. 1880, 1811 (2009). Second, there are safeguards applicable to the Board's actions. While it is true that the Board Members are not elected officials subject to recall, they are subject to confirmation by the Senate and have limited terms. Third, acting pursuant to the notice-and-comment procedures of informal rulemaking under the APA, the Board followed an open administrative process and interested persons were given an adequate comment period as well as access to all meeting testimony and comments received. 5 U.S.C. 553(c).[8] Fourth, under the APA, any final rule promulgated by the Board is subject to judicial review.

C. NPRM's Effect on Processing of Representation Cases

Many of the commenters who suggested that the Board followed improper procedures in formulating the NPRM also suggest, as noted above, that the NPRM has adversely affected the neutrality and integrity of the Board's representation case processing. Delta, in particular, states that it and its employees have been "singled out for discriminatory treatment" as a result of the NPRM since "[r]epresentation cases at other carriers filed in the summer of 2009 have proceeded to resolution under the existing rules; only those at Delta have been delayed, and then withdrawn, to await the new rules." Contrary to these comments, the Board has continued to carry out all its

[6] ATA is the principal trade and service organization of the Unites States' scheduled airline industry. The following members of the ATA did not join in the written statement submitted at the December 7 open meeting: Continental Airlines, Inc., and American Airlines, Inc. In addition, ATA member Southwest Airlines, which is neutral on the NPRM, filed a separate comment. Southwest's position is discussed in detail later in this document.

[7] A comment opposed to the proposed change was submitted by Representatives Nathan Deal, Roy Blunt, Paul C. Broun, Gregg Harper, John A. Boehner, John K. Kline, Lynn A. Westmorland, Jack Kingston, Bob Goodlatte, Gary Miller, Pete Sessions, John Campbell, John Linder, Doug Lamborn, Jean Schmidt, Vern Buchanan, Joe Wilson, Sue Myrick, Mike Rogers, Rob Bishop, Bob Inglis, Dean Heller, Harold Rogers, Phil Gingrey, Devin Nunes, Wally Herger, Eric Cantor, Kevin McCarthy, and Jason Chaffetz.

[8] Under the APA, a trial-like hearing where parties can submit evidence and cross examine witnesses, advocated by some commenters, is only required when an agency engages in formal rulemaking. Formal rulemaking, however, has long been disfavored where not required by statute. The RLA does not require formal rulemaking. As the Supreme Court noted in *Vermont Yankee,* 435 U.S.at 547, a standard of review that would cause agencies to engage in formal rulemaking in all instances would lead to a loss of "all of the inherent advantages of informal rulemaking."

obligations in representation matters including investigating representation disputes, holding elections and certifying the results of those elections during the rulemaking process. The Board has also followed its standard procedures with respect to the matters involving IAM, AFA, and Delta.

The decision to initiate a representation proceeding is not within the Board's control. As the United States Court of Appeals for the District of Columbia Circuit stated "Congress left no ambiguity in Section 2, Ninth: the Board may investigate a representation dispute *only* upon request of the employees involved in the dispute." *Ry. Labor Executives' Ass'n,* 29 F.3d at 664 (emphasis in original). On July 29, 2009, AFA filed an application with the Board alleging that Delta and Northwest Air Lines (Northwest) constituted a single carrier for representation purposes with respect to employees in the Flight Attendants craft or class. On August 13, 2009, IAM filed three separate applications alleging that Delta and Northwest constituted a single carrier for representations purposes with respect to employees in the crafts or classes of Plant Guards, Simulator Technicians, and Fleet Service. Consistent with the Board's standard practice, each of these applications was assigned a "CR" file number and was not docketed as an "R" case.[9]

Chairman Dougherty's October 28, 2009, letter, relied on by Delta and others, expresses her view of the relationship between the Board's policy on the use of hyperlinks and AFA's then-pending application regarding the Flight Attendants craft or class at Delta. In particular, this letter reflects the Chairman's disagreement with her colleagues over their conclusion that the Board's hyperlink policy was an issue intertwined with the pre-docketing investigation of AFA's application.

In a notice dated February 28, 2008, the Board stated that it had decided to remove the hyperlink to the voting Web site from the Agency's Web site as a precautionary measure "to prevent any outside party from possibly tracking the IP address of persons who visit the voting Web site." *Removal of Internet Voting Hyperlink on Board's Web site,* 35 NMB 92 (2008). Noting that the Board may view use of hyperlinks as possible evidence of election interference, the Board requested that participants in representation elections not post a hyperlink to the Board's voting Web site. *Id.* Subsequently, the use of hyperlinks to the Board's voting Web site in campaign materials became an issue in a 2008 representation election among Delta's flight attendants. Delta raised concerns about potential interference after a hyperlink to the Board's voting Web site was included in e-mails from an AFA organizer to flight attendant employees. In a determination, the Board noted its policy regarding hyperlinks and while acknowledging that the "hyperlink in this instance was included in an email rather than on a Web site," it reiterated its statement that "the Board may consider hyperlinks to the voting Web site as possible evidence of election interference." *Notice Re: Carrier and Union Conduct,* 35 NMB 158 (2008). On July 22, 2009, several days before it filed its application, AFA requested the Board to reconsider its hyperlink policy "because of anticipated representation elections at Delta Airlines." In the view of the Board majority, the issue of the use of hyperlinks in representation elections had to be resolved before the Board could move forward with the investigation of AFA's application.

Shortly before the publication of the NPRM, IAM sought withdrawal of its Fleet Service application. Shortly after the publication of the NPRM, AFA sought withdrawal of its Flight Attendant application. Similar to the decision to initiate representation proceedings, the decision whether to withdraw an application rests solely with the organization that filed the application. Upon receipt of those requests, again pursuant to its standard procedure, the Board granted the respective withdrawals. While the NMB's bar rules at 29 CFR 1206.4(b)(3) provide for a one-year bar where a "docketed application" has been dismissed based on a withdrawal of the application, no bar applies where the application was assigned a CR file number and not "docketed" in the well-established sense of the term by conversion to an "R" case. *US Airways, Inc.,* 27 NMB 565 (2000); *Trans World Airlines/Ozark Airlines,* 14 NMB 343 (1987). The IAM application with respect to Plant Guards remains under investigation. The Board issued its single carrier determination with respect to the Simulator Technician craft or class on December 23, 2009, converted the application to an "R" case, and authorized a representation election in the Simulator Technician craft or class at Delta on January 11, 2010 with a tally held on February 25, 2010.

D. The Board's Statutory Authority for the Proposed Change

Almost all of the comments received in opposition to the NPRM question whether the NMB possesses the statutory authority to make the proposed change to its election rules. For example, Delta cites "plain language" of Section 2, Fourth and Section 2, Ninth for the proposition that the choice of representative must be made by a "majority" of employees in the craft or class, and states that the Supreme Court has approved the Board's long-standing interpretation that "majority" is a majority of eligible voters rather than a majority of ballots cast. Several commenters opposed to the NPRM state that language of Section 2, Fourth which provides that "[t]he majority of the craft or class of employees shall have the right to determine who shall be the representative of the craft or class of employees for the purposes of this chapter," is a clear statutory mandate that the Board must certify a representative on the basis of the majority of eligible voters.

In contrast, those comments supporting the NPRM asserted that the Board has clear statutory authority and discretion to adopt the proposed change to its election process. For example, the TTD states that "[t]he language of the RLA itself dictates no particular procedure to determine the majority will, much less the election procedure currently followed by the Board." The TTD, IAM, AFA, and others note that during the Board's history it has used a variety of methods to resolve representation disputes, exercising its discretion as circumstances warranted.

The commenters who question the Board's statutory authority essentially contend that the language of Section 2, Fourth is unambiguous and compels the NMB to certify representatives as it does under its existing procedures: when a majority of eligible voters in the craft or class cast vote in favor of representation. Thus, these commenters contend that "majority of any craft or class of employees" must only be interpreted to mean the majority of all eligible voters. Having reviewed these comments, the NMB, however, is not persuaded and continues to believe that the language of the statute is ambiguous and that the proposed change—to certify a representative on the basis of a majority of valid ballots cast—is within the Board's statutory authority and discretion under the RLA. As noted in the NPRM, the Board believes that

[9] Applications invoking the Board's services in representation disputes are docketed as "R" cases. "CR" numbers are assigned to applications requiring pre-docketing investigation, such as craft or class, system, jurisdiction, or other appropriate issues. *Memorandum: NMB Policy for the Assignment/Conversion of "CR" files and "R" Case Dockets,* 7 NMB 131 (1979). Once the pre-docketing investigation is complete, the case will be docketed as an "R" case for resolution pursuant to an election.

under its broad statutory authority it may reasonably interpret Section 2, Fourth to certify a representative based on a majority of ballots cast.

As noted by many comments both opposing and supporting the NMB's proposed change, the language of Section 2, Fourth was taken from a rule announced by the NMB's precursor, United States Railroad Labor Board (Railroad Board), under the Transportation Act of 1920. *Virginian Ry.,* 300 U.S. at 561. These Railroad Board decisions submitted as part of the IAM's comment on the NPRM lend support to the NMB's proposed change. In Decision No. 119, *International Ass'n of Machinists et al.* v. *Atchison, Topeka & Santa Fe Ry. et al.,* 2 Dec. U.S. Railroad Board, 87, 96, par. 15, the Railroad Board held that "[t]he majority of any craft or class of employees shall have the right to determine what organization shall represent members of such craft or class." This rule was interpreted by the Railroad Board in Decision No. 1971, *Brotherhood of Railway & Steamship Clerks* v. *Southern Pacific Lines,* 4 Dec. U.S. Railroad Labor Board 625, 629:

> The Board had previously in principle 15 of Decision No. 119 ruled that "the majority of any craft or class of employees shall have the right to determine what organization shall represent members of such craft or class" in negotiating agreements.
>
> The purpose of the Railroad Labor Board was to give all the employees to be affected the privilege of expressing their choice. The board could not force any employee nor all of the employees to vote. It could only give all a fair opportunity. It was obviously the meaning and the purpose of the board that a majority of the votes properly cast and counted in an election properly held should determine the will and choice of the class * * *.
>
> Decision—The Railroad Labor Board decides that a majority of the legal votes cast in this election will determine who shall be the representatives of the employees.

The legislative history of Section 2, Fourth also supports the NMB's position that such an interpretation is not contrary to either the language of the RLA. The report of the Senate Committee on Interstate and Foreign Commerce on the 1934 amendments, states "[t]he bill specifically provides that the choice of representatives of any craft of craft shall be determined by a majority of the employees voting on the question." S. Rep. No. 73–1065, at 2 (1934).

In his comment opposing the NPRM, Rep. Darrell Issa also reminds the Board that under the tenets of statutory construction, "it is assumed that Congress expresses its intent through the ordinary meaning of its language. * * * [and] where the meaning of the relevant statutory language is clear, then no further inquiry is required." In the instant case, as discussed above, the Board believes that the language of Section 2, Fourth is open to interpretation, and would also note as, Attorney General Tom C. Clark observed that

> when the Congress desires that an election shall be determined by a majority of those eligible to vote rather than by a majority of those voting, the Congress knows well how to phrase such a requirement. For example, in Section 8(a)(3)(ii) of the National Labor Relations Act, as amended by the Labor Management Relations Act, * * * the Congress has required that before any union shop agreement may be entered into, the National Labor Relations Board must certify 'that at least a majority of the employees eligible to vote in such election have voted to authorize such labor organization to make such an agreement.'

40 Op. Att'y Gen. at 544 (emphasis in original).[10]

Delta also contends that the Supreme Court has "examined the statutory language at issue and [has] approved of the Board's long-standing interpretation of the command of Section 2, Fourth as requiring majority participation in an election. " While the Board agrees that the Supreme Court has upheld the Board's current interpretation of Section 2, Fourth, the Board believes the Court's decisions support the Board's view that the current interpretation is not compelled by the statute. [11] In *Virginian Railway* , the Court, in rejecting a challenge to a certification based on a majority of ballots cast, stated that

> Section 2, Fourth of the Railway Labor Act provides: "The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for the purposes of this Act (chapter)." Petitioner construes this section as requiring that a representative be selected by the votes of a majority of eligible voters. It is to be noted that the words of the section confer the right of determination upon a majority of those eligible to vote, but it is silent as to the manner in which that right shall be exercised.

300 U.S. at 560. Citing its decisions in political election cases, the Court continues: "Election laws providing for approval of a proposal by a specified majority of an electorate have been generally construed as requiring a [sic] only the consent of the specified majority of those participating in the election * * *. Those who do not participate 'are presumed to assent to the expressed will of the majority of those voting.' " *Id.* (internal citations omitted).

Delta suggests that the Court in *Virginian Railway* held that majority participation is required by Section 2, Fourth when it noted that "[i]f in addition to participation by a majority of a craft, a vote of the majority of those eligible is necessary for a choice, an indifferent minority could prevent the resolution of a contest, and thwart the purpose of the act, which is dependent for its operation upon the selection of representative." *Id.* In support of this argument, Delta also cites the *Virginian Railway* Court's statement that "[i]t is significant of the congressional intent that the language of section 2, Fourth, was taken from a rule announced by the United States Railroad Labor Board, acting under the provisions of the Transportation Act of 1920 * * * where it appeared that a majority of the craft participated in the election. The Board ruled * * * that a majority of the votes cast was sufficient to designate a representative." *Id.* at 561. Thus, Delta argues that "majority participation in the election was a precondition to certification" and any other reading of Section 2, Fourth "undermines Congress' evident intent to place the authority to elect representation (or choose among representatives) to the majority of the craft or class, and not to a mere handful of individuals."

The Board agrees that *Virginian Railway* involved an election in which a majority of eligible employees actually

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[10] In 1947, United States Attorney General Tom C. Clark, responding to a question from the NMB on its authority under Section 2, Fourth, stated his opinion that the Board has the power to certify a representative which receives a majority of the votes cast at an election despite the fact that less than a majority of those eligible to vote participated in the election.

[11] Delta also cites *Switchmen's Union of North America* v. *NMB,* 320 U.S. 297, 300 (1943) and *Brotherhood of Railway and Steamship Clerks* v. *Ass'n for the Benefit of Non-Contract Employees,* 380 U.S. 650, 659 (1965) (ABNE), for the proposition that the right protected by Section 2, Ninth is the "right of the majority of employees in the craft or class to determine who shall be their representative." Once again, the Board agrees with Delta that the RLA gives the Board the power to resolve representation disputes and to certify a representative selected by a majority of any craft or class of employees. In neither decision, however, did the Court state that the language of Section 2, Fourth, referring to a "majority of any craft or class of employees," can only be read as a "majority of eligible voters" or that the Board's current procedures are compelled by the statute. In *Switchmen's Union,* the Court addressed the standard of review of the NMB's representation determinations and held that it was for the Board and not the courts to resolve claims involving the appropriate craft or class. In *ABNE,* the Court held that the Board's current ballot form did not exceed its statutory authority, but the Court also noted that "not only does the statute fail to spell out the form of any ballot that might be used but it does not even require selection by ballot. It leaves the details to the broad discretion of the Board with only the caveat that it 'insure' freedom from carrier interference." 380 U.S. at 668–669.

participated in the election. The Board, however, is not persuaded that the language cited by Delta precludes certification by a majority of ballots cast since the Court upheld the use of a presumption that non-voters concur in the wishes of the majority of voters. Nor have the courts interpreted *Virginian Railway* as Delta does. In *National Labor Relations Board* v. *Standard Lime & Stone Co.,* 149 F.2d 435 (1945), *cert. denied,* 326 U.S. 723 (1945), the NLRB certified a union on the basis of a majority of ballots cast in an election in which the majority of employees in the bargaining unit did not vote. The employer refused to bargain with the union because while the union received a majority of the ballots cast, a majority of the bargaining unit employees had not voted in the election. The United States Court of Appeals for the Fourth Circuit stated,

> On the first and principal question, that presented by lack of majority participation in either of the elections, we think that the conclusive answer is found in the decision of the Supreme Court in [*Virginian Railway*] * * *. In that case both this court and the Supreme Court held that, in employees' elections under the Railway Labor Act * * * for the selection of bargaining representatives, the political principle of majority rule should be applied, viz., that those not participating in the election must be presumed to assent to the expressed will of the majority of those voting, so that such majority determines a choice.

Id. at 436 (citations omitted). The Fourth Circuit noted that in *Virginian Railway,* "a majority of the employees participated in the election, but the ground of the decision, the political principle of majority rule with the presumption that those not voting assent to the expressed will of the majority voting, supports the choice made in an election, whether the majority of employees has participated or not."[12] *Id.* at 436 n. 1. Finally, noting that the purpose of allowing employees to choose a bargaining representative is to further the public interest of preserving industrial peace and prevent interference with interstate commerce, the court stated that

> [t]his being true, it would be as absurd to hold that collective bargaining is defeated because a majority of employees fail to participate in an election of representatives as it would be to hold that the people of a municipality are without officers to represent them because a majority of the qualified voters do not participate in an election held to choose such officers. In the one case, as in the other, the representative is being chosen to represent a constituency because it is in the public interest that the constituency be represented; and all that should be necessary is that the election be properly advertised and fairly held and that the settled principle of majority rule be applied to the result.

149 F.2d at 438–39.

In its comments, Delta suggests that the Board errs in citing precedent involving the National Labor Relations Act (NLRA) and discussing the similarity of the language of both statutes.[13] Delta takes pains to remind the NMB that the NLRA "cannot be imported wholesale into the railway labor arena. Even rough analogies must be drawn circumspectly with due regard for the many differences between the statutory schemes." *Trans World Airlines* v. *Indep. Fed'n of Flight Attendants,* 489 U.S. 426, 439 (1989) (quoting *Bhd. of R. R. Trainmen* v. *Jacksonville Terminal Co.,* 394 U.S. 369, 383 (1969)). The Board disagrees with Delta. While there are differences in history and purpose between the NLRA and the RLA, the *Standard Lime* case arose under Sec. 9(a) of the NLRA and the language of that section was modeled on Section 2, Fourth of the RLA. As previously discussed in the NPRM and in the 1947 Opinion of Attorney General Tom C. Clark, 40 Op. Att'y Gen. 541 (1947), Section 9(a) of the NLRA provides that "[r]epresentatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining * * *." 29 U.S.C. 159(a). The legislative history of Section 9(a) of the NLRA states that "the bill is merely an amplification and further clarification of the principles enacted into law by the Railway Labor Act and by section 7(a) of the National Industrial Recovery Act, with the addition of enforcement machinery of familiar pattern." H. Rep. No. 74–1147, at 3 (1935).[14]

Finally, many commenters opposed to the NPRM also suggest that the Board lacks authority for its proposed change in light of a statement by then NMB Chairman Robert Harris in the minutes of an executive session of the NMB on June 7, 1978. The minutes of that meeting state that following a discussion relative to congressional inquiries in reference to petitions for change in the ballot used in the NMB's representation elections, the following motion by Board Member Harris was adopted by unanimous vote:

> In view of the unchanged forty-year history of balloting in elections held under the Railway Labor Act, the Board is of the view that it does not have the authority to administratively change the form of the ballot used in representation disputes. Rather, such a change if appropriate should be made by the Congress.

This statement appears in meeting minutes rather than in a published decision. The only context provided by those minutes is that, after a "discussion" in which Board Members George Ives, David Stowe, and Robert Harris expressed their "opinions," a

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[12] The Fourth Circuit is not alone in this view of *Virginian Railway. See also Int'l Bhd. of Teamsters* v. *Bhd. of Ry., Airline & S.S. Clerks,* 402 F.2d 196, 204 n. 16 (DC Cir. 1968), *cert. denied,* 393 U.S. 848 (1968) (noting that the *Virginian Railway* Court's reliance on analogy to political elections served to support the NLRB's power to certify a union even where a majority of the bargaining unit did not participate and choice of whether or not to follow *Virginian Railway* presumption was the NMB's to make); *ABNE,* 380 U.S. at 670 (1965) (characterizing the "presumption of *Virginian Railway*" as "[i]f in a labor election an employee does not vote, he can safely be presumed to have acquiesced in the will of the majority of voters" and acknowledging that the NMB has broad discretion to decide whether or not to follow this presumption); *Continental Airlines* v. *NMB,* 793 F.Supp. 330, 333–34 n. 5 (D. DC 1991) (finding that no statutory language prescribes how the NMB should assess the views of voters in union elections and citing *Virginian Railway* and *ABNE* for conclusion that in election cases the NMB has the discretion to treat a nonvoter as either acquiescing in the will of the majority or voting for no representation).

[13] Delta also argues that the Board cannot rely on precedent involving the NLRA because an employer can easily seek court review of an NLRB certification while an NMB certification is essentially unreviewable. To be sure, judicial review of the Board's decisions has often been observed to be "one of the narrowest known to the law." *Int'l Ass'n of Machinists & Aerospace Workers* v. *Trans World Airlines,* 839 F.2d 809, 811, amended 848 F.2d 232 (DC Cir. 1988), *cert. denied* 488 U.S. 820 (1988). This is true, however, because Congress intended the Board to have the final word in representation disputes. In *Switchmen's Union,* the Court concluded that this limited role for the courts was part of the statutory scheme, noting that the Congressional intent "seems plain—the dispute was to reach its last terminal point when the administrative finding was made. There was to be no dragging out of the controversy into other tribunals of law." 320 U.S. at 305; *See also ABNE,* 380 U.S. 650, 658–660 (1965). Further, unlike the NLRB, which has broad adjudicatory and remedial powers, the NMB's mission is to help the parties to a dispute reach resolution through determination of representation disputes and mediation of collective-bargaining controversies. Finally, limited review does not mean that judicial review is nonexistent. The Board's actions are reviewable where the NMB has committed a "gross violation" of the RLA; where it has failed to satisfy its obligations under Section 2, Ninth to investigate a dispute; where its actions are outside its delegated authority under the Act; or where it has violated a party's constitutional rights. Further, judicial review is also available for the Board's actions where, as here, it has engaged in rulemaking under the APA.

[14] *See also New York Handkerchief Mfg. Co.* v. *NLRB,* 114 F. 2d 144, 149 (7th Cir. 1940) ("From a comparison of the language of the two Acts, it becomes evident that the Labor board is given precisely the same authority under the Labor Act as is the Mediation Board under the Railway Labor Act.") The fact that the NLRB and the NMB have interpreted similar statutory language in different ways lends support to the NMB's view that the language of Section 2, Fourth is ambiguous.

motion was adopted. There is no record of the information considered by those Board members before they adopted the motion. In short, there is nothing to suggest that this "motion" was intended as a final definitive statement of Agency policy. Assuming, *arguendo,* that this statement was a final, definitive statement of policy, an administrative agency, such as the NMB, is free to change a view it believes to have been grounded upon a mistaken legal interpretation. *Good Samaritan Hosp.* v. *Shalala,* 508 U.S. 402, 417 (1993).

While it places great emphasis on the statement by the 1978 Board, Delta suggests that the NPRM's "heavy" reliance on a 1947 Opinion of Attorney General Tom Clark is misplaced since the opinion "has no legal force." The NMB, an independent executive agency, disagrees. Congress created the Office of Attorney General in the Judiciary Act of 1789, assigning that office the duty of giving "advice and opinion upon questions of law when required by the President of the United States, or when requested by the heads of any of the departments, touching any matters that may concern their departments." Judiciary Act of 1789, ch. 20, 35, 1 Stat. 73, 93 (1845) (codified as amended in 28 U.S.C. 511). It is generally understood that the opinions of the Attorney General, and, more recently the Office of Legal Counsel, will become the controlling view of the executive branch. Randolph D. Moss, *Executive Branch Legal Interpretation,* 52 Admin. L. Rev. 1303, 1318–1319 (2000). "Few, however, dispute the proposition that, whether for legal reasons, to promote uniformity and stability in executive branch legal interpretation or to avoid the personal risk of being 'subject to the imputation of disregarding the law as officially pronounced,' executive branch agencies have treated [these] opinions as conclusive and binding [since the early nineteenth century]." *Id.* at 1319–1320 (citations omitted). Accordingly, based on the language of the RLA, its legislative history, and legal precedent, the Board believes that the proposed change to its election procedures does not exceed its statutory authority.

E. Comments Regarding Procedural Deficiencies

Chairman Dougherty, in her dissent, and most commenters opposed to the rule change criticized the procedure used by the Board in initiating the rulemaking process, arguing that the Board should have followed the procedure it set for itself when considering changing election procedures in the past. In 1985, the Board received a petition from the Chamber requesting that rules be amended to include decertification procedures. That petition was followed by a petition from the IBT requesting that the Board consider making additional changes to election procedures, including the change proposed in the current rulemaking process. Instead of initiating rulemaking at that time, the Board chose to consolidate both requests and held a hearing to determine whether to propose any of the changes at issue. Several commenters have referred to those procedures as the "Chamber procedures" and argued that the Board is bound to follow those procedures. ATA and Air-Con describe the procedures in place in 1985 as including "pre-hearing opening and response briefs, evidentiary hearings, and post-hearing briefs." ATA and other commenters, citing the Board's more recent opinion in *Delta Air Lines, Inc.,* 35 NMB 129 (2008), suggest that by publishing the NPRM, the Board has deviated from its promise that it would not make a change in the election procedures without a "complete and open administrative process."

In the *Chamber* decision cited by these commenters the Board noted that it had the discretion to conduct those proceedings in "any manner which it finds to be appropriate." *Chamber of Commerce,* 13 NMB 90, 94 (1986). The prior Board's choice of procedure in 1985 in no way binds the current Board to the "Chamber procedures." Neither does the 2008 *Delta* decision, promising an open administrative process. In this matter, the Board it has chosen to comply with the requirements of the APA in deciding to move ahead with proposing changes through the rulemaking process.[15]

The Board is free to amend its rules at any time, even in the absence of a rulemaking petition, and has in no way precluded itself from utilizing the notice-and-comment procedures of the APA. 29 CFR 1206.8(a). The Board did not receive an official rulemaking petition to make these changes in the election procedure. The Board received a request from TTD to make changes to its Representation Manual to allow for the election procedures described in the NPRM. Concluding that the change could not be made by simply amending the Representation Manual, the Board decided to engage in informal rulemaking under the APA to consider the changes. Under the APA, when an agency decides to initiate the informal rulemaking process, it must draft a proposed rule and submit it to the notice-and-comment process of Section 553 of the APA. 5 U.S.C. 553. An agency must give interested parties "an opportunity to participate in the rulemaking through submission of written data, views, or arguments with or without opportunity for oral presentation." *Id.* § 553(c). The APA does not require hearings or oral arguments and does not specify the length of the notice-and-comment period. Executive Order 12,866 states that "each agency should afford the public a meaningful opportunity to comment on any proposed regulation, which in most cases should include a comment period of not less than 60 days." Exec. Order No. 12,866, 58 FR 51735 (1993). By following the requirements of the APA and providing a public meeting and a 60-day comment period, the Board believes that it followed a process that allowed all interested persons to participate.

The Supreme Court has long rejected the view that an agency can be required to provide procedures greater than those outlined in the APA when engaged in rulemaking. *See, e.g., Vermont Yankee,* 435 U.S. 519 (holding that agencies are free to grant additional procedural rights, such as discovery and evidentiary hearings, but courts cannot impose these procedures). According to the Supreme Court, it is a basic "tenet" of administrative law that agencies be free to create their own rules of procedure, provided that the minimum requirements of the APA are met. *Id.* at 543.

In 1985, the Board chose not to follow the APA procedures described above because it had not yet decided whether to initiate the rulemaking process in response to the Chamber's petition. In defending this decision, the Board stated that "5 U.S.C. 553 refers to the actual rule-making process, a process which the Board has not initiated at this time, should it ever do so." *Chamber of Commerce,* 13 NMB 90, 93 (1986). The Board has in no way bound itself to the procedures it chose to follow in response to the Chamber's petition in 1985. Upon the receipt of a rulemaking petition, the Board has discretion in how to proceed. According to the Board's regulations, it shall, upon receiving a petition, "consider the same, and may thereupon either grant or deny the petition in whole or in part, conduct an appropriate hearing thereon and make other disposition of the petition."

[15] TTD and other commenters in support of the proposed rule have suggested that the Board is not required to follow the rulemaking procedures in the APA to make such a change to its election procedures. Because the Board has complied with the requirements of Section 553 of the APA, this preamble will not discuss the issue of whether the Board was required to do so.

29 CFR 1206.8(c). In fact, in 1985, the Chamber itself appealed the decision that there be a full evidentiary hearing. As noted in the Board's Determination of Appeals in that matter,

> The Chamber had proposed instead that the Board receive written submissions and schedule subsequent oral argument, if necessary. The Chamber bases its arguments on the premise that 'a trial-type hearing will * * * degenerate into an extended free-for-all replete with protracted procedural quarrels and hours of irrelevant testimony.' It is the Chamber's position that an oral hearing is not required by the [APA].

Chamber of Commerce, 13 NMB at 91. In 1985, the Board was free to respond to the Chamber's petition by entering the rulemaking process but it chose not to and announced another procedure. The Board has discretion in how it chooses to respond to rulemaking petitions.

Related comments opposing the NPRM suggest that the Board showed bias and predetermination by providing a brief legal justification for the election change in the NPRM. According to ATA, "the NPRM announces and defends a particular outcome as opposed to issuing a neutral invitation for participation and comment" as it had done in 1985. The Board provided such a justification because it decided to propose a rule change following the rulemaking procedures of the APA. An NPRM must include the following: "(1) A statement of the time, place, and nature of public rulemaking proceedings; (2) reference to the legal authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved." 5 U.S.C. 553(b). The NPRM published on November 3, 2009 complied with these requirements. The request for comments in 1985 was not part of rulemaking proceedings under the APA and did not require such explanation. Providing this explanation allowed interested parties to respond to the Board's reasoning either through a written comment or during the public meeting. Interestingly, other commenters opposed to the rule, such as Delta Airlines and Flexjet, argued that the NPRM did not provide enough legal justification for the change. They argue, for example, that the Board did not adequately describe the changed circumstances that justify the proposed rule. Courts have held that notice of a proposed rule must "fairly appraise interested persons of the subjects and issues the agency was considering." *See, e.g., United Steelworkers of Am.* v. *Schuylkill Metals Corp.* 828 F.2d 314, 317 (5th Cir. 1987) (internal citations omitted). The Board believes that its NPRM has provided information necessary for the parties to understand the agency's rationale and have a fair opportunity to respond and that its explanation for the change is not evidence of bias or predetermination. As discussed below, the Board believes that it has provided a sufficient justification for this rule change.

Other comments questioning the Board's procedure suggest that the notice-and-comment process did not provide an opportunity to cross examine witnesses and respond to evidence presented at the public meeting held on December 7, 2009. According to ATA,

> [t]he Board's one-day 'meeting' on December 7, 2009 was an inadequate substitute for the taking of testimony under oath and the cross-examination of witnesses. . . . several persons spoke to alleged facts of potential relevance to the issues under consideration and even offered what purported to be expert testimony. The Board cannot rely on such informal and untested factual assertions and satisfy the APA.

As noted above, the APA does not require the sort of trial-like hearing that these commenters advocate. Such procedures are only required when an agency participates in the formal rulemaking procedures of the APA. Formal rulemaking is used when "rules are required by statute to be made on the record after opportunity for agency hearing." 5 USC 553(c). The RLA contains no such provision and the Board is not required to engage in formal rulemaking.[16] In addition, courts have determined that due process does not demand evidentiary hearings when agencies promulgate rules. *See, e.g., Nat'l Advertisers,* 627 F.2d 1151. The evidentiary requirements in informal rulemaking are no greater than those required by Congress in passing legislation. According to the court in *National Advertisers,* "Congress is under no requirement to hold an evidentiary hearing prior to its adoption of legislation, and 'Congress need not make that requirement when it delegates the task to an administrative agency'" 627 F.2d at 1166 (citing *Bowles* v. *Willingham,* 321 U.S. 503, 519 (1944)).

Although there was no opportunity for cross examination during the December 7, 2009 public meeting, interested persons did have the opportunity to publicly respond to statements made at that meeting and many did so. The transcript of the meeting and all public comments were made available to the public via the NMB website within a few days. Comments received following the public meeting did address evidence presented during that meeting. For example, Delta provided a lengthy response to data on voter suppression presented by Dr. Kate Bronfenbrenner at the public meeting, arguing that Dr. Bronfenbrenner's study was biased and outdated. Delta also responded with its own discussion of voter suppression based on data received from the Board. The Board has reviewed these comments and their relevance to the Board's justification for the change in election procedure is addressed elsewhere in this preamble.

In summary, after considering the issues raised in TTD's letter the Board decided to utilize the notice-and-comment procedures of the APA to propose changes to its election process. Interested persons were given an adequate comment period and access to all meeting testimony and comments received. The Board followed an open administrative process and the volume and quality of the comments received indicates that interested persons had the information they needed to appropriately respond.

F. Justification for the Proposed Change

Several commenters opposed to the NPRM as well as Chairman Dougherty in her dissent have suggested that the Board has not provided adequate justification for this change in election procedures. These commenters argue that because the Board has adhered to the current representation rules for decades, it needs a particularly compelling justification to change these rules. For example, Flexjet commented that "[t]he Board's NPRM does not provide any persuasive reason for changing a rule that has been in place for 75 years." Other commenters, such as Delta, cited case law for the argument that the rule change requires greater justification and must pass stricter legal scrutiny because the current rule has been in place for a long time. In her dissent to the NPRM, Chairman Dougherty also suggested that the Board is subject to greater scrutiny because it is changing a long-standing policy.

Commenters discussed the various justifications for the rule change outlined in the NPRM and provided additional policy reasons in support of and in opposition to the proposed change. Before addressing these specific issues, the Board would like to first

[16] Sections 556 and 557 of the APA describe formal rulemaking procedures, including a trial-type hearing where parties can submit evidence and cross examine witnesses. 5 U.S.C. 556(d). Such formal procedures have long been disfavored where not required by statute. In *Vermont Yankee,* the Supreme Court stated that a standard of review that would cause agencies to engage in formal rulemaking would lead to a loss of "all the inherent advantages of informal rulemaking." 435 U.S. at 547.

address the standard of review applied by courts in a review of a change in agency regulations. While the Board, of course, believes that there are compelling reasons to make this change to the representation election procedure at this time, it notes that the fact that the current procedures have been in place for decades does not compel it to provide a greater justification than would be required if it were creating representation rules for the first time or greater than those relied upon when the current procedures were set in place.

In its recent decision in *Fox,* the Supreme Court found that the Federal Communications Commission (FCC) did not violate the APA when it changed its policy towards isolated uses of expletives in television broadcasts by issuing notices of apparent liability to Fox Television after a Golden Globes broadcast that included "fleeting expletives." 129 S.Ct. 1800. The facts of that case are relevant here, because the FCC changed a long-standing policy when it decided that the single, non-literal use of certain words was actionably indecent under the statutory ban on indecent broadcasts. *Id.* at 1807. Previously, the FCC had determined that "deliberate and repetitive" use of an expletive was required for a finding of indecency. *Id.* The Court determined that the FCC's actions were not arbitrary and capricious under the APA, rejecting the Court of Appeals' determination that the FCC was required to explain " 'why the original reasons for adopting the [displaced] rule or policy are no longer dispositive' as well as 'why the new rule effectuates the statute as well or better than the old rule.' " *Id.* at 1810 (internal citations omitted).

Justice Scalia, writing for the plurality in *Fox,* held that the fact that an agency is changing course does not require a court to apply a higher standard of review to the agency's actions. An agency must, however, provide a reasoned explanation for a rule change. Justice Scalia described the appropriate standard as follows:

> [T]he requirement that an agency provide reasoned explanation for its action would ordinarily demand that it display awareness that it is changing position. An agency may not, for example, depart from a prior policy *sub silentio* or simply disregard rules that are still on the books. And of course the agency must show that there are good reasons for the new policy. But it need not demonstrate to a court's satisfaction that the reasons for the new policy are *better* than the reasons for the old one; it suffices that the new policy is permissible under the statute, that there are good reasons for it, and that the agency *believes* it to be better, which the conscious change of course adequately indicates. This means that the agency need not always provide a more detailed justification than what would suffice for a new policy created on a blank slate.

Id. at 1811 (emphasis in original, citations omitted).

Several commenters and Chairman Dougherty would hold the Board to the higher standard of review endorsed by the Second Circuit Court of Appeals and explicitly rejected by the Supreme Court in *Fox.* For example, Delta, although citing the Supreme Court's decision in *Fox,* demands that the Board provide "a cogent explanation for this about face" and an explanation of the changed circumstances that justify a change in policy at this time. Delta also cites *Motor Vehicle Manufacturers Ass'n of United States* v. *State Farm Mutual Automobile Insurance Co.,* 463 U.S. 29 (1983), for the proposition that the Board has not adequately justified this change in policy even though the Supreme Court rejected the Second Circuit Court of Appeals' reading of *State Farm* when it said that "our opinion in *State Farm* neither held nor implied that every agency action representing a policy change must be justified by reasons more substantial than those required to adopt a policy in the first instance." *Fox,* 129 S.Ct. at 1810.[17]

To return briefly to the facts in the *Fox* decision, one of the primary reasons cited by the FCC for its change in policy toward the single use of expletives was what it referred to as the "first blow theory" that "[e]ven isolated utterances can be made in 'pandering * * * vulgar and shocking' manners * * * and can constitute harmful 'first blows' to children." *Id.* at 1812 (internal citations omitted). The Court of Appeals, in its decision that was overturned by the Supreme Court, held that the FCC's action was arbitrary and capricious under the APA because it did not explain why it changed its view about the "first blow theory" in the 30 years since it first adopted the policy that fleeting expletives were not indecent. *Fox Television Stations, Inc.* v. *Fed'l Commc'n Comm'n,* 489 F.3d 444, 458 (2d Cir. 2007), *overruled* by *Fox,* 129 S. Ct. 1800. The Second Circuit Court of Appeals stated:

> For decades broadcasters relied on the FCC's restrained approach to indecency regulation and its consistent rejection of arguments that isolated expletives were indecent. The agency asserts the same interest in protecting children as it asserted thirty years ago, but until the *Golden Globes* decision, it had never banned fleeting expletives. While the FCC is free to change its previously settled view on this issue, it must provide a reasoned basis for that change.

Id. at 461. This view, that an agency must provide a greater justification when it's changing course than it does when it acts in the first instance, is precisely what the Supreme Court overruled in *Fox.* The FCC did not explain why exposure to fleeting expletives was more damaging to children today than it was thirty years ago, but it was not required to do so in order to make the policy change that it did.

The *Fox* opinion has been cited by courts in subsequent reviews of agency decisionmaking. *See, e.g., Handley* v. *Chapman,* 587 F.3d 273, 282 (5th Cir. 2009) ("[A]n agency effecting a policy change is not required to show a more convincing rationale for the new policy than for the old."); *Westar Energy, Inc.* v. *Fed Energy Regulatory Comm'n,* 568 F.3d 985, 989 (DC Cir. 2009) (holding that the agency provided an adequate justification for its policy and the fact that it was a change in policy "required no additional or special explanation."). Judicial review of an agency's change in policy includes a consideration of whether the agency recognizes that it is changing policy (as opposed to simply ignoring current policy), has statutory authority for such change, has a good reason for the change, and believes that the new policy is better than the previous policy.

A discussion of the Board's statutory authority to make this change is in Section III.D. The Board believes that this change will more accurately measure employee choice in representation elections. The current election procedures do not allow employees to vote "no" or to cast a ballot against representation.[18] In addition,

[17] The Supreme Court in *State Farm* set aside the Department of Transportation's rescission of a recently-promulgated safety standard because the agency "failed to supply the requisite reasoned analysis in this case." 463 U.S. at 57 (internal quotation omitted).

[18] In its comment, Littler suggests that the Supreme Court in *ABNE,* 380 U.S. at 669 n.5, observed "that the Board's current election procedures 'might well be more effective' at determining the representational desires of the majority of the craft or class" than the procedure proposed by the NPRM. This overstates the Supreme Court's view of the Board's current election procedures. *ABNE* involved a challenge to the form of the Board's ballot, namely the failure of the ballot to provide employees with the option to vote against representation. The Court recognized that the RLA left the details of the ballot to the "broad discretion" of the Board, 380 U.S. at 668–669, and that the Board's decision on this matter was not subject to judicial review without a showing that the Board exceeded its statutory authority. *Id.* at 669. In the footnote cited by Littler, after noting that the legislative history of the Act supports the view that employees have the right to representation, the Court stated that "[u]sing the Board's ballot an employee may refrain from joining a union and refuse to bargain collectively. All he

any voter who abstains from voting, for any reason, is counted by the Board as a vote against representation.

The Board is not persuaded by commenters who suggest that everyone who does not vote in an NMB election is opposed to representation. The NLRC asserted that there is no evidence to suggest that employees abstain from voting in NMB elections for any reason other than to maintain the status quo of no representation. In fact, in representation elections where individuals do have the ability to explicitly vote against representation, such as in NLRB-sponsored elections or *Laker* ballot NMB re-run elections,[19] some individuals do not cast ballots. In support of the NPRM, IBT provided evidence that there is a 12 percent nonparticipation rate in *Laker* ballot elections and an even higher nonparticipation rate in NLRB-sponsored elections. In those elections, individuals have a clear method of making their support for the status quo of no representation known and yet some individuals choose to not do so. It cannot be assumed that those who do not participate are uniformly opposed to representation. Although many individuals who do not participate in NMB elections may be opposed to representation, providing a clear method of registering that choice would provide the Board with a more accurate measure of employee sentiment.

There are many reasons why individuals chose not to vote in any election. Commenters discussed some of these reasons. Americans for Democratic Action cites several reasons individuals do not vote in political elections, such as travel, illness, or apathy. The political scientists expressed concerns that nonvoters' preferences are not accurately measured by treating them as "no" votes, stating that "[t]here is absolutely no reason to presume non-voters wish to cast a negative vote." Reasons for failing to cast a vote include indifference, neutrality, a belief that their vote will not be counted for some reason, or pressure to not vote. A comment in favor of the proposed rule from a number of United States House Representatives notes that the current rule "is all the more flawed in a setting where voter rolls include significant numbers of furloughed employees who are not in communication with other voters." [20] According to some commenters, voters should have the right to be neutral or indifferent about a representation election. Congressman Jerry F. Costello comments that it is unfair to assign a "no" where no vote has been cast. A comment in support of the NPRM submitted by 39 United States Senators states that "[e]mployees must have a choice to vote for union representation, against union representation, or not to vote at all." [21]

In his comment, Professor Jamin Raskin notes that some individuals are bound by religious principle to refrain from voting in any type of election. At the Open Meeting, Reginald "Willy" Robinson, a member of the IBT, spoke about his personal knowledge of many individuals who do not participate in representation elections due to religious beliefs. As noted by Professor Raskin, these individuals have the right to refrain from the duties of full union membership due to religious objections yet when they choose to refrain from taking a position in a representation election, the current procedure treats their nonparticipation as a "no" vote, taking the choice away from employees who are willing and able to take on the duties of representation. Several commenters suggest that ignoring these factors and attributing a "no" vote to everyone who does not participate in an election creates an unfair bias against representation. The Association of Professional Flight Attendants (APFA) states that "individuals should be able to abstain without skewing the election results."

The Board agrees with those commenters who argue that this proposed rule will allow the Board to determine each individual's true intent with regard to representation. Under Section 2, Ninth of the RLA, the Board is required to investigate representation disputes and designate the employees' choice of representative. This change will allow the Board to more accurately determine the employees' true choice. The Board will no longer impose a position on those who abstain from participating in a representation election by treating nonparticipation as a vote against representation. Employees who are opposed to representation will have the opportunity to vote according to that view. Employees who have no opinion about a representation dispute or wish to abstain from voting for any

need do is not vote and this is considered a vote against representation under the Board's practice of requiring that a majority of the eligible voters in a craft or class actually vote for some representative before the election is valid. The practicalities of voting—the fact that many who favor some representation will not vote—are in favor of the employee who wants 'no union.' Indeed, the method proposed by the Board might well be more effective than providing a 'no union' box, since, if one were added, a failure to vote would then be taken as a vote approving the choice of the majority of those voting. This is the practice of the National Labor Relations Board."

Id. at 669 n.5. The Court then concluded that "[w]e venture no opinion as to whether the Board's proposed ballot will best effectuate the purposes of the Act. We do say that there is nothing to suggest that in framing it the Board has exceeded its statutory authority." *Id.* at 671.

[19] A *Laker* ballot is a "yes" or "no" ballot with no write-in option. It is sometimes administered by the Board after a finding of election interference. *See Laker Airways, Ltd.,* 8 NMB 236 (1981). *Laker* ballots will be discussed further below.

[20] On December 7, 2009, Representatives James L. Oberstar, George Miller, John Dingell, John Conyers Jr., David Obey, Fortney "Pete" Stark, Henry Waxman, Edward J. Markey, Norman Dicks, Dale Kildee, Nick Rahall, Ike Skelton, Barney Frank, Howard Berman, Rick Boucher, Marcy Kaptur, Sander Levin, Solomon Ortiz, Gary Ackerman, Paul Kanjorski, Peter Visclosky, Peter DeFazio, John Lewis, Jerry Costello, Frank Pallone Jr., Eliot Engel, Nita Lowey, Donald Payne, Jose Serrano, Neil Abercrombie, David Price, Rosa DeLauro, James Moran, Collin Peterson, Eleanor Holmes Norton, Ed Pastor, Jerrold Nadler, Xavier Becerra, Sanford Bishop Jr., Corrine Brown, James Clyburn, Bob Filner, Raymond "Gene" Green, Luis Gutierrez, Maurice Hinchney, Tim Holden, Eddie Bernice Johnson, Carolyn Maloney, Lucille Roybal-Allard, Bobby Rush, Robert "Bobby" Scott, Bart Stupak, Nydia Velaquez, Melvin Watt, Lynn Woolsey, Bennie Thompson, Sam Farr, Lloyd Doggett, Michael Doyle, Sheila Jackson-Lee, Patrick Kennedy, Zoe Lofgren, Jesse Jackson Jr., Elijah Cummings, Earl Blumenauer, Jane Harman, Marion Berry, Leonard Boswell, Danny Davis, William Delahunt, Carolyn Kilpatrick, Dennis Kucinich, Carolyn McCarthy, James McGovern, Bill Pascrell Jr., Steve Rothman, Loretta Sanchez, Brad Sherman, Adam Smith, John Tierney, Robert Wexler, Lois Capps, Barbara Lee, Robert Brady, Brian Baird, Tammy Baldwin, Shelley Berkley, Michael Capuano, Joseph Crowley, Charles Gonzalez, Rush Holt, Dennis Moore, Grace Napolitano, Janice Schakowsky, David Wu, Joe Baca, Susan Davis, Mike Honda, Steve Israel, James Langevin, Rick Larsen, Betty McCollum, Adam Schiff, Diana Watson, Stephen Lynch, Timothy Bishop, Dennis Cardoza, Raul Grijalva, Kendrick Meek, Michael Michaud, Brad Miller, Tim Ryan, Linda Sanchez, David Scott, Chris Van Hollen, Stephanie Herseth Sandlin, Russ Carnahan, Jim Costa, Al Green, Brian Higgins, Daniel Lipinski, Gwen Moore, Doris Matsui, Albio Sires, Jason Altmire, Michael Arcuri, Bruce Braley, Christopher P. Carney, Kathy Castor, Yvette D. Clarke, Steve Cohen, Joe Courtney, Keith Ellison, John J. Hall, Phil Hare, Mazie K. Hirono, Paul Hodes, Henry "Hank" Johnson, David Loebsack, Christopher Murphy, Patrick Murphy, Joe Sestak, Zachary Space, Betty Sutton, Timothy Walz, John A. Yarmuth, Laura Richardson, Niki Tsongas, Andre Carson, Donna F. Edwards, Marcia L. Fudge, John Boccieri, Gerald E. Connolly, Alan Grayson, Deborah "Debbie" Halvorson, Mary Jo Kilroy, Larry Kissell, Eric J.J. Massa, Gary C. Peters, Chellie Pingree, Mark H. Schauer, Harry Teague, Dina Titus, Paul Tonko, Mike Quigley, Judy Chu, John Garamendi, Louise Slaughter, Tom S. P. Perriello, John Sarbanes, Edolphus Towns, Maxine Waters, Madeleine Bordallo, Wm. Lacy Clay, Steve Driehaus, and Eni F. H. Faleomavaega submitted a comment in support of the proposed rule.

[21] On December 7, 2009, Senators Tom Harkin, Barbara A. Mikulski, Jack Reed, Sherrod Brown, Jeff Merkley, Christopher J. Dodd, Patty Murray, Bernard Sanders, Robert P. Casey Jr., Al Franken, Robert C. Bryd, Carl Levin, John F. Kerry, Barbara Boxer, Ron Wyden, Tim Johnson, Debbie Stabenow, Frank R. Lautenberg, Benjamin L. Cardin, Patrick J. Leahy, Arlen Specter, Daniel K. Akaka, Russell D. Feingold, Richard Durbin, Charles E. Schumer, Maria Cantwell, Robert Menendez, Amy Klobuchar, Sheldon Whitehouse, Jeanne Shaheen, Roland W. Burris, Paul G. Kirk, Claire McCaskill, John D. Rockefeller IV, Tom Udall, Edward E. Kaufman, Kirsten E. Gillibrand, Jon Tester, and Daniel Inouye submitted a comment in favor of the proposed rule.

reason will no longer be counted as a vote against representation.

Although the Board is aware that under *Fox* it is not required to provide an explanation as to "why the original reasons for adopting the [displaced] rule or policy are no longer dispositive," 129 S.Ct. at 1810, it notes that there is little evidence that there were strong policy reasons for the prior Board's adoption of the current representation rules. As Justice Kennedy noted in his concurring opinion in *Fox,* the amount of explanation required when an agency changes policy may depend on whether the previous policy was based on factual or scientific findings and the reliance interests of the public. *Id.* at 1822–23 (Kennedy, J., concurring). Justice Scalia, in his plurality opinion, also stated that, although justification is not "demanded by the mere fact of policy change," a greater justification can be necessary when a change disregards "facts and circumstances that underlay * * * the prior policy." *Id.* at 1811. That is not the case here. As noted in the NPRM, the 1934 Board initially adopted the current representation election rules based "on what seemed to the Board best from an administration point of view," and did not articulate a rationale for the current rule. 1 NMB Ann. Rep. 19 (1935).

Further, there is evidence that the current procedures were adopted in response to an era of widespread company unionism within railroads, a factor that has ceased to be an issue in the railroad industry. As described by one court:

> [T]he company union had the following attributes: employees of the railroad were permitted to spend considerable time on union affairs without deduction by the company from their pay; the company would pay expenses incurred by union members or supporters in recruiting new members; the company would expect and receive reports from the union supporters concerning recruitment efforts; and the company would discharge or discriminate against supporters of rival unions.

Aircraft Mechanics Fraternal Ass'n v. *United Airlines, Inc.,* 406 F.Supp. 492, 497 (N.D. Cal. 1976). Company unions became common following the passage of the Transportation Act of 1920, the predecessor to the RLA that included no prohibitions against employers interfering in the selection of employee representatives and relied on voluntary collective bargaining. Frank N. Wilner, *Understanding the Railway Labor Act* 50–51 (2009). By the time the RLA was passed in 1926, "carriers had 'broken the backs' of many unions by the device of company unions on individual's properties." Hearing Before the Subcomm. of the S. Comm. On Labor and Public Welfare, 81st Cong. 12 (1950) (testimony of George Harrison, Int'l VP, Transportation Workers of America). The RLA failed to restore power to independent unions and when the 1934 amendments to the RLA were passed, there were over 700 agreements between carriers and company unions, representing 20 percent of the total number in the industry. *Id.* at 13.

The Board was given its statutory mandate to investigate representation disputes in part because of these company unions, which the 1934 amendments also outlawed. "It was this carrier influence over self-organization, as it has been exercised over the years, that was the principal target of the 1934 amendments." *Id.* After the 1934 amendments gave the Board authority to certify representatives, the Board likely concluded that requiring a majority of eligible voters to vote in favor of representation by an independent union would more effectively demonstrate employee intent to those carriers who had just previously refused to voluntarily recognize these independent unions. Employers could not claim that the independent unions did not have the support of employees when the Board required an absolute majority of votes in favor of representation in order to certify. When carriers agreed to be bound by a majority of votes cast, the Board would certify on that basis rather than on the basis of a majority of eligible voters. In its First Annual Report the Board stated that "[w]here, however, the parties to a dispute agreed among themselves that they would be bound by a majority of the votes cast, the Board took that position that it would certify on that basis." 1 NMB Ann. Rep. 19 (1935).

During this period, almost all railway workers were represented by either an independent union or a company union. Because almost all employees were already organized and most elections involved disputes between unions, the NMB's early election ballots provided a choice among representatives without the option to vote against representation. The high degree of organization in the railroad industry at that time led to the assumption that all class or crafts would be organized and for this reason, there was likely no consideration given to the possibility that employees would vote against representation. These factors no longer exist today. The majority of NMB elections list only one employee representative. Providing employees with the option to vote against representation was likely not a pressing concern to the Board during an era when most employees were already represented. There is no longer the assumption in either the railroad or airline industries that all class or crafts will be organized, yet there remains no way for employees to vote against representation.

Although the problem of company unions and the high degree of representation in the railroad industry likely led to the current representation procedure, there is little concrete evidence of the 1934 Board's process for adopting that procedure. As stated in the Board's First Annual Report, the current procedures developed for administrative reasons during a time when most employees covered by the Act were already members of some type of union. Another indication that the current procedure was merely the result of circumstances as they existed in the 1930s was the fact noted above that the early Board did not utilize this procedure exclusively. When the parties agreed, the Board would certify based on the majority of votes cast, indicating that the earlier Boards did not believe that certifying based on the majority of eligible voters was necessary for it to fulfill its statutory obligations. Early Boards recognized that they had the discretion to utilize either procedure in representation elections.

Many commenters provided additional arguments for and against the NPRM. Commenters in favor of the rule change argue that there have been additional changed circumstances since the current rules were first put into place. The APFA noted that increased technology and communication allows all employees to be adequately informed about the election process and there is no longer the risk that "an informed minority will overwhelm an oblivious majority," a risk that might have existed in prior decades due to lack of communication among nationwide class or crafts. Further expanding on the changes in technology, along with a more educated workforce, Frank N. Wilner included the following analysis in his comments in favor of the rule change:

> During the 1930s, there was a communications challenge—in employee reading comprehension as well as the ability to communicate by electronic means (including telephone) * * * By requiring that a majority of eligible employees vote in favor of representation, the procedure better assured that the majority would be aware of the election and for what they were voting.

The Board notes that these changes in technology, along with its own recent changes in election procedures, make it unlikely that a majority of employees in a craft or class will be inadequately informed about either organizing efforts

or how to vote for their preference in an election.[22]

IAM argues that changes in technology have provided employers with increased methods of intimidating employees and preventing them from voting in favor of representation. The Communication Workers of America (CWA) argue that rather than encouraging all employees to vote their preference, the current rule encourages employers to take actions that undermine the election process. According to CWA, these actions include inflating the lists of eligible voters and intimidating prospective voters. Comments and public meeting testimony from CWA, Dr. Kate Bronfenbrenner, the ALPA, and others included discussions of employer intimidation techniques and tactics.

Commenters opposed to the NPRM, including Delta, argue that issues related to carrier conduct raised in the public meeting and in comments submitted by unions are irrelevant because carriers have the right to encourage employees to not participate in an election. These commenters also point out that the Board has expertise in determining whether there has been election interference and providing appropriate remedies in those situations.

Several commenters note that the current representation procedures have not been an obstacle to union organizing and the proposed change is, therefore, unnecessary. The American Short Line and Regional Railroad Association commented that over 65 percent of non-management employees in short line and regional railroads have union representation. Delta and Littler pointed out that unions enjoy greater success under NMB elections than under the voting procedure used by the NLRB. Since 1935, unions have achieved certification in 68 percent of NMB elections but in only 58 percent of NLRB-sponsored elections. Delta further noted that in 2009, certification was the outcome of 73 percent of NMB elections.

In contrast to the commenters opposed to the rule change, many in favor of the change argue that unions have become less successful in winning representation elections in recent years. IAM notes that NMB elections resulted in certification in the vast majority of instances during the early years of the RLA. For example, in 1935, 94 percent of elections resulted in certification while this is no longer the case.

The Board is aware that these issues, union success and carrier interference in representation elections, are ones that many of the commenters feel very strongly about. The decision to change the current representation procedures and publish the NPRM, however, was not based on these factors. The Board cannot speculate as to the effect of this change in either of these areas. Regarding election interference, the Board has always investigated allegations and provided appropriate remedies when it has found that a carrier engaged in election interference. It is the Board's statutory duty to investigate representation disputes and ensure that elections are free from carrier interference. Nothing in the NPRM alters the Board's commitment to its duty under the RLA. The Board has not taken the position that current procedures need to change because carriers have been engaging in higher levels of voter suppression or election interference. In fact, commenters such as Delta are correct when they note that some of the testimony regarding voter suppression inaccurately portrayed some carrier conduct that the Board has in the past determined is not election interference. The Board has repeatedly stated that accurately portraying the way an employee can vote no is not interference. *Delta Airlines. Inc,* 30 NMB 102 (2002); *Express Airlines I,* 28 NMB 431 (2001); *Delta Air Lines, Inc.,* 27 NMB 484 (2000); *American Airlines,* 26 NMB 412 (1999).

Likewise, the Board has not proposed this change to increase the rate of union success in representation elections. The Board is of the opinion that there is no way to determine the exact effect that this change will have on union organizing efforts; however, the Board believes that this change will allow it to more accurately determine employee sentiment in representation elections. Any predictions about whether unions will be more successful under the procedures outlined in that NPRM are mere speculation, as demonstrated by the conflicting viewpoints presented by the commenters about union success rates. Many factors beyond the control of the Board affect whether a union will be successful in an election, including the economy, the culture among employees in the craft or class, resources utilized by unions and carriers during the election process, and the reputation of the union. While commenters opposed to this rule are correct that those who are opposed to union representation do not need the option of voting "no" because they can currently "vote" against representation by choosing not to cast a ballot, this method does not provide a measure of those employees who do not wish to vote either for or against representation or those who fail to vote for any other reason. The Board continues to believe that assigning a "no" vote to everyone who does not participate in an election does not provide the most accurate measure of those employees' views about representation.

Despite the contention by commenters such as Delta that the Board is bound by its prior declaration that this change is unnecessary, the Board believes that the proposed change is essential to fulfilling its statutory mission to ascertain employee preference with regard to representation. Delta cites the Board's statement in 1987 that it would only make such a change if mandated by the RLA or if doing so was "essential to the Board's administration of representation matters." *Chamber of Commerce,* 14 NMB at 360. The Board does believe this change is essential but also notes that it is not bound by its prior statements on this issue and is free to consider changed circumstances, such as those discussed above, in determining whether to change representation procedures, despite refusing to do so in the past. According to the Supreme Court, '[r]egulatory agencies do not establish rules of conduct to last forever; they are supposed, within the limits of the law and of fair and prudent administration, to adapt their rules and practices to the Nation's needs in a volatile, changing economy." *American Trucking Ass'n* v. *A.T. & S.F. R. Co.,* 387 U.S. 397, 416 (1967). Agencies are free to reconsider past interpretations and overturn past rulings. *Id.* As stated by the court in *National Advertisers,* "a '[c]ommission's view of what is best in the public interest may change from time to time. Commissions themselves change, underlying philosophies differ, and

[22] Commenter Watco Companies, Inc. and Genesee & Wyoming, Inc. (Watco) suggests that the Board adopt a quorum requirement in representation elections. In their view, the Board should require a certain level of participation in any election before certifying a bargaining representative on the basis of a majority ballots cast. As discussed in section III.D., Congress has not mandated any such requirement for elections under the RLA and the Board has the discretion to conduct elections based on a majority of votes cast despite the fact that less than a majority of eligible employees choose to participate in the election. Further, as discussed in Section III.D., the presumption of *Virginian Railway* is that if "an employee does not vote, he can safely be presumed to have acquiesced in the will of the majority of voters." *ABNE,* 380 U.S. 650, 670 (1965). There is also no evidence that there will be "*de minimus*" participation in NMB elections following the rule change as suggested by Watco. If, however, the Board was presented with a situation in which the Board itself believed or a participant contended that the election was unrepresentative because eligible employees were denied or prevented from exercising their right to vote, the Board would investigate and impose an appropriate remedy.

experience often dictates changes.'" 627 F.2d at 1174. (citing *Pinellas Broadcasting Co.* v. *Fed. Commc'n Comm'n,* 230 F.2d 204, 206 (DCCir. 1956)). Despite the arguments of many commenters opposed to the NPRM, the Board is not bound by the statements or policy views expressed by the Board in the past.

The proposed change will ensure that all employees in a class or craft have the opportunity to register their support for or opposition to a union, as well as allow individuals the right to abstain from participating without that choice being treated as a compulsory vote against representation. The Board is statutorily mandated to investigate disputes over representatives and to utilize an "appropriate method of ascertaining" the authorized representative of the employees. According to the Supreme Court, it is "the duty of the Mediation Board, when any dispute arises among the carrier's employees, 'as to who are the representatives of such employees,' to investigate the dispute and to certify, as was done in this case, the name of the organization authorized to represent the employees." *Virginian Ry.,* 300 U.S. at 544. This proposed change will allow the Board to more accurately ascertain employee desires regarding representation.

G. Effect of the Proposed Change on Stability in Labor Relations

Several comments and Chairman Dougherty's dissent express concern that the rule change could destabilize labor relations in the industries covered by the RLA. These comments address two types of stability in the industries. First, the comments address stability as measured by incidents of strikes, lockouts, or other work stoppages. Second, comments addressed concerns about continuity of representation among the classes and crafts represented by unions. They raise concerns that the proposed changes will lead to union raiding, more frequent elections, and increased changes in representation.

ASC, in its comment in opposition to the rule change, argues that the "proposed change will lead to certification of minority representatives. This will foster instability in contract negotiations and may adversely affect the stability of carrier operations resulting in a potential increase in interruptions to commerce." According to Littler, the current rule "quells any doubt about the authority of the selected representative." Littler argues that carriers who are aware that the majority of the craft or class supports the representative are more likely to understand the need to work cooperatively with the employee representative.

Commenters also voice concern that the proposed rule will lead to an increase in raiding and inter-union conflicts. They argue that changes in representation may become commonplace if the proposed rule is instituted and unions will be "constantly concerned" about rival unions. NRLC argues that the certification of representatives with broad support among employees results in long-term and stable relationships between carriers and unions. TTX Company, a freight rail services company, argues that the current rule contributes to stability and that union raiding and decertification efforts occur rarely. According to TTX, unions currently do not need to worry about potential challengers to their status as representatives and this could change with the proposed rule. These commenters expressed concern that the rule change could be, as stated by NRLC, an "invitation to rival unions" to file representation petitions and seek to replace current representatives.

Commenters who support the rule change argue that representation procedures are not the source of stability within labor relations in the railroad and airline industries. IAM noted that the Board has on many occasions certified unions who do not receive a majority of votes cast in an election. This occurs when there are two unions seeking to represent a craft or class. If a majority of all eligible employees vote for representation, the Board certifies the union receiving more votes. In its First Annual Report the Board stated that it would sometimes certify unions based on majority of votes cast. 1 NMB Ann. Rep. 19 (1935). The Board has on many occasions held *Laker* ballot elections, where certification is based on the majority of votes cast. The Board has on occasion held *Key* Ballot elections, resulting in certification unless the majority of votes cast are opposed to representation. There is no evidence that any of these measures have led to instability in the airline or railroad industries.

In its comment in support of the rule change, the Transportation Communications International Union (TCU) noted that unions do not rely on the results of representation elections to determine whether employees support a strike. Employee support of a union will vary over time. Additionally, TCU argues that the idea that less union support will lead to more strikes is counterintuitive. A union that is not supported by its members will be unlikely to convince them to support a strike, while a union that enjoys a great amount of support is more likely to gain authorization for a strike from its members. IAM cites its own requirement that two-thirds of its voting membership authorize a strike. A union will only strike when it has the strong support of its members.

The Board notes that no concrete evidence has been presented in support of the argument that the proposed rule change will lead to instability in the form of increased strikes or work stoppages in the industries. The specific procedure at issue in the NPRM is not linked to the stability cited by the commenters. Although many commenters cited the Board's own statements regarding stability, the Board did not provide any evidence for its assertion that this change in election procedures would lead to instability when confronted with the issue in 1987. *Chamber of Commerce,* 14 NMB 347, 362 (1987). Aside from the possibility that the current procedure was instituted in response to the problem of company unions, which themselves caused strife in labor relations, there is little or no evidence that the current procedures were instituted to prevent strikes or work stoppages. Like many other arguments presented in opposition to this proposed rule, the argument that it will lead to labor instability is based on mere speculation.[23]

Stability, defined as a lack of disruptions caused by strikes and work stoppages, has been attributed to the existence of collective bargaining agreements and the mediation processes outlined in the Railway Labor Act. In its First Annual Report, the Board itself attributed the absence of strikes during the prior two years to the mediation procedures in the Act and by the existence of collective bargaining agreements. 1 NMB Ann. Rep. 36 (1935) ("The extent to which labor relations are governed by such agreements is the measure of the extent to which law, democratically made by employees as well as employers, has been substituted for the rule of economic force and warfare in the railroad industry"). In

[23] In her dissent, Chairman Dougherty criticizes the Board for dismissing some concerns about instability as mere speculation. In fact, some of the concerns raised by commenters and by our dissenting colleague are based on speculation born from the unproven assumption that there will be little participation in representation elections. We have no reason to believe that this rule change will lead to the parade of horribles, such as unlawful work stoppages, envisioned by these commenters. None of the comments, nor the dissent, point to any examples of this type of action occurring and it would be imprudent for the Board to make policy determinations based on speculation.

Detroit & Toledo Shoreline Railroad v. *United Transportation Union,* 396 U.S. 142, 149 (1969), the Supreme Court described the Board's bargaining process as "almost interminable" but considered this a positive description of a process that prevented disruptions in commerce. The Court said that

> The Act's status quo requirement is central to its design. Its immediate effect is to prevent the union from striking and management from doing anything that would justify a strike. In the long run, delaying the time when the parties can resort to self-help provides time for tempers to cool, helps create an atmosphere in which rational bargaining can occur, and permits the forces of public opinion to be mobilized in favor of a settlement without a strike or lockout. Moreover, since disputes usually arise when one party wants to change the status quo without undue delay, the power which the Act gives the other party to preserve the status quo for a prolonged period will frequently make it worth-while for the moving party to compromise with the interests of the other side and thus reach agreement without interruption to commerce.

Id. at 150.

Even prior to the 1934 amendments giving the Board the authority to certify representatives, the RLA was known for its conciliation process. According to a 1926 New York Times editorial, "[a]s a last resort a strike is possible; but it can come only after every other resource, including long delay, has been exhausted." *Railway Labor and the Public,* N.Y. Times, March 17, 1926 (as cited in Frank N. Wilner, *Understanding the Railway Labor Act* 55 (2009)). A 1936 Harvard Law Review article did not list the Board's representation procedures as one of the several factors leading to stable labor relations:

> This Act assumes that the basis for stable, amicable labor relations is the periodic negotiation of collective agreements between carriers and strong, independent unions representing the employees. It is made unlawful for a carrier to interfere in any way with the organization of its employees, as by promoting and financing company unions, by influencing or coercing employees to join or not to join any labor organization; and, specifically carriers are forbidden to require any person seeking employment to sign an agreement promising to join or not to join a labor organization.

Calvert Magruder, *A Half Century of Legal Influence upon the Development of Collective Bargaining,* 50 Harv. L. Rev. 1071, 1087 (1936). These discussions of stability in railway labor relations make no mention of the Board's representation procedures or definition of majority under the Act. Stability in the industries has been attributed over the years to the Act's mediation process, the existence of collective bargaining agreements, and the restriction on carrier interference in representation matters. The proposed rule would not change any of these factors.[24]

The Board notes that extraneous factors beyond its control have also apparently had an impact on the number of strikes or work disruptions. The number of strikes has decreased in recent years, with no change in the representation process in NMB elections. Union commenters attribute this decrease at least in part to the Supreme Court's decision in *Trans World Airlines* v. *Independent Ass'n of Flight Attendants,* 489 U.S. 426 (1989), permitting carriers to hire permanent replacements for striking workers. This also indicates that the current representation election procedures are not a contributing factor to the incidents of work stoppages in the railroad and airline industries.

The argument that carriers have better working relationships with unions that have greater support among employees overlooks the fact that carriers are required by law to treat with Board-certified representatives of employees. This duty is found in Section 2, Ninth of the RLA, which states that "Upon receipt of such certification the carrier shall treat with the representative so certified as the representative of the craft or class for the purposes of this chapter." The Supreme Court has reiterated this obligation, affirming that carriers have the obligation to bargain exclusively with the certified representative and this obligation is mandatory and enforceable in the courts. *Virginian Ry.,* 300 U.S. at 544–45. The Supreme Court has also stated that the Act requires that carriers "meet and confer with the authorized representative of its employees, to listen to their complaints, to make reasonable efforts to compose differences * * *." *ABNE,* 380 U.S. at 658. Whether a carrier feels that the representative has sufficient support among employees should not affect that carrier's willingness to bargain with or work cooperatively with a representative. Carriers are legally obligated to treat with any representative certified by the Board.

The Board would also like to remark on several commenters' use of the expression "minority union" or "minority representative," a repeated theme in comments opposed to the NPRM. A representative certified under the proposed rule would not be a "minority union." A "minority union" is a union that does not represent all employees and only bargains on behalf of its members. The Board does not certify minority unions and will not do so under the proposed rule. The Board requires certified representatives to bargain on behalf of all members of a systemwide class or craft and this requirement will not change under the proposed rule.[25] Part of the principle of exclusive representation under the RLA is the obligation of certified representatives to represent all employees fairly and without discrimination. *Steele* v. *Louisville & Nashville R.R.,* 323 U.S. 192 (1944). Under the proposed rule, certified representatives will remain the exclusive representative of all members in a craft or class and the duty of fair representation will obligate them to represent all employees, even those who vote against representation. Attempts to characterize a certified representative under the proposed election rule as a "minority union" are misleading and inaccurate.

With regard to concerns about union raids and stability in employee representatives, the Board notes that it is not changing its showing of interest requirements. Any individual or organization seeking to represent employees who are already represented will still need to provide authorization cards from more than fifty percent of the class or craft in order to file a representation petition. For this reason, it is unlikely that there will be a great increase in "raiding" among unions. The Board recognizes that some commenters, such as Southwest Airlines (Southwest), request that there be a uniform showing of interest requirement regardless of whether the employees are currently represented by a union.

[24] In regards to comments about whether it will be more difficult for unions to ratify tentative agreements under the proposed rule, the Board notes that contract ratification is an internal union matter. Whatever a union's internal procedure is for ratifying a tentative agreement, this process generally occurs months or years after certification. A union's support among its members is constantly in flux. Even under the current election procedure, a union that is certified with the support of a majority of the class or craft could find itself unable to convince its membership to support a tentative agreement. Additionally, difficulty in ratifying rarely leads to a work stoppage. The Board's mediation procedures, including the maintenance of the status quo, the cooling-off period, and the possibility of a Presidential Emergency Board, will remain the same, ensuring the NMB will continue to assist the parties in reaching agreements and avoid disruptions in air or rail transportation.

[25] Minority unions are also not certified by the NLRB. Unions have argued, in seeking NLRB recognition of minority unions, that there was a practice, common in the 1930s, of companies bargaining with unions representing only a minority of employees at a workplace. Steven Greenhouse, *Seven Unions Ask Labor Board to Order Employers to Bargain,* N.Y. Times August 15, 2007.

Southwest argues that this change would bring these rules in to conformity with the procedures of the NLRB. Southwest referred to the "anomalous situation" where the showing of interest requirements for a class or craft that is already represented is higher than the number of voters that would be required to win a representation election under the proposed rules.

In the Board's view, maintaining the higher showing of interest requirement for crafts or classes that are already represented will prevent the types of disruptions in representation that several commenters express concern about. While it is true that the showing of interest requirement would often be greater than the number of votes that a challenging union will need to win an election, an authorization card does not bind an employee to vote in favor of representation. Based upon the showing of interest and the Board's investigation, an election is authorized. During this critical period, unions and employers conduct campaigns to inform employees about the pros and cons of representation. Maintaining this strong showing of interest requirement will ensure that representation elections only occur where a significant number of employees are open to the possibility of changing representatives.

In summary, there is no evidence that the proposed rule change will create instability in labor relations. The NPRM does not affect the numerous factors that contribute to stability in the airline and railroad industries, such as the mediation process and the existence of collective bargaining agreements. The Board has diverged from the current election procedure in many instances, including using other forms of ballots to carry out its statutorily-mandated duty to prevent carrier interference in representation elections, without threats to stability.

H. Decertification Under the RLA

The majority of comments opposed to the NPRM as well as our dissenting colleague suggest that any change to the Board's interpretation of "majority of the craft or class" must also re-examine decertification under the RLA. These commenters suggest that the two issues, certification based on a majority of ballots cast and decertification are inextricably linked because (1) under the NLRA, bargaining representatives are certified based on a majority of ballots cast and the NLRA explicitly provides for decertification petitions; and (2) in 1985, the Board consolidated the IBT's request to change existing rules regarding election procedures to allow employees to vote "no" and to certify representatives on the basis of majority of ballots cast with an earlier-filed request from the Chamber of Commerce that the Board amend its rules to include formal decertification provisions. *Int'l Bhd. of Teamsters,* 13 NMB 1 (1985). For example, ATA and AIRCON assert that the

> Board historically has recognized the close relationship between the "minority rule" ballot and decertification and the wisdom for the two issues to be addressed in tandem. Accordingly, when the Board last considered the same proposed voting rule change on an industry-wide basis, it simultaneously considered a proposal to adopt a formal decertification procedure.

As an initial point, the Board disagrees with the comments' supposition that the NPRM will inevitably lead to "minority unions" or "minority rule," and also that all requests to change its election procedures must be addressed in the same proceeding. Under the proposed rule, the employees will cast votes either for or against representation or refrain from voting altogether and acquiesce in the will of the voting majority. The choice is theirs. It is certainly possible that in some elections the number of employees who actually cast a ballot may be less than a majority of those eligible to vote, but it is not the preordained outcome of every election. What is certain is that under the proposed rule, the Board will no longer substitute its presumption for an employee's intent.

The Board believes that the method it uses to measure employee intent in representation elections is not intertwined with decertification. The commenters point to the NLRA, but it must be noted that the NLRA specifically provides for a decertification process. The 1947 Taft-Hartley Amendments to the NLRA added not only the union shop provisions discussed below in Section III.I., but also a provision allowing an employee, group of employees, or any individual or labor organization acting on their behalf to file a petition asserting that the currently certified or recognized bargaining representative no longer represents the employees in the bargaining unit. 29 U.S.C. 159(c)(1)(A)(ii). No similar provisions were included in the RLA of 1926 or any subsequent amendments.

The Board also does not believe that it must consider all requests to change its election procedures in the same proceeding. To be sure, in 1985, the Board chose to consolidate all requests for changes to its rules into a single proceeding. The Board, however, is not required to follow that procedure in every instance.

Other commenters simply state that the Board should provide for a more direct means of decertifying an incumbent union. For example, Flexjet states that "the Board must also change the rules to allow a majority of employees to vote the union out if they are displeased with the union." Similarly, Right to Work suggests in its written comment submitted prior to the December 7, 2010 open meeting that it is inappropriate for an exclusive bargaining representative to be certified on the basis of a "mere majority of employees voting in an election" because "it is extremely difficult for employees to remove a union once it is certified as their exclusive bargaining agent, particularly because the NMB has not established a formal process for decertification." ATA and AIRCON state that it "would not be merely imprudent for the Board to abandon the 'majority rule' while failing contemporaneously to adopt a straightforward decertification process." Southwest states that, while it is "neutral" on the NPRM, it believes "the final rule should ensure that any new election procedures are applied broadly and consistently to cover representation and decertification procedures."

The courts have recognized, and the Board agrees, that employees have the right to reject representation. *ABNE,* 380 U.S. 650. Implicit in that right is the Board's power to certify that there is no representative. *Teamsters,* 402 F.2d at 202 (DC Cir. 1968); *Russell* v. *NMB,* 714 F.2d 1332 (5th Cir. 1983) (finding that since employees have right under the RLA to opt for non-representation, the Board could not refuse to process a representation application after it determined that applicant intended to terminate collective representation if certified). While not as direct as some commenters might like, the Board's existing election procedures allow employees to rid themselves of a representative. Currently, an individual employee or group of employees who no longer desire to be represented by a union must solicit a showing of interest from their fellow employees and file an application with the Board. In the resulting election, employees have the opportunity to vote for the incumbent or for the applicant with the understanding that the applicant if certified will subsequently disclaim interest in the craft or class extinguishing the certification. Under current election procedures, there is no opportunity to vote "no" or against representation entirely. Employees who want to vote "no" must instead abstain from voting.

The proposed change will give these employees the opportunity to affirmatively cast a ballot for "no union." Thus, in these circumstances, the NPRM would give employees an opportunity to vote for the incumbent, for the applicant, or to cast a ballot for no representation.

Southwest also suggests that the Board should amend its showing of interest requirement to require a 35% showing of interest regardless of whether the employees in the craft or class at issue are represented or unrepresented. The Board's current election rules require a 35% showing of interest among employees who are unrepresented and a more than 50% showing of interest among employees who are already represented and covered by an existing collective bargaining agreement.

The Board does not believe that its showing of interest requirements should be changed. In carrying out its obligations under the RLA, the Board must balance competing statutory goals and the current showing of interest requirements are justified in the Board's view by the benefit these requirements provide to preserve stability in collective bargaining relationships.

It is well-settled that a major objective of the RLA is "avoidance of industrial strife, by conference between the authorized representatives of employer and employee." *ABNE,* 380 U.S. at 658 (quoting *Virginian Ry.,* 300 U.S. at 547). The *Russell* court recognized that

> [i]t cannot be gainsaid that the Act does in fact encourage collective bargaining as the mode by which disputes are to be settled and work stoppages avoided. Under the Act, Congress gave unions "a clearly defined and delineated role to play in effectuating the basic congressional policy of stabilizing labor relations in the industry." * * * The Board is therefore correct when * * * it argues that one of the Board's purposes is to support collective bargaining.

714 F.2d 1332, 1342–43 (internal citations omitted). Thus, the Board must also foster stability in collective bargaining relationships to maintain industrial peace. As many commenters point out in opposition to the NPRM, representation elections and organizing campaigns which necessarily precede them cause unsettled labor conditions and foster instability. As previously discussed, the Board believes that changing its showing of interest requirements would more likely lead to instability than the proposed change to how it measures employee intent. For this reason, the Board has long required a majority showing of interest before authorizing an election that will disturb an existing collective bargaining relationship and it will continue to do so.

I. Impact of the Proposed Change on Section 2, Eleventh of the RLA

In their comment, U.S. Senators Lamar Alexander, Robert Bennett, Richard Burr, Saxby Chambliss, Bob Corker, Michael Enzi, Orrin Hatch, and Johnny Isakson state their concern that

> [i]f minority unions are indeed permitted, both we and many of our colleagues will also be concerned with the impact of the mandatory union shop provisions which are permitted nationwide under Section 2, Eleventh of the Railway Labor Act. Unlike, the NLRA, the RLA has no carve-out or exclusion permitting the operation of state "right-to-work" laws. If the unions which are seeking mandatory dues payments do not have the active support of a majority of employees as shown in a secret-ballot election, it would not be appropriate to require employees who do not support the minority union to pay dues to that organization where state law is intended to protect their right to refuse to do so.

The Board believes that the proposed change will not affect Section 2, Eleventh for two reasons: First, the Board does not believe that its proposed change will lead to the certification of representatives that lack the support of a majority of employees; and second, the difference between the union security provisions of the NLRA and RLA are premised not on whether majority of the craft or class means majority of eligible voters or majority of ballots cast but rather on a recognition of the interstate nature of air and rail transportation.

As discussed in Section III.D., the Board believes it has the statutory authority to certify a collective bargaining representative based on a majority of ballots cast whether or not there is majority participation in that election. Thus, the Board disagrees with the Senators' characterization of the NPRM as permitting the certification of "minority unions." There is no basis to believe that certification based on a majority of ballots cast results in a representative supported by a minority of employees in the craft or class. As previously stated, under the proposed change, employees will be able to vote for or against representation or refrain from voting and acquiesce in the will of the majority. The Board does not certify minority unions under its current election procedures and will not do so under the proposed rule. The Board requires certified representatives to bargain on behalf of all members of a class or craft and this requirement will not change under the proposed rule. Once certified by the Board as exclusive representative of a craft or class, the union has an obligation to represent fairly all employees in that craft or class.[26] Under the proposed rule, certified representatives will remain the exclusive representative of all members in a craft or class and the duty of fair representation will obligate them to represent all employees, even those who vote against representation. Attempts to characterize a certified representative under the proposed election rule as a "minority union" are misleading and inaccurate.

Section 2, Eleventh provides that, notwithstanding the law of "any State," a carrier and an organization may make an agreement requiring all employees within a stated time to become a member of that organization provided there is not discrimination against any employee and that membership in the organization is not denied or terminated for "any reason other than failure of the employee to tender the periodic dues, initiation fees, and assessments (not including fines and penalties) uniformly required as a condition of acquiring or retaining membership." 45 U.S.C. 152, Eleventh. Section 2, Eleventh, or the "union shop" provision of the RLA was added in 1951. Union shop agreements had been outlawed under the 1934 amendments when union shop agreements were used by employers to establish and maintain company unions "thus effectively depriving a substantial number of employees of their right to bargain collectively." S.Rep. No.81–2262, at 3 (1951). By 1950, company unions in this field had practically disappeared. *Id.*

The legislative history also indicates that Section 2, Eleventh was intended to extend to "railroad labor the same rights and privileges of the union shop that are contained in the Taft-Hartley Act." 96 Cong. Rec. 17,055 (1951) (remarks of Rep. Brown). The RLA's union shop provision was "substantially the same as those of the Labor-Management Relations Act [of 1947 or Taft-Hartley] as they have been administered and that such differences as exist are warranted by experience or by special conditions existing among employees of our railroads and airlines." *Id.*

The legislative history notes that these "special conditions" were the Federal nature of regulation of rail and air carriers and the system-wide representation and bargaining required under the RLA. In the floor debate in the House, in response to a question about

[26] Although the duty of fair representation is not explicitly set forth in the RLA, the courts have found that implicit in the principle of exclusive representation is the obligation to represent employees fairly and without discrimination. *Louisville & Nashville R.R.,* 323 U.S. 192 (1944).

whether Section 2, Eleventh would recognize the validity of State right to work laws or supersede those laws, Rep. Biemiller stated:

> We must recognize that all aspects of the economics of the railroad industry are under national control, not under State control. Since the passage of the Interstate Commerce Act in 1887, it has been wisely recognized that all matters relating to railroads whether they be rates or labor problems are much better handled by the Federal Government than they are by the various State governments. If we were to break down this Federal control in the field of railway labor we would be setting a precedent that could only lead to chaos in the entire railroad industry, because certainly the question of rates and other problems must stay in Federal hands. I think that point should be recognized very clearly when one talks about the possibility of trying to have State labor legislation apply to problems of railroad labor. After all we must also recognize that the contracts that are made between railroad management and railroad labor are made on a system basis; they are not made on a State-wide basis; some will cover as many as thirteen or fourteen States in their various terms. To try to break those down in terms of the conflicting laws of the thirteen or fourteen States covered by a particular railroad system would lead inevitably only to chaos.

96 Cong. Rec. 17,236 (1951). The differences in the union shop provisions of Section 2, Eleventh and the provisions of the NLRA were based on the recognized differences between the industries at issue. Representative Heselton stated that the House Committee on Interstate and Foreign Commerce specifically rejected adding language that would exclude union shop coverage in right to work states:

> The second difference is the omission of the requirement contained in section 14(b) of the Labor-Management Relations Act [of 1947], which reads as follows:
>
> Nothing in this act shall be construed as authorizing the exclusion or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law.
>
> Again, the committee [the House Committee on Interstate and Foreign Commerce] considered this carefully but decided not to include it. I think no one will dispute the fact that if any of our business units is primarily interstate in character, it is the transportation business and particularly railroads and airlines. Under the Railway Labor Act, agreements must be system-wide, and in an overwhelming number of instances, cross many State lines. Seniority districts lap over from one State to another. Therefore any requirement which would exclude union shop coverage in those States prohibiting union shop agreements would be both illogical and unworkable.

96 Cong. Rec. 17238 (1951).

Thus, the decision by Congress to pre-empt State laws that would otherwise ban union shops is due to the interstate nature of air and rail transportation, the history of Federal rather than State regulation of those industries, and the system-wide bargaining required under the Act. It is not premised on an interpretation of the "majority of craft or class" language of Section 2, Fourth.

J. Cost of the Proposed Change to the Board's Election Procedures

In their comments, Littler and WestJet each raise the issue of the potential additional cost of the Board's proposed change to its election rules. Littler suggests that costs "which may flow from the rule change" will affect both the Board itself as well as the regulated entities in the air and rail industries. Littler states that:

> The Board has not analyzed whether and how the new rule will increase the number of elections conducted by the Board in a given fiscal year, and whether the Board will need to increase its staff to conduct those additional elections within the required statutory timeframe. Carriers and unions will also bear additional costs if elections are more frequent due to the administrative requirements the Board places on them during the elections, not to mention the costs associated with conducting and organizing election campaigns more frequently.

WestJet, a Canadian company, expressed its concern that the proposed rule would negatively affect any future decision to invest in the U.S. market because

> [f]rom a financial standpoint, the likelihood of immediate unionization without support from a true majority of employees represents a substantial cost increase that WestJet could not ignore when making a decision to employ U.S. workers. This is not because of an increase in wages and benefits, which WestJet sets at competitive levels. Rather, it would be the immediate costs associated with union elections, negotiations and grievances/arbitrations that would dissuade WestJet from expanding and creating jobs for U.S. citizens.

Both Littler and WestJet assume that implementing the proposed change must inevitably lead to more applications, more elections, and, as WestJet characterizes it, "immediate unionization." Neither Littler nor WestJet, however, offers any factual support for their assumptions. The decision to invoke the Board's services in a representation dispute rests entirely with an individual union or the affected employees. It is not a matter for the Board or for the carrier. The decision to proceed with an election depends upon the Board's investigation of the dispute and a determination that certain threshold requirements have been met such as the showing of interest needed to trigger an election. *See, e.g.,* 29 CFR 1206.2, 1206.5; *NMB Representation Manual* §§ 3.601, 19.6, 19.601. Further, holding a representation election does not automatically result in a union victory. This has certainly been the Board's experience under its current procedures and it is also true under the NLRA where bargaining representatives are certified based on a majority of ballots cast. For example, in its comment, Litter states

> Our review of Board election data since 1935 shows that the union win rate in Board-conducted elections approaches sixty-eight percent (68%). By comparison, the union win rate in elections held during the same period under the NLRA, utilizing the election process currently being proposed by the Board, was only fifty-eight percent (58%).[27]

The proposed change does not add a fee, require a payment or impose new burdens on either the Board or the participants in the election. The proposed rule would provide for certification of an employee representative based on a majority of ballots cast rather than a majority of eligible voters. Thus, the proposed change affects only one part of the Board's election procedure: The method used by the NMB to determine the outcome of a self-organization vote by employees after an application has been filed, and an election has been authorized. The Board believes that, regardless of the method used to determine the outcome of a representation election, it will continue to function within the budget appropriated by Congress and expeditiously resolve representation disputes under the RLA by investigating all applications filed and, when appropriate holding elections, as it has since 1934.[28] Further, as discussed below, the Board also believes that the proposed change to its election

[27] In its comment, Delta provides similar statistics, stating that "[r]eview of NMB decisions reveals that the union success rate in NMB-conducted election under the RLA has been approximately 67.23% from 1935 to date. In contrast, the union success rate in NLRB elections has been approximately 54% from 1948 to date. (Data prior to 1948 is limited)."

[28] It should also be noted that the "required statutory timeframe" noted by Littler refers to the language of Section 2, Ninth that provides that "it shall be the duty of the Mediation Board, upon request of either party to the dispute, to investigate such dispute and to certify to both parties, in writing, within thirty days" the name of the individual or organization authorized to represent the affected employees. It is well-settled that this time provision is directory rather than mandatory. *See, e.g., Air Florida* v. *NMB,* 534 F. Supp. 1, 11 (S.D. Fla. 1982) (citing *System Fed'n* v. *Virginian Railway,* 11 F. Supp. 621, 627 (E.D. Va. 1935), *aff'd.* 84 F.2d 641 (4th Cir. 1936), *aff'd.* 300 U.S. 515 (1937)); *In re Continental Airlines, Corp.,* 50 B.R. 342, 348 n. 3 (S.D.Tex. 1985).

procedures will not impose any additional requirements or costs than are already necessary to effectuate the Congressional intent to guarantee employees in the air and rail industries the right to organize and chose a collective bargaining representative free from any carrier interference or influence.

The NPRM does not alter the limited role prescribed by statute for carriers in representation disputes. From its inception, the NMB has understood that Congress intended to eliminate the carrier, as a party, from any representation dispute. 1 NMB Ann Rep 4 (1935). Under Section 2, Ninth of the Act, the Board is authorized to resolve disputes between employees as to whom, if anyone, shall represent them in collective bargaining. The dispute is not between employees and the carrier. Thus, as the courts have long recognized, the only proper parties to the NMB's representation proceedings are employees and their potential bargaining representatives. *ABNE,* 380 U.S. at 667. As has been previously discussed, carriers cannot invoke the NMB's services in a representation dispute. *Ry. Labor Executives' Ass'n,* 29 F.3d at 664–66 (DC Cir. 1994). Carriers have no vote in representation elections and the Act forbids them from interfering or influencing their employees' organizational efforts and choice of representative.[29] Littler refers to the "administrative requirements" demanded by the Board during the election, but the only direct burden provided by the RLA is authority to have access to carrier records when necessary. Thus, the Board requires the carrier to supply the information needed for holding an election, such as a list of eligible employees in the craft or class.

The carrier's limited role in representation proceedings has long been recognized by the courts. In *ABNE,* the Court rejected the carrier's claim that it should be accorded a greater role in the Board's representation investigations, noting that "while the Board's investigation and resolution of a dispute * * * might impose some additional burden upon the carrier, we cannot say that the latter's interest rises to a status which requires the full panoply of procedural protections." 380 U.S. at 668. In *In re Continental Airlines, Corp.,* 50 B.R. 342 (S.D.Tex. 1985), the bankruptcy court rejected Continental's argument that a representation election among its employees should be stayed because the substantial costs of responding to any union campaign would irreparably harm its reorganization efforts. The bankruptcy court stated that

> At best, that argument is irrelevant—for Continental's anti-union activity is a purely voluntary undertaking. At worst, the substantial expenditures contemplated could possibly be illegal—for the RLA repeatedly prohibits carriers from in any way interfering with or influencing employees' organizational efforts or choice of a bargaining representative.

50 B.R. at 354. Likewise, the NPRM does not alter the role or obligation of the union in a representation dispute. The Board once again notes that decision to undertake an organizing campaign and file an application with the Board rests entirely with the union. The union applies its own cost benefit analysis to make that decision and the Board has no basis for concluding that the change proposed by the NPRM will outweigh every other consideration that goes into such a decision. Once a union has invoked the Board's process, it has surely determined that the costs of seeking an election are worth bearing.

Finally, the Board notes that the proposed rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (RFA) [30] and, pursuant to Section 605 of the RFA, the Board has certified that the proposed rule will not have a significant economic impact on a substantial number of small entities. Clarification to NPRM, 74 FR 63,695 (Dec. 4, 2009).

K. Effect of the NPRM on Other Election Procedures

In its comments in opposition to the NPRM, ASC suggests that the Board has created uncertainty for its constituents by failing to undertake a global overhaul of its election procedures.[31] The Board does not believe that the NPRM creates uncertainty regarding its election procedures. As has been previously discussed, the proposed change affects only one part of the Board's election procedure: The method used by the NMB to determine the outcome of a self-organization vote by employees after an application has been filed and an election has been authorized.

1. Second Elections/Run-Off Elections

ASC expresses its concern that the NPRM does not address how the change in interpretation of "majority of the craft or class" will affect multi-union elections. While the Board acknowledges that its Representation Manual, which provides procedural guidance to participants,[32] will have to be modified once the proposed change becomes effective, the Board's existing rule regarding run-off elections continues to apply and addresses ASC's concerns. The Board's rule provides:

> (a) If in an election among any craft or class no organization or individual receives a majority of the legal votes cast, or in the event of a tie vote, a second or run-off election shall be held forthwith: Provided, That a written request by an individual or organization entitled to appear on the runoff ballot is submitted to the Board within ten (10) days after the date of the report of results of the first election.
>
> (b) In the event a run-off election is authorized by the Board, the names of the two individuals or organizations which received the highest number of votes cast in the first election shall be placed on the run-off ballot, and no blank line on which voters may write in the name of any organization or individual will be provided on the run-off ballot.
>
> (c) Employees who were eligible to vote at the conclusion of the first election shall be eligible to vote in the run-off election except (1) those employees whose employment

[29] 45 U.S.C. Section 151a. The second and third general purposes of the Act are "(2) to forbid any limitation upon freedom of association among employees or any denial, as a condition of employment or otherwise, of the right of employees to join a labor organization; [and] (3) to provide for the complete independence of carriers and of employees in the matter of self-organization to carry out the purposes of this chapter * * *."

[30] Under the RFA, a Federal agency must prepare a regulatory flexibility analysis and assessment of the economic impact of its proposed rule on small business entities, unless the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities, and provides a factual basis for that certification. 5 U.S.C. 601, *et seq.*

[31] ASC, in its comment, also asks whether the Board has left in "limbo" a request from the IBT that the Board change its policies and require carriers in representation disputes to provide the applicant organization with a list of employee names and addresses (comparable to the *Excelsior* list required in NLRB representation cases). This request was made in the context of a representation case involving Continental Airlines with the IBT requesting that the "Board provide the organization with a list of employee names and addresses in this case." During the pre-docketing investigation of this case, the IBT, by letter dated December 7, 2009, withdrew the request in that case and asked to proceed to an immediate election under the existing election procedures. The Board granted the request, an election was authorized, and the tally was held on February 12, 2010.

ASC also states the Board should not ignore the impact of the NPRM on "critical standards that the Board has consistently and historically applied. For instance, the Board has long recognized the propriety of system-wide crafts or classes." While the Board appreciates ASC's concerns, the change proposed in the NPRM is limited to modifying the method used to determine the craft or class representative based on a majority of valid ballots cast rather than a majority of eligible voters and to provide employees with an opportunity to vote "no" or against union representation. The NPRM has no impact on the Board's policies and case law with respect to craft or class or system determinations.

[32] The Representation Manual is an internal statement of agency policy and not a compilation of regularly promulgated regulations having the force and effect of law. *Hawaiian Airlines* v. *NMB,* 107 LRRM 3322 (D. Haw. 1979), *aff'd without op.* 659 F.2d 1088 (9th Cir. 1981).

relationship has terminated, and (2) those employees who are no longer employed in the craft or class.

29 CFR 1206.1. Applying the existing run-off rule to the hypothetical election tally proposed by ASC, namely that where 100 ballots are cast with 20 for Union A, 45 for Union B, and 35 for no representation, a run-off election will be held between union A and union B provided one submits a timely written request to appear on the ballot as required by 1206.1(a). It is equally clear under the existing rule, that where a majority of employees have cast valid ballots for representation, the appropriate choice once a run-off election is authorized is between the two individuals or organizations that received the highest number of votes. The Board disagrees with ASC's assertion that, under the NPRM, there is no basis for aggregating votes cast for representation. To the contrary, where a majority of employees indicate a preference for representation, the Board's duty is to determine which individual or organization is the ultimate employee choice through a run-off election.[33]

2. Election Interference Remedies

The ASC raised a concern over the fact that the proposed rule would result in what is currently referred to as a *Laker* ballot being used in all NMB elections. Currently, a *Laker* ballot is sometimes used in a re-run election following the Board's determination of carrier election interference. In recent years, it has been used on occasions when the Board has determined that a standard re-run election would not allow it to ascertain the desires of employees regarding representation. *See, e.g., Aeromexico,* 28 NMB 309 (2001) (determining that carrier's post-election interviews of members of the craft or class interfered with laboratory conditions, violated the secrecy of the ballot, coerced employees in the exercise of their rights, and interfered with Board's investigation).

It is inaccurate to describe the rule in that way because the Board has never indicated that it was changing its ballot to remove the write-in option. The *Laker* ballot is a yes/no ballot and does not include a write-in option. In the NPRM, the Board proposed a narrowly focused change to its election procedures to allow that a majority of valid ballots cast will determine the craft or class representative. The NPRM did not describe the new election procedures as identical to either NLRB election procedures or to the Board's *Laker* ballot procedures. Nor did it describe the proposed rule as resulting in a yes/no ballot. Under the new rule, the Board will provide an opportunity for employees to vote "no" or against union representation. This change is required where certification is based on a majority of ballots cast, because to ensure employee freedom of choice, voters need to be able to choose not to be represented. Under the new rule, the Board will no longer presume that the failure or refusal of an eligible employee to vote is a vote against representation. Instead, employees who do not wish to be represented will affirmatively vote "no." The rule does not alter the Board's practice of allowing write-in votes.[34] Write-in votes are a common characteristic of all NMB elections except where a run-off or *Laker* election is conducted. *International Total Services,* 16 NMB 231, 233 (1989) (rejecting union objection to inclusion of write-in option since the provision for write-in votes in NMB elections has remained largely unchanged for over 50 years). Moreover, the Board's experience has shown that the write-in vote is an effective means for permitting employee freedom of choice, as in some cases write-in candidates have received sufficient votes to be certified by the Board. *Id. See also, Zantop Int'l Airlines, Inc.,* 9 NMB 70, 77 (1981) (The write-in option "allows the eligible voter to indicate whether he desires representation by the applicant organization or any other organization or individual. Such a ballot allows the Board to ascertain the name of the duly designated and authorized representative of the employees.").[35]

ASC, in its comment, expressed concern that the *Key* ballot, currently used as a remedy only in egregious instances of election interference, will become more widely used because, in its view, the *Laker* ballot remedy is no longer an option. When the *Key* ballot is used, an election results in union certification unless a majority of eligible voters return votes opposing representation. *Key Airlines,* 16 NMB 296 (1989). It has been used rarely by the Board except in cases of most egregious carrier interference. *See, e.g., Washington Central Railroad,* 20 NMB 191 (1993) (carrier polled employees about union support, discharged union supporters, and tried to coerce an employee to withdraw a lawsuit based on the carrier's violations of the RLA).

The Board has sole authority to determine the remedy for election interference. *See, e.g. LGS Lufthansa Serv.* v. *NMB,* 116 F.Supp.2d 181 (D.DC 2000) (holding that the Board's decision to hold a *Laker* ballot election was unreviewable by the court); *Aircraft Mechanics Fraternal Ass'n* v. *United Airlines, Inc.,* 406 F.Supp. 492 (N.D. Cal. 1976). Unlike the NLRB, the Board does not have the power to issue unfair labor practices charges; however, under Section 2, Ninth of the Act, the Board has the duty to ensure that employees' choice of representative is made without carrier influence, interference or coercion. *See United Airlines,* 406 F.Supp. at 498 n.5, 502–03. ("Thus the 1934 amendments gave plenary power to the Board to deal with employer influence in the designation of representatives, rendering judicial intervention unnecessary.") The test in any case of alleged interference in a

[33] Contrary to our dissenting colleague's contention, the Board has never suggested that the purpose of the NPRM is to conform the NMB's voting procedures to those of the NLRB. As the Board has repeatedly noted, the aim of the Board is to more accurately ascertain the clear, uncoerced choice of a bargaining representative, if any, by the affected employees. Further, in the hypothetical Chairman Dougherty poses in her dissent, a majority of those casting ballots have indicated a preference for a bargaining representative. Accordingly, the only question left to be determined is which of the two organizations will ultimately be chosen as the affected employees' representative. A run-off election under the Board's existing rules will resolve that question.

[34] Since under the rule, the Board is maintaining its practice of allowing write-in votes there is no substantive change requiring additional comment as suggested by our dissenting colleague. Chairman Dougherty states that "this rulemaking violates the 'logical outgrowth test'" because interested parties could not have reasonably anticipated the final rule from the draft rule in NPRM. To be sure, "logical outgrowth" test applies where an agency changes its final regulation in some way from the proposed regulation for which it provided notice and requested comment, as required under the APA. *City of Waukesha* v. *EPA,* 320 F.3d 228, 245 (DC Cir. 2003). In the instant rulemaking, however, the Board is adopting the proposed rule as the final rule. The NPRM described the proposed changes to the election procedures with the required specificity. The Board proposed to certify representatives based on a majority of ballots cast and, as an inherent part of this change, to provide eligible voters with the opportunity to vote "no" or against representation. The Board did not propose to depart from its longstanding write-in practice. The Board did not propose other changes to its election rules. There is no basis to assert that interested parties did not understand what changes to comment upon since the Board sought comment on the only changes it is proposing to make. Further, since the Board has always counted valid write-in votes as votes for representation and will continue to do so, there is no potential effect on the outcome of elections. Valid votes for the applicant organization or any other organization or individual will be counted as votes for representation. The change under the rule is that only "no" votes will be counted as votes against representation. This change was clearly set forth in the NPRM, commented upon by interested parties, and adopted as part of the final rule.

[35] In affirming the Board's determination in *Zantop,* the court of appeals held that the RLA gives the Board the discretion to select the form of ballot and such a selection is not subject to judicial review. *Zantop Int'l Airlines, Inc.* v. *National Mediation Bd.,* 732 F.2d 517, 521 (6th Cir. 1984).

Board election is whether the laboratory conditions which the Board seeks to promote have been contaminated. *Zantop International Airlines,* 6 NMB 834 (1979). In order to remedy such interference and ensure that employees are able to choose their representative without carrier interference, the Board has on occasion fashioned an election with rules differing than those under what has been its standard ballot. In response to carrier interference in *Laker Airways, Ltd.,* 8 NMB 236 (1981), the Board held a ballot box election with a yes/no ballot. In *Laker,* the majority of those employees actually casting ballots determined the outcome of the election, regardless of whether a majority of employees participated in the election. *Id.* at 257.

While the *Laker* ballot has been used in instances of carrier interference, the most common remedy for election interference has been a re-run election using the Board's standard election procedures. In recent years, a standard re-run election has been the Board's remedy in even very serious instances of election interference. *See, e.g., Stillwater Central Railroad, Inc.,* 33 NMB 100 (2006) (carrier conducted frequent meetings, interrogated employees about their union views, and granted wage increases and improved working conditions during the laboratory period); *Pinnacle Airlines Corp.,* 30 NMB 186 (2003) (carrier wrongfully terminated a union supporter and engaged in surveillance of employees during the laboratory period).

The Board has the discretion to respond to allegations of election interference as it sees fit according to the unique facts of each case before it. *See Switchmen's Union,* 320 U.S. 297. Under the rule, the Board will continue to investigate allegations of election interference and determine when laboratory conditions have been tainted. The Board will consider appropriate remedies, including the *Key* ballot remedy, on a case by case basis, determine what is most appropriate, and explain its rationale in each case.

IV. Conclusion

Based on the rationale in the proposed rule and this rulemaking document, the Board hereby adopts the provisions of the proposal as a final rule. This rule will apply to applications filed on or after the effective date.

Dissenting Statement of Chairman Dougherty

Chairman Dougherty dissented from the action of the Board majority in adopting this rule. Her reasons for dissenting are set forth below.

For 75 years, through twelve Presidential administrations, the National Mediation Board (NMB or Board) has conducted representation elections by requiring that a majority of eligible voters in a craft or class vote in favor of representation in order for a representative to be certified. This method of voting provides the most certain way of determining whether the majority of the craft or class affirmatively desires to change the status quo, and, as the Board has stated many times, it serves the Board's primary statutory mandate of maintaining labor stability in the airline and railroad industries.

I dissent from the rule published today for the following reasons: (1) The timing and process surrounding this rule change harm the agency and suggest the issue has been prejudged; (2) the Majority has not articulated a rational basis for its action; (3) the Majority's failure to amend its decertification and run-off procedures in light of its voting rule change reveals a bias in favor of representation and is fundamentally unfair; and (4) the Majority's inclusion of a write-in option on the yes/no ballot was not contemplated by the Notice of Proposed Rulemaking (NPRM) and violates the notice-and-comment requirements of the Administrative Procedure Act (APA).[1]

I also note the conflicting nature of several portions of this rule and preamble. As discussed further below, in several instances the Majority arbitrarily favors a rationale when it advantages the cause of representation, and then rejects the identical rationale when it supports the right of employees to be unrepresented. These strategic inconsistencies contribute to the appearance that this rulemaking has been a premeditated attempt to advantage certain interests over others.

Procedural Concerns

In my dissent to the NPRM, I voiced concerns about the negative perceptions this rule change and its process have created for the NMB. I renew those concerns here. For decades, the Board consistently upheld the current election rule and repeatedly promised its constituents that any consideration of a rule change would follow the procedures used in 1985 following petitions from the International Brotherhood of Teamsters (IBT) and the Chamber of Commerce (Chamber). *Delta Air Lines, Inc.,* 35 NMB 129 (2008); *Chamber of Commerce,* 14 NMB 347 (1987). The Board has also consistently stated that it would require a heightened standard of proof. *Delta,* 35 NMB at 132; *Chamber,* 14 NMB at 356. Even if my colleagues believe they are not legally *obligated* to comply with the Board's previously established standards, the Board should have carried through on the promises made to its constituents. An agency should not always act simply because it thinks the law does not prohibit it from acting. I believe independent agencies have an obligation to avoid even the appearance of impropriety. The Board's failure to do so in this instance has damaged the Board's reputation. This damage could have been prevented had the Board chosen to follow a more participatory procedure.

My colleagues have provided absolutely no reason for their failure to comply with the Board's past promises except that they believe they are not legally bound. This leaves the impression that they rejected the more searching procedure because their minds were already made up about the outcome. The Majority's failure to follow the procedures and standards the Board had set for itself—so soon after a majority-changing Presidential election and in the midst of several large representation elections [2]—creates the perception that the Board prejudged the issue and is acting out of political motivation. My concerns about political motivation and prejudgment are deepened by the fact that, as I previously discussed in a letter to several United States Senators,[3] I was excluded from the process of crafting the NPRM and given bizarre and arbitrary deadlines for drafting a dissent—actions which defied any reasonable, innocent explanation. In the interest of preserving the good reputation of this independent agency and avoiding the appearance of predetermination, we should have

[1] I do not address the Board's statutory authority to make the rule change because my strong view that this rulemaking is bad public policy and violates the APA gives me sufficient cause to dissent from the action of the Majority and makes it unnecessary for me to reach the question of statutory authority.

[2] That some view this rule change as intertwined with large elections at Delta is made clear by the fact that both the International Association of Machinists (IAM) and the Association of Flight Attendants (AFA) withdrew representation applications either shortly before or on the day the NPRM was published. The AFA's withdrawal letter dated November 3, 2009, in NMB Case No. CR–6957 plainly stated it was withdrawing its application in anticipation of the rule change.

[3] The letter was sent on November 2, 2009 to United States Senators Johnny Isakson, Bob Corker, Jim Bunning, Robert Bennett, Saxby Chambliss, George Voinovich and Orrin Hatch.

followed the Chamber of Commerce procedures and been mindful of appearances relating to the current representation landscape.

Two entities, the Air Transport Association (ATA) and the National Right to Work Legal Defense Foundation (Right to Work), filed motions to disqualify Members Hoglander and Puchala from consideration of this rule change because of alleged prejudgment. In denying the motions for their own recusal, my colleagues claim "[t]he Board majority followed the mandates of the APA in considering, drafting, adopting, and promulgating the NPRM." However, the Majority has failed to address or explain my exclusion and other procedural defects in the filing of the NPRM, including the censorship of my dissent from the NPRM. These defects should be explained, and their impact on the issue of prejudgment and inconsistency with the APA should be addressed. Because the Majority has not addressed these issues, I do not join my colleagues in rejecting the motions for disqualification.

Insufficient Justification for the Rule Change

The Majority's stated justification for the rule change is that "this change will more accurately measure employee choice in representation elections." This justification fails the APA's arbitrary and capricious test because the assertion that the new rule will be better than the old rule at measuring employee choice is incorrect. Additionally, the Majority has failed to provide a rational basis for the timing of the change and has ignored the complexities of the RLA and the Board's frequently-affirmed reasons for its current election rule. The capriciousness of the Majority's stated justification is further demonstrated by its decision to ignore the RLA's labor stability mandate in making this rule change while simultaneously relying on it as an excuse for not making another change.

As an initial matter, the Majority's assessment of the burdens placed on it by the APA is incorrect. The Majority suggests that *Federal Communication Commission* v. *Fox Television Stations,* 129 S. Ct. 1880 (2009), allows it to change 75 years of precedent without providing a reason why this change is necessary at this time. In the preamble, the Majority takes the position that *Fox* requires only the barest minimum justification and does not require explanation of its rejection of the reasons for the existing rule. This ignores Justice Scalia's statement in *Fox* that "a reasoned explanation is needed for disregarding facts and circumstances that underlay or were engendered by the prior policy." *Id.* at 1811. Also, Justice Kennedy's concurrence clearly states: "an agency's decision to change course may be arbitrary and capricious if the agency ignores or countermands its earlier factual findings without reasoned explanation for doing so," and "[a]n agency cannot simply disregard contrary or inconvenient factual determinations it made in the past. * * *"[4] Id. at 1824 (Kennedy, J., concurring).

Fox also does not overrule the significant body of APA law requiring that an agency "examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made." *Motor Vehicle Mfr. Ass'n of the United States* v. *State Farm Auto. Ins. Comp.,* 463 U.S. 29, 43 (1983) (internal citation omitted). Moreover, "an agency changing its course must supply a reasoned analysis. * * * [I]f it wishes to depart from its prior policies, it must explain the reasons for its departure." *Panhandle E. Pipeline Co.* v. *Fed. Energy Regulatory Comm'n,* 196 F.3d 1273, 1275 (DC Cir. 1999) (internal citations omitted). Thus, the Majority must give a rational explanation for the new rule, and it must *also* give a rational explanation for the decision to make the change and reject the facts and circumstances underlying the old rule.

I first dispute the Majority's contention that the new rule will more accurately measure employee choice. The most accurate way to measure whether a majority of a craft or class *affirmatively* desires representation is to require that a majority of eligible voters vote in favor of representation. Anything short of this does not determine whether a majority of voters truly desires to change the status quo. As the National Railway Labor Conference (NRLC) stated in its comment, "there is no evidence for the assumption that any significant percentage of employees who do not vote do so because of reasons other than a desire to maintain the status quo." The Board has very clear voting instructions, and there is no evidence employees are unable to understand that a failure to vote is *not* an affirmative vote for representation. As aptly stated in 2003 by the Air Line Pilots Association (ALPA) in response to the Board's request for comments on the implementation of Telephone Electronic Voting (TEV), "the Board's successful balloting process * * * allows a voter to effectively cast a vote against *any and all representation* by simply not submitting a ballot." (Emphasis in original)

The Majority claims that this rule does not accurately measure the intent of those who do not vote because of illness, travel, religious reasons, apathy, or a desire to abstain from voting. The plight of those who are unable to vote due to illness, travel, or religious objections is of equal concern under either voting rule and does not support a rule change. For example, in an election under the new rule if a majority of votes cast are for "no union," a religious objector who prefers representation but could not vote in the election would be just as disenfranchised under the new rule as he or she hypothetically would be under the current rule.[5] The same is true for someone who is unable to vote because of illness or travel.[6] The argument made by several commenters that the new rule is better because it is appropriate to assume those who do not vote wish to "acquiesce in the will of the majority" simply does not apply to individuals who are somehow prevented from voting even though they may have a preference in the election. Thus, the new rule is no better measure of the intent of these individuals, and these hypotheticals do not provide a rational basis for the new rule. As for those who do not vote due to apathy or a desire to abstain from voting, their votes are appropriately measured as *not* affirmatively desiring a change in the status quo.[7] Moreover, the current rule

[4] When, as in *Fox,* there is no majority opinion, the Court's holding is the position taken by those justices "who concurred in the judgments on the narrowest grounds." *Marks* v. *United States,* 430 U.S. 188, 193 (1977) (internal citation omitted). Both Justice Scalia's plurality opinion and Justice Kennedy's concurring opinion agree that agencies cannot simply ignore prior determinations. *See Fox,* 129 S. Ct. at 1811.

[5] Although I am sympathetic—under either rule—to the argument that there are employees who may not be able to vote due to religious reasons, we received only anecdotal, second-hand accounts that this occurs, and there is no evidence it is widespread. In the rare case where someone is unable to vote due to religious objections, surely the Board could find a way to accommodate these employees without changing an important 75-year-old rule that serves a critical function in carrying out the Board's statutory mandate.

[6] I also note that concerns about inability to vote due to travel or illness are purely speculative. The Board always allows at least three weeks (and frequently longer) for voting to take place. Employees are able to vote (or not vote) from a telephone or computer anywhere in the world. There is no evidence in the record that travel or illness is preventing anyone from expressing choice under the NMB's current rule.

[7] As discussed below, in addition to providing a good measure of intent, requiring affirmative votes for representation plays an important role under the RLA. Requiring everyone who wants a change in the status quo to register an affirmative vote ensures true majority support for certified representatives and furthers the RLA's statutory mandate of

is a much better measure of the intent of non-voters than the new rule.[8] Under the current system, the NMB, unions, and often carriers spend a great deal of time and resources making sure employees know *exactly* what it means if they do not vote. Thus, when an employee chooses not to vote under the current rule, there is far more certainty of his or her intent than there will be under the new rule. The new rule does not provide a better measurement of the intent of those who do not vote, and the Majority has not sufficiently supported this rationale.

Even assuming the new rule provides a better measurement of employee intent than the current rule, the Majority has failed to articulate any valid reason for making this arbitrary change at this time. To be sure, "an agency must be given ample latitude to 'adapt their rules and policies to the demands of *changing circumstances.'*" *State Farm,* 463 U.S. at 41 (internal citation omitted, emphasis added). However, this assumes some changed circumstances underlie the rulemaking. As discussed above, an agency *must* articulate and support a rational basis for making a change. The Board articulated its rationale for the current rule 60 years ago (see Sixteenth Annual Report, discussed below) and has consistently confirmed it ever since, including as recently as 2008. *Delta Air Lines, Inc.,* 35 NMB 129, 132 (2008). Moreover, the Board has never before expressed concern about whether the current rule provides a sufficient measurement of employee choice. To the contrary, the manner in which the NMB has conducted elections has for 75 years been considered an excellent method of measuring employee choice. As the Supreme Court stated in *Brotherhood of Railway and Steamship Clerks* v. *Ass'n for the Benefit of Non-Contract Employees,* (ABNE), "the fair and equitable manner in which the Board has discharged its difficult function is attested by the admirable results it has attained." 380 U.S. 650, 668 (1965). In the words of ALPA in its 2003 TEV comments, "[t]he Board's balloting procedures are well-established, time-tested and should be maintained." ALPA also described the Board's election history as "balanced and successful." As recently as 2008, the Board rejected a request to change its voting procedures and affirmed its reliance on the *Chamber of Commerce* decision discussed below. *Delta Air Lines,* 35 NMB at 132.

What, then, has caused the Board to suddenly decide that the new rule is better than the old rule? The Majority does not offer any changed circumstances or any explanation whatsoever for why employee choice is now a dispositive concern when it was not as recently as 2008. Courts have found arbitrary and capricious an agency's reversal where it has recently affirmed its previous policy and provided no reasons for the timing of the change. *See MCI Worldcom, Inc.* v. *Gen. Serv. Admin.,* 163 F.Supp.2d 28 (D.DC 2001) (holding that the agency's actions were arbitrary and capricious when it changed a policy two years after assuring the parties that it would not be making that change). Without any explanation for the newfound concern for employee choice, our constituents are left to draw unattractive inferences involving a shift in political power and the imminence of several large representation elections—the *only* circumstances that have changed at the Board since the current election rule was definitively articulated in 1985 and last upheld in 2008.

Not only has the Majority failed to explain the timing of the rule change, it has also failed to provide "a reasoned explanation * * * for disregarding facts and circumstances that underlay or were engendered by the prior policy," as required by *Fox.* 129 S. Ct. at 1811. In dismissing its obligation to explain its rejection of the Board's rationale for the current rule, the Majority argues essentially that the Board had no rationale, relying on an early annual report suggesting the Board adopted the current rule based on what the Board deemed best "from an administration point of view." The Majority also cites some commenters' speculation that the rule was initially a reaction to widespread company unionism. The Majority's reliance on these "justifications" is disingenuous. As the Majority knows, the Board has long viewed its current election procedure as necessary to carry out the Board's statutory mandate of maintaining stable labor relations in the airline and railroad industries. The primary purpose of the RLA is "to avoid any interruption to commerce or to the operation of any carrier engaged therein." 29 U.S.C. § 151a(1). The Board first recognized that its current election rule was essential to carrying out this statutory duty in its Sixteenth Annual Report:

> In conducting representation elections the Board has for many years followed a policy of declining to certify a representative in cases where less than a majority of the eligible voters participated by casting valid ballots. This policy is based on Section 2, Fourth of the act which provides that "the majority of any craft or class of employees shall have the right to determine who shall be the representatives of the craft or class." These provisions appear to fully support the Board in declining certifications in cases where only a minority of the eligible employees participates in elections. * * *
>
> Under the Railway Labor Act it is the primary duty of carriers and employees "to exert every reasonable effort to make and maintain agreements concerning rates of pay, rules, and working conditions and to settle all disputes * * * in order to avoid any interruptions to commerce or to the operation of any carrier growing out of any dispute between the carrier and the employees thereof." The Board is of the opinion that this duty can more readily be fulfilled and stable relations maintained by a requirement that a majority of eligible employees cast valid ballots in elections conducted under the act before certifications of employee representatives are issued.

16 NMB Ann. Rep. 20 (1950).

This rationale has been repeatedly affirmed in the Board's Annual Reports. *Chamber of Commerce,* 14 NMB at 355 (citing the NMB's 44th through 49th Annual Reports). Most significantly, the Board's rationale was emphatically articulated in 1986 when, after receiving competing requests to change its voting rules, the Board engaged in an extensive fact-finding process involving live testimony, cross examination of witnesses, and a period for comment. *Chamber of Commerce,* 13 NMB 90 (1986). Subsequently, the Board issued a decision affirming the current rule and providing a further discussion of the reasons for the rule:

> One need look no further than to the area of potential strikes to conclude that certification based upon majority participation promotes harmonious labor relations. A union without majority support cannot be as effective in negotiations as a

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maintaining labor stability. The interests of apathy or a theoretical "right" to abstain from voting—mentioned nowhere in the RLA—cannot possibly trump the explicitly articulated statutory mandate of avoiding interruptions to commerce, which is best served by the current rule.

[8] The analogy to political elections made by some commenters in favor of the rule is misplaced. As several opposing commenters noted, union elections under the NMB often address the threshold question of whether there is to be representation at all. That question is already settled in political elections. Moreover, elected officials stand for re-election after a set period of years. Clearly no such re-certification requirement applies to unions. Quite the contrary, once they have been elected, Board procedures make it extremely difficult for unions to be removed. Quorum requirements, cited by several commenters, including NRLC, labor and employment law firm Littler Mendelson, P.C. (Littler), and Watco Companies, Inc. and Genesee & Wyoming, Inc. (Watco), are also prevalent in voting procedures around the world and provide the more appropriate analogy in the RLA context where it is particularly important to ensure that a small faction does not dictate the outcome of the elections. The issue of decertification and the importance of true majority support under the RLA are discussed more fully later in my dissent.

union selected by a process which assures that a majority of employees desire representation. * * * * *

The level of proof required to convince the Board the changes proposed are essential is quite high, and has not been met. The IBT proposals would render Board election procedures similar to those of the National Labor Relations Board. Yet the degree of organization among employees covered by the Railway Labor Act is significantly higher than that among employees covered by the NLRA. This fact is one of many factors which persuade the Board that it should not alter its current representation election procedures.

Chamber of Commerce, 14 NMB at 362–363.

This labor stability rationale—definitively laid out after extensive fact-finding in the *Chamber of Commerce* decision—is the relevant yardstick against which the sufficiency of the Majority's justification for the rule change must be measured. There can be no doubt that the reason for the Board's current election rule is to effectuate the Board's mandate to maintain stability in the airline and railroad industries, not hypothetical past concerns about company unionism or mere administrative convenience.

The Majority dismisses concerns about labor stability, stating that these concerns are "mere speculation" and that stability is related only to the existence of collective bargaining agreements and the Board's mediation function. Thus, the Majority argues—incredibly—that every Board over the last 60 years has simply been wrong. Unfortunately for the Majority, they cannot ignore the past findings of the Board merely because they are "inconvenient." *Fox,* 129 S. Ct. at 1824 (Kennedy, J., concurring). The conclusions in the *Chamber of Commerce* decision that the duty to make and maintain collective bargaining agreements "can be more readily fulfilled and stable relations maintained by a requirement that a majority of eligible employees cast valid ballots" and that "a union without majority support cannot be as effective in negotiations as a union selected by a process which assures that a majority of employees desire representation" were upheld after extensive fact-finding. Moreover, the record of this rulemaking contains several comments supporting these findings based on the wide-ranging experience of commenters such as Union Pacific Railroad Company (UP), TTX Company (TTX), Watco, NRLC, Littler, the National Air Transportation Association's Airline Services Council (ASC), the Cargo Airline Association (CAA), and the Regional Airline Association (RAA). The primary statutory goal of the RLA—"to avoid any interruption to commerce or to the operation of any carrier engaged therein"—is the very first item mentioned in the general purposes section of the act and is not limited to the Board's mediation function. Indeed, there are several examples of distinctive practices the Board employs outside of the mediation function in recognition and furtherance of the goal of avoiding labor unrest. For example, unions under the RLA must organize across an entire transportation system [9]—often over enormously wide geographic areas including large numbers of people. This requirement to organize system-wide crafts or classes clearly serves the goal of labor stability. *See* Charles Rhemus, *The National Mediation Board at Fifty,* 16 (1985) ("The system-wide bargaining units * * * are essential to stability and continuity of service in both transportation modes."). Moreover, the NMB requires a higher showing of interest—more than 50 percent of the craft or class—to challenge an incumbent. This is contrasted with a 30 percent requirement at the National Labor Relations Board (NLRB). The Majority itself emphasizes the role of this representation rule in maintaining labor stability. In rejecting calls to reduce the showing of interest requirement, the Majority states: "[T]he Board must also foster stability in collective bargaining relationships to maintain industrial peace." The Majority also states "[i]n the Board's view, maintaining the higher showing of interest requirement for crafts or classes that are already represented will prevent the types of disruptions in representation that several commenters express concern about." Thus, the Majority is happy to acknowledge the stabilizing role of representation procedures when it suits its purposes, but summarily dismisses it when it is "inconvenient."

Additionally, the Majority has missed the point on several of the labor stability arguments. In dismissing the labor stability issue, the Majority focuses on authorized work stoppages as the sole source of instability. However, several commenters expressed concerns that unions without true majority support will (1) have more difficulty ratifying agreements made in collective bargaining; (2) be more susceptible to organizing drives; [10] and (3) be unable to prevent *unauthorized* work stoppages by a membership that does not feel allegiance to the certified representative.[11] The Majority did not adequately address the disruptions to the public, employees, unions, and carriers caused by these specific issues, even in the absence of an authorized work stoppage. In particular, the rule's preamble is completely silent on whether it would be more difficult for a union without true majority support to prevent unauthorized work stoppages. This failure is clear evidence of the arbitrary and capricious nature of this rulemaking. *See State Farm,* 463 U.S. at 43 ("Normally an agency rule would be arbitrary and capricious if the agency has * * * entirely failed to consider an important aspect of the problem * * *").

In summary, the Majority has not provided a rational explanation for its new rule, the timing of the rule change or the rejection of the facts and circumstances underlying the current rule.

Decertification

My colleagues' failure to seek comment on or incorporate a decertification provision is further evidence that the Majority's action is biased and does not meet the APA's arbitrary and capricious standard. If the Board is going to elevate the cause of measuring employee intent above all else in order to overturn its longstanding election rules, those same interests—as well as basic fairness—dictate that the Board must give employees a clear means of choosing not to be represented. The Majority dismisses arguments regarding decertification, asserting only that the current "procedure" is sufficient. Given that the stated purpose of the rule change is to "more accurately measure employee choice," the Majority's position on decertification strains credulity. The most confusing and

[9] It is well settled that the Board applies the term "craft or class" under the RLA on a system-wide basis. *Delta Air Lines Global Servs.,* 28 NMB 456, 460 (2001); *American Eagle Airlines,* 28 NMB 371, 381 (2001); *American Airlines,* 19 NMB 113, 126 (1991); *America West Airlines, Inc.,* 16 NMB 135, 141 (1989); *Houston Belt & Terminal Railway,* 2 NMB 226 (1952).

[10] The Majority states that the concerns about union raiding are misplaced because the showing of interest requirements will remain the same. This ignores the fact that, regardless of the showing of interest requirements, a weak union is more likely to face organizing drives which, according to several commenters, are in and of themselves disruptive.

[11] These commenters include, RAA, UP, TTX, Watco, NRLC, Littler, ASC, and CAA. With regard to work stoppages, the Majority cites a commenter's claim that a weak union is less likely to win a strike vote for a union-approved work stoppage. The Majority also cites the Board's mediation function as the Board's primary protection against strikes. These points totally ignore the question of a weak union's inability to prevent unauthorized work stoppages. Neither a failed strike vote nor the Board's mediation function addresses this type of interruption.

obfuscatory practice in all of the Board's representation procedures is the Board's convoluted decertification process. This process, not the current voting rule, is clearly the biggest obstacle to employee expression of choice under the RLA. Under the current decertification procedure, employees who no longer wish to be represented by a union must select an individual to stand for election (the so-called "straw man"), convince a majority of the eligible voters in the craft or class to sign authorization cards for that individual (while attempting to explain that this individual is not actually going to represent them), and then file an application with the Board. If the requisite showing of interest is met, an election is authorized, and the employees must either vote for the "straw man," with the hope that he will later disclaim interest in representing the craft or class, or abstain from voting.[12] The Majority not only ignores the obvious burdens this process places on employee free choice but also claims the new rule will make this procedure *more* direct by allowing employees to vote "no union" in these circumstances. To the contrary, adding the "no union" option to the ballot without removing the straw man requirement will only make the procedure more confusing. Employees will be faced with a ballot that has both the name of the straw man and the "no union" option. Some employees desiring "no union" will think they should vote for the straw man—since that is the name for whom they signed an authorization card—and some will vote for "no union." Yet these vote counts will not be consolidated in favor of decertification—to the contrary, the union will be decertified only if *one* of these options receives a majority of the votes cast—an outcome made less likely by the Majority's new rule.

The Majority's insistence that the current procedure is sufficient and its refusal to request a full briefing on the issue are mystifying. If my colleagues are truly interested in protecting employee free choice, they should eliminate the straw man and give employees a clear process for expressing their choice for no representation. I can only conclude that my colleagues do not really desire to know employees' true intent when it comes to decertification. Apparently, employee choice only matters to the Majority when it relates to changing the status quo from no representation to representation and not the other way around. This unprincipled approach further demonstrates that the rule change lacks a rational basis and violates the APA.

The bias against allowing employees to choose to be unrepresented also violates the body of law surrounding the right to choose to be unrepresented under the RLA. There is no dispute that employees have the right to reject a bargaining representative. The legislative history of the Act supports this view. *ABNE,* 380 U.S. at 669 n. 5 (1965). In *International Brotherhood of Teamsters* v. *Brotherhood of Railway, Airline & Steamship Clerks,* 402 F.2d 196 (DC Cir. 1968) (BRAC), the court rejected the contention that the Board's statutory authority is limited to certifying unions. Citing *ABNE,* the court stated:

> [this] argument does not and cannot vault over the hurdle erected by the Supreme Court's decision in [*ABNE*]. There the Supreme Court indicated that employees under the Railway Labor Act were to have the option of rejecting collective representation entirely. The decision precludes a ruling that the board's sole power is to certify someone or group as an employee representative, imposing on the carrier a duty to treat with that representative. We think that the Board has the power to certify to the carrier that a particular group of employees has no representative to carry on the negotiations contemplated by the Railway Labor Act, thereby relegating the carrier and its employees to employment relationships and contracts not presently governed by the Railway Labor Act.

Id. at 202 (citation omitted). See also *Russell v. NMB,* 714 F.2d 1332 (5th Cir. 1983).

Even my colleagues acknowledge that employees have the right under the Act to be unrepresented. Thus, I cannot understand their unwillingness to respond to the requests and comments seeking a direct procedure for employees to exercise that right. Instead, the new rule, together with the tortuous straw man decertification process, creates a scheme under which a union may be certified with far less than majority support and yet employees cannot decertify without overcoming the confusion inherent in the process and gathering authorization cards from a majority of the eligible voters—a requirement far more onerous than was required to certify the union in the first place.[13] This imbalance creates a preference for representation that infringes on the rights made clear by the courts in their decisions in *ABNE, BRAC,* and *Russell.*

Run-Off Procedures

Additional imbalance is created by the Majority's position on run-off procedures in the wake of the rule change. The Majority cites with approval commenters who argue the rule change is appropriate to conform to procedures utilized by the NLRB "so all employees under private-sector labor law will be subject to uniform representation election procedures." In adjusting the Board's run-off procedures, however, the Majority rejects the NLRB's approach. At the NLRB, after an election conducted with the "majority of votes cast" standard, if no single ballot option receives a majority of the votes cast, and the "no union" option receives one of the two highest numbers of votes, the run-off is between the "no union" option and the entity with the other highest number of votes. Under the current NMB procedures, if a majority of eligible voters vote for representation, a run-off election is held between the two unions with the highest numbers of votes, and the union receiving the majority of the votes cast will be certified. Without the certainty that a majority of eligible voters desire representation, the Board would not currently hold the run-off between two unions. Under the new rule, a "no union" option would be added to the ballot for the initial election, but if no ballot option receives a majority of votes cast, the Majority would allow a run-off election *only* between the two *organizations* receiving the highest number of votes. In the run-off election, there would never be a "no union" option, and the union with the majority of the votes cast would be certified. This would be the case even if the two organizations on the ballot did not receive votes from a majority of eligible voters in the initial election. Thus, even though the new rule removes the certainty in the initial election that a majority of the craft or class desires representation, the *only* choice the employees will have in the run-off election will be for

[12] Incidentally, the "straw man" also has to explain to the voters that in *this* particular election, a vote for the straw man is actually a vote "for representation" and will effectively be considered a vote for the incumbent if the incumbent receives a majority of the votes cast. This problem would not be solved under the new rule because, as discussed later, without eliminating the straw man requirement, the addition of a "no union" option on the ballot will actually make things more confusing for employees.

[13] The Majority insists the showing of interest to trigger a straw man decertification election must remain at over 50 percent of eligible voters. In light of the rule change allowing a union to be certified on the basis of a majority of ballots cast, the Majority should adjust the showing of interest requirements for employees who desire to be unrepresented. If, as the Majority suggests, the labor stability rationale does not support keeping the current election rule, the Majority should not be able to argue it necessitates keeping the current showing of interest requirements. The combination of the rule change and the failure to adjust the showing of interest places the rights of unions ahead of the rights of employees.

representation. Consider the example of an election with 500 employees. On the ballot are Union A, Union B and "no union." Union A receives 50 votes, Union B receives 175 votes and "no union" receives 200 votes. In spite of the fact that "no union" received more votes than Union A or B, *and* in spite of the fact that fewer than half of the eligible employees voted for representation, the *only* choice the employees will have in the run-off election will be between Unions A and B. It is impossible to see how this serves the Majority's stated goal of better measuring employee intent. Moreover, it is perplexing that the Majority would choose to follow the analogy of the NLRB in changing the voting rule and yet reject it in this instance. As with its opportunistically inconsistent positions in the areas of showing of interest and decertification, this is another example of the Majority relying on justifications and analogies when they support procedures that facilitate representation and eschewing them when they support an employee's right to be unrepresented.

Write In Option

The Majority's discussion of election interference remedies mentions that the new ballot effectuating its rule change will include a write-in option in addition to the yes/no options. This casual reference—made for the first time near the end of the rule's lengthy preamble—is the only place the Majority has indicated any intention to add a write-in option to the yes/no ballot. Neither the NLRB ballot nor the NMB's *Laker* ballot has a write-in option. The NPRM did not raise the possibility that the new ballot would have a write-in option and thus differ from the NLRB or *Laker* ballot. Not surprisingly, therefore, none of the commenters discussed the impact of adding a write-in option to the yes/no ballot. In fact, several commenters made references to both the NLRB ballot and the *Laker* ballot, demonstrating that commenters believed the ballot would have only yes/no options.

Because the Board neither sought nor received comments on the write-in option, we have had no opportunity to hear or consider the possible consequences of having both the yes/no options and a write-in option on the ballot. Assuming some voters will use the write-in option, its inclusion could affect the outcomes of elections under the revised rule. Thus, it is a substantive change that should have been aired in the notice-and-comment process. Including the write-in option on the ballot without including it in the rule text and without seeking comment on it is a clear violation of the APA and further evidence this rule is fatally flawed. See *Small Refiner Lead Phase-Down Task Force* v. *E.P.A.* 705 F.2d 506, 549 (DC Cir. 1983) ("Agency notice must describe the range of alternatives being considered with reasonable specificity. Otherwise, interested parties will not know what to comment on, and notice will not lead to better-informed agency decisionmaking."). Moreover, without another round of notice and comment, this rulemaking violates the "logical outgrowth test" because "interested parties could not reasonably have 'anticipated the final rulemaking from the draft [rule].' " *American Water Works Ass'n* v. *EPA,* 40 F.3d 1266 (DC Cir. 1994) (quoting *Anne Arundel County* v. *EPA,* 963 F.2d 412, 418 (DC Cir. 1992).

This APA violation is not cured by the Majority's claim that it is merely maintaining the Board's long-standing practices of providing a write-in option and counting write-in votes as votes for representation. Both of these practices are inextricably intertwined with other elements of the current ballot and voting procedures, such as the absence of a "no union" option and the requirement that a majority of eligible voters vote in favor of representation. The decision to change the latter features necessarily calls into question the former. In light of the fundamental transformation of the Board's ballot and voting procedures at issue in this rulemaking, interested parties could not have anticipated—and did not anticipate—that the Majority would add the write-in components to its new framework.

In conclusion, the rule change my colleagues are implementing is an unprecedented departure for the NMB and represents the most dramatic policy shift in the history of the agency. Against this backdrop, the Board should have proceeded with the utmost caution and relied only on the most settled and profound need for making such a change. Instead, the Majority has engaged in a rulemaking process that is procedurally and substantively flawed, harmful to the agency, and lacks sufficient justification.

Consequently, I strongly disagree with its decision to make this change.

Chairman Elizabeth Dougherty.

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The NMB certifies that this rule will not have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The rule affects only the Board's election process and the method used by the Board to determine the outcome of a self-organization vote by employees. The rule will not directly affect any small entities as defined under the Regulatory Flexibility Act.

National Environmental Policy Act

This rule will not have any significant impact on the quality of the human environment under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*).

List of Subjects in 29 CFR Parts 1202 and 1206

Air carriers, Labor management relations, Labor unions, Railroads.

■ Accordingly, for the reasons discussed in the preamble, the NMB amends 29 CFR chapter X as follows:

PART 1202—RULES OF PROCEDURE

■ 1. The authority citation for 29 CFR part 1202 continues to read as follows:

Authority: 44 Stat. 577, as amended; 45 U.S.C. 151–163.

■ 2. Section 1202.4 is revised to read as follows:

§ 1202.4 Secret ballot.

In conducting such investigation, the Board is authorized to take a secret ballot of the employees involved, or to utilize any other appropriate method of ascertaining the names of their duly designated and authorized representatives in such manner as shall insure the choice of representatives by the employees without interference, influence, or coercion exercised by the carrier. Except in unusual or extraordinary circumstances, in a secret ballot the Board shall determine the choice of representative based on the majority of valid ballots cast.

PART 1206–HANDLING REPRESENTATION DISPUTES UNDER THE RAILWAY LABOR ACT

■ 3. The authority citation for 29 CFR part 1206 continues to read as follows:

Authority: 44 Stat. 577, as amended; 45 U.S.C. 151–163.

§ 1206.4 [Amended]

■ 4. Amend § 1206.4(b)(1) by removing the phrase "less than a majority of eligible voters participated in the election" and by adding in its place the

phrase "less than a majority of valid ballots cast were for representation."

Dated: May 5, 2010.

Mary Johnson,

General Counsel, National Mediation Board.

[FR Doc. 2010–11026 Filed 5–10–10; 8:45 am]

BILLING CODE 7550–01–P

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 363

Securities Held in TreasuryDirect

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: TreasuryDirect® is an account-based, book-entry, online system for purchasing, holding, and conducting transactions in Treasury securities. This final rule benefits TreasuryDirect® customers by simplifying the procedures for advance scheduling of marketable Treasury security purchases, enhancing the process of scheduling reinvestments of marketable Treasury securities, and improving the procedures when the proceeds of the maturing security are insufficient to pay for a new security.

DATES: *Effective Date:* May 15, 2010.

ADDRESSES: You can download this Final Rule at the following Internet addresses: *http://www.publicdebt.treas.gov* or *http://www.gpoaccess.gov/ecfr*.

FOR FURTHER INFORMATION CONTACT: Elisha Whipkey, Director, Division of Program Administration, Office of Retail Securities, Bureau of the Public Debt, at (304) 480–6319 or *elisha.whipkey@bpd.treas.gov*.

Susan Sharp, Attorney-Adviser, Dean Adams, Assistant Chief Counsel, Edward Gronseth, Deputy Chief Counsel, Office of the Chief Counsel, Bureau of the Public Debt, at (304) 480–8692 or *susan.sharp@bpd.treas.gov*>.

SUPPLEMENTARY INFORMATION:

TreasuryDirect® is an online, account-based system for individuals and entities to purchase, hold, and conduct transactions in eligible Treasury securities. This final rule makes changes to the procedures for purchasing and reinvesting marketable Treasury securities.

TreasuryDirect® currently allows a customer to schedule a marketable security purchase up to five years in advance. Because the auction schedule for marketable Treasury securities cannot be predicted with certainty that far in advance, some scheduled security purchases must be canceled when no matching security is available at that time. This final rule limits the advance scheduling of new purchases of marketable securities. One day each week, marketable securities that are scheduled for auction within 8 weeks will be made available on the TreasuryDirect® Web site for scheduling a purchase. These securities are the only marketable securities available for advance purchase. Marketable security purchases scheduled before May 15, 2010, to take effect after July 9, 2010, will be canceled.

Treasury is streamlining the procedures for reinvesting marketable Treasury securities purchased and held in TreasuryDirect®. Prior to the effective date of this rule, a customer was required to take several steps to reinvest a marketable security. First, the customer had to determine the date that the security matured, then direct that the proceeds of the maturing security be used to purchase a certificate of indebtedness, and then schedule a new purchase to coincide with the maturity date of the original security, with the payment for the new security being made using the redemption proceeds of the certificate of indebtedness. Any purchase of a marketable security in which the payment was made through the redemption proceeds of the customer's certificate of indebtedness was treated as a reinvestment. The new procedure will streamline the reinvestment process by permitting the customer to schedule automatic reinvestments without requiring the customer to calculate dates and schedule purchases. Reinvestments will be limited at any one time to 25 times for a 4-week bill, 7 times for a 13-week bill, 3 times for a 26-week bill, and once for all other marketable security types. The customer can schedule a reinvestment either at the time of purchase or after the security is issued into the account. However, the customer cannot schedule, edit, or cancel a reinvestment when the maturing security goes into a closed book period, or when a noncompetitive bid for the replacement security is no longer accepted, whichever comes first. Because of the changes made to the reinvestment process, any marketable security purchase scheduled prior to the effective date of this rule, and with an effective issue date on or after the effective date of this rule (except for purchases scheduled to take effect after July 9, 2010, which, as noted above, will be canceled), will be treated as a new purchase, even if the transaction would have been treated as a reinvestment prior to this rule.

In addition, the procedure is changing whenever there are insufficient funds from the maturing security to pay the full purchase price of the replacement security. Previously, in that event, TreasuryDirect® would cancel the transaction. This final rule provides that, in the event that the proceeds of the maturing security are insufficient to pay the full purchase price of the replacement security, the additional amount will be paid by either debiting the customer's primary account at a financial institution or by using the redemption proceeds from the customer's certificate of indebtedness. The source for the additional funds depends on how the maturing security was acquired. If the maturing security was purchased within TreasuryDirect® prior to the effective date of this rule, or purchased after the effective date of this rule and the source of the funds to purchase the security was a debit from a financial institution account, or if the maturing security was received through a transfer, then the customer's primary account at a financial institution will be debited for the additional amount. If there are insufficient funds in the customer's primary account at a financial institution, the reinvestment will be canceled. If the maturing security was purchased after the effective date of this rule using redemption proceeds from the customer's certificate of indebtedness, then a redemption from the customer's certificate of indebtedness will be made for the additional funds. If the amount available for redemption from the certificate of indebtedness is insufficient to pay the additional amount, the reinvestment will be canceled.

Procedural Requirements

Executive Order 12866. This rule is not a significant regulatory action pursuant to Executive Order 12866.

Administrative Procedure Act (APA). Because this rule relates to United States securities, which are contracts between Treasury and the owner of the security, this rule falls within the contract exception to the APA, 5 U.S.C. 553(a)(2). As a result, the notice, public comment, and delayed effective date provisions of the APA are inapplicable to this rule.

Regulatory Flexibility Act. The provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* do not apply to this rule because, pursuant to 5 U.S.C. 553(a)(2), it is not required to be issued with notice and opportunity for public comment.

Paperwork Reduction Act (PRA). There is no new collection of information contained in this final rule that would be subject to the PRA, 44 U.S.C. 3501 *et seq.* Under the PRA, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The Office of Management and Budget already has approved all collections of information in 31 CFR part 363 under OMB control number 1535–0138.

Congressional Review Act (CRA). This rule is not a major rule pursuant to the CRA, 5 U.S.C. 801 *et seq.,* because it is a minor amendment that requires less reporting, and is not anticipated to have any effect on investors; therefore, it is not expected to lead to any of the results listed in 5 U.S.C. 804(2). This rule may take immediate effect after we submit a copy of it to Congress.

List of Subjects in 31 CFR Part 363

Bonds, Electronic funds transfer, Federal Reserve system, Government securities, Securities.

■ Accordingly, for the reasons set out in the preamble, 31 CFR Chapter II, Subchapter B, is amended as follows:

PART 363—REGULATIONS GOVERNING SECURITIES HELD IN TREASURYDIRECT

■ 1. The authority citation for part 363 continues to read as follows:

Authority: 5 U.S.C. 301; 12 U.S.C. 391; 31 U.S.C. 3102, et seq.; 31 U.S.C. 3121, *et seq.*

■ 2. Amend § 363.6 by:
■ a. Adding the definition of "Closed book period" and "Reinvestment" in alphabetical order; and
■ b. Revising the definition of "Owner," to read as follows:

§ 363.6 What special terms do I need to know to understand this part?

* * * * *

Closed book period means a period of four business days prior to the date a scheduled marketable security interest and/or maturity payment is made, during which time certain transactions will be delayed until after the closed book period is completed. (*See* § 363.210.)

* * * * *

Owner when referring to an individual, is either the single individual named in the registration of a security held in the single owner form of registration, the first individual named on a security held in the owner with beneficiary form of registration, the first individual named on a security held in the primary owner with secondary owner form of registration, or either individual named on a converted savings bond held in the coowner form of registration; when referring to a minor linked account, the owner is the minor; when referring to an entity, the owner is the entity.

* * * * *

Reinvestment means using the redemption proceeds of a maturing marketable security to purchase a new marketable security of the same type and term, using the automatic reinvestment option available in TreasuryDirect.

* * * * *

■ 3. Amend § 363.202 by revising paragraph (a) to read as follows:

§ 363.202 What marketable Treasury securities may I purchase and hold through my TreasuryDirect® account?

(a) *Purchase.* (1) *Advance purchase.* You may purchase any marketable Treasury security that is available for purchase through the TreasuryDirect® website. One day each week, marketable securities that are scheduled for auction within 8 weeks will be made available on the TreasuryDirect website for scheduling an advance purchase, and are the only marketable securities that you can schedule for advance purchase.

(2) *Purchases scheduled prior to May 15, 2010, with an effective issue date on or after May 15, 2010.* (i) Any marketable security purchase scheduled prior to May 15, 2010, and with an effective issue date of May 15, 2010, through July 9, 2010, will be treated as a new purchase, even if the transaction would have been treated as a reinvestment under the rules in effect prior to May 15, 2010.

(ii) Any marketable security purchase scheduled prior to May 15, 2010, with an effective issue date after July 9, 2010, will be canceled.

* * * * *

■ 4. Revise § 363.205 to read as follows:

§ 363.205 How do I reinvest the proceeds of a maturing security held in TreasuryDirect®?

(a) *Method for reinvesting a maturing security.* The only method of reinvesting a maturing marketable security in TreasuryDirect® is through the automatic reinvestment option available in your TreasuryDirect account. Purchasing a security by directing that the proceeds of a maturing security be used to purchase a certificate of indebtedness, and then scheduling the purchase of a new security using the redemption proceeds of the certificate of indebtedness, is not a reinvestment.

(b) *When a reinvestment can be scheduled, edited, or canceled.* You can schedule your reinvestment either at the time of purchase or after the security is issued into your TreasuryDirect account. You cannot schedule, edit, or cancel a reinvestment when the maturing security goes into a closed book period, or when a noncompetitive bid for the replacement security is no longer accepted, whichever comes first.

(c) *What securities can be reinvested.* Any marketable security can be reinvested.

(d) *Limits on scheduling reinvestments.* Reinvestments will be limited at any one time to 25 times for a 4-week bill, 7 times for a 13-week bill, 3 times for a 26-week bill, and once for all other marketable security types.

(e) *Canceling reinvestments.* If there is no security available for reinvestment with an issue date that coincides with the maturity date or call date, if invoked, of the maturing security, and with the same type and term, the scheduled reinvestment will be canceled and the proceeds of the maturing security will be returned to the customer.

(f) *Procedure if there are insufficient funds from the maturing security to pay the full purchase price of the replacement security.* If there are insufficient funds from the maturing security to pay the full purchase price of the replacement security, we will either debit your primary account at a financial institution or pay the additional funds using the redemption proceeds of your certificate of indebtedness.

(1) *Debit from primary account at financial institution.* If the maturing security is purchased on or after May 15, 2010, we will pay the additional funds by a debit from your primary account at a financial institution if the maturing security was purchased within TreasuryDirect by a debit from a financial institution account or if the maturing security was received through a transfer. If we are unable to obtain sufficient funds from your primary account at a financial institution, the reinvestment will be canceled and we will refund the proceeds of the maturing security.

(2) *Withdrawal of funds from certificate of indebtedness.* If the maturing security is purchased on or after May 15, 2010, we will pay the additional funds using the redemption proceeds of your certificate of indebtedness if the purchase of the maturing security was made using the certificate of indebtedness. If the amount available from a redemption of the certificate of indebtedness is insufficient to pay the additional amount, the reinvestment will be

canceled and we will refund the proceeds of the maturing security.

(3) *Special rules if the maturing security was purchased prior to May 15, 2010.* If the maturing security was purchased within TreasuryDirect or received through a transfer prior to May 15, 2010, we will debit your primary account at a financial institution for the additional funds. If we are unable to obtain sufficient funds from your primary account at a financial institution, the reinvestment will be canceled and we will refund the proceeds of the maturing security

■ 5. Revise § 363.210 to read as follows:

§ 363.210 Is there any period of time during which I will be unable to process certain transactions regarding my security?

A closed book period will be in effect for four business days prior to the date a marketable security interest and/or redemption payment is made. During the closed book period, you cannot change the registration of the security, change the payment destination of the proceeds, change the view or transaction rights, make transfers, initiate a SellDirect ® transaction, or schedule, edit, or cancel a reinvestment. We will hold transactions requiring submission of a form for processing until the closed book period ends. If the security entered the closed book period due to a scheduled interest payment, we will delay until after the closed book period any SellDirect requests scheduled but not processed prior to the closed book period. If the security entered the closed book period due to a maturity payment, we will cancel SellDirect requests scheduled but not processed prior to the closed book period.

Richard L. Gregg,

Acting Fiscal Assistant Secretary.

[FR Doc. 2010–11141 Filed 5–10–10; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2010–0312]

Regattas and Marine Parades; Great Lakes Annual Marine Events

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the local regulations for annual regattas and marine parades in the Captain of the Port Detroit zone from 8 a.m. on June 25, 2010 through 8 p.m. on July 25, 2010. This action is necessary and intended to ensure safety of life on the navigable waters immediately prior to, during, and immediately after regattas or marine parades. This rule will establish restrictions upon, and control movement of, vessels in specified areas immediately prior to, during, and immediately after regattas or marine parades. During the enforcement periods, no person or vessel may enter the regulated areas without permission of the Captain of the Port.

DATES: The regulations in 33 CFR part 100 will be enforced as listed below under the subject heading **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or e-mail Commander Joseph Snowden, Prevention, U.S. Coast Guard Sector Detroit, 110 Mount Elliot Ave., Detroit MI, 48207; telephone (313)-568–9508, e-mail *Joseph.H.Snowden@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the following regulated areas, listed in three separate sections of 33 CFR part 100, which were published in the July 18, 2008 issue of the **Federal Register**. (73 FR 41263, 41264):

§ 100.914 Trenton Rotary Roar on the River, Trenton, MI.

This regulation is effective from 12 p.m. on July 23, 2010 until 8 p.m. on July 25, 2010. This regulation will be enforced from 12 p.m. to 6 p.m. on July 23, 2010; and from 8 a.m. to 8 p.m. on July 24 and 25, 2010.

§ 100.915 St. Clair River Classic Offshore Race, St. Clair, MI.

This regulation is effective from 11 a.m. on July 23, 2010 until 6 p.m. on July 25, 2010. This regulation will be enforced daily from 11 a.m. to 6 p.m. on July 23, 24, and 25, 2010.

§ 100.919 International Bay City River Roar, Bay City, MI.

This regulation is effective from 8 a.m. on June 25, 2010 until 6 p.m. on June 28, 2010. This regulation will be enforced from 8 a.m. to 6 p.m. on June 25; and from 9 a.m. to 6 p.m. on June 26 and 27, 2010. In the case of inclement weather on June 27, 2010, this regulation will also be enforced from 9 a.m. to 6 p.m. on June 28, 2010.

In accordance with the general regulations in § 100.901 of this part, entry into, transiting, or anchoring within these regulated areas is prohibited unless authorized by the Captain of the Port Detroit, or his designated on-scene representative.

These regulated areas are closed to all vessel traffic, except as may be permitted by the Captain of the Port Detroit or his designated on-scene representative.

The "on-scene representative" of the Captain of the Port is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port to act on his behalf. The on-scene representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Captain of the Port or his designated on scene representative may be contacted via VHF Channel 16.

Vessel operators desiring to enter or operate within the regulated area shall contact the Captain of the Port Detroit or his on-scene representative to obtain permission.

Vessel operators given permission to enter or operate in the regulated area must comply with all directions given to them by the Captain of the Port or his on-scene representative.

Dated: April 22, 2010.

E. J. Marohn,

Commander, U.S. Coast Guard, Acting Captain of the Port Detroit.

[FR Doc. 2010–11081 Filed 5–10–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 147

[Docket No. USCG–2010–0337]

RIN 1625–AA00

Safety Zone; Riser for DEEPWATER HORIZON at Mississippi Canyon 252 Outer Continental Shelf MODU in the Gulf of Mexico

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone around the riser for the DEEPWATER HORIZON, a Mobile Offshore Drilling Unit (MODU), at Mississippi Canyon 252 in the Outer Continental Shelf. The safety zone is needed to protect personnel involved in oil pollution response efforts. Placing a safety zone around the riser will significantly reduce the threat of collisions, oil spills, and releases of natural gas, and thereby protect the safety of life, property, and the environment. Oil response efforts are

taking place on the water's surface and subsurface.

DATES: *Effective Date:* This rule is effective in the CFR on May 11, 2010 through May 26, 2010. This rule is effective with actual notice for purposes of enforcement on April 26, 2010. This rule will remain in effect until May 26, 2010.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2010–0337 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–0337 in the "Keyword" box, and then clicking "Search." They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail Dr. Madeleine McNamara, U.S. Coast Guard, District Eight Waterways Management Coordinator; telephone 504–671–2103, *madeleine.w.mcnamara@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it would be impracticable to do so, as the MODU is on fire and immediate action is necessary to protect first responders and to prevent entry into the area that is most impacted by the fire.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register.** Good cause exists because the MODU is on fire and immediate action is necessary to protect first responders and to prevent entry into the area that is most impacted by the fire.

Background and Purpose

The Coast Guard is establishing a safety zone in the deepwater area of the Gulf of Mexico in response to the sinking of the DEEPWATER HORIZON, a Mobile Offshore Drilling Unit (MODU), which has sunk in the deepwater area of the Gulf of Mexico near Mississippi Canyon 252.

The safety zone is located in the location of the riser attached to the seabed of the Outer Continental Shelf. The purpose of the safety zone is to protect both environmental responders and the environment. Efforts are underway to activate the blowout preventer using submersible remote operating vehicles. In evaluating the need for the safety zone, the Coast Guard explored relevant safety factors and considered several criteria, including but not limited to, (1) the level of shipping activity around the facility, (2) safety concerns for personnel aboard the facility, (3) concerns for the environment, (4) the likeliness that an allision would result in a catastrophic event based on proximity to shipping fairways, offloading operations, production levels, and size of the crew, (5) the volume of traffic in the vicinity of the proposed area, (6) the types of vessels navigating in the vicinity of the proposed area, and (7) the structural configuration of the facility. We have determined that a safety zone is needed to protect persons and vessels in the vicinity of the oil spill.

Discussion of Rule

The Coast Guard is establishing a safety zone encompassing all areas within 500 meters around the position 28–44–18N and 088–21–54W. The safety zone is located in the deepwater area of the Gulf of Mexico near Mississippi Canyon 252. For the purpose of this regulation, the deepwater area is considered to be waters of 304.8 meters (1,000 feet) or greater depth extending to the limits of the Exclusive Economic Zone (EEZ) contiguous to the territorial sea of the United States and extending to a distance up to 200 nautical miles from the baseline from which the breadth of the sea is measured. The deepwater area also includes an extensive system of fairways. Navigation in the vicinity of the safety zone consists of large commercial shipping vessels, fishing vessels, cruise ships, tugs with tows and the occasional recreational vessel.

Results from a thorough and comprehensive examination of the criteria, IMO guidelines, and existing regulations warrant the establishment of a safety zone of 500 meters around the position 28–44–18N and 088–21–54W. The regulation will reduce significantly the threat of collisions, allisions, oil spills, and releases of natural gas and increase the safety of life, property, and the environment in the Gulf of Mexico by prohibiting entry into the zone unless specifically authorized by the Commander, Eighth Coast Guard District.

In accordance with the general regulations located at 33 CFR 147, entry into this zone is prohibited unless specifically authorized by the Commander, Eighth Coast Guard District or a designated representative. They may be contacted on VHF–FM Channel 13 or 16 or by telephone at 504–589–6225.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

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

This rule is not a significant regulatory action due to the location of the riser for the MODU DEEPWATER HORIZON—on the Outer Continental Shelf—and its distance from both land and safety fairways. Vessels traversing waters near the safety zone will be able to safely travel around the zone without incurring additional costs.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: The owners or operators of

vessels intending to transit or anchor in Mississippi Canyon block 252.

This safety zone will not have a significant economic impact or a substantial number of small entities for the following reasons: This rule will enforce a safety zone around a MODU that is in an area of the Gulf of Mexico not frequented by vessel traffic and is not in close proximity to a safety fairway. Further, vessel traffic can pass safely around the safety zone without incurring additional costs.

Assistance for Small Entities

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

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). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it 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 Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule involves the establishment of a safety zone.

Pursuant to paragraph (34)(g) of the Instruction, an environmental analysis checklist and a categorical exclusion determination will be available in the future in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 147

Continental shelf, Marine safety, Navigation (water).

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 147 as follows:

PART 147—SAFETY ZONES

■ 1. The authority citation for part 147 continues to read as follows:

Authority: 14 U.S.C. 85; 43 U.S.C. 1333; and Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 147.T08–849 to read as follows:

§ 147.T08–849 DEEPWATER HORIZON Mobile Offshore Drilling Unit Safety Zone.

(a) Location. All areas within 500 meters (1640.4 feet) around the position of the riser at 28–44–18N and 088–21–54W is a safety zone. This area surrounds the DEEPWATER HORIZON, a Mobile Offshore Drilling Unit (MODU), has sunk in the deepwater area

of the Gulf of Mexico near Mississippi Canyon 252.

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(1) An attending or first response vessel; or

(2) A vessel authorized by the Commander, Eighth Coast Guard District or a designated representative.

Dated: 26 April 2010.

Mary E. Landry,

Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 2010–10945 Filed 5–10–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0166]

RIN 1625–AA00

Safety Zone, Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Temporary interim rule with request for comments.

SUMMARY: The Coast Guard is establishing a temporary safety zone from Brandon Road Lock and Dam to Lake Michigan. This temporary safety zone will cover 77 miles of navigable waterways in the Chicago area. This temporary interim rule is intended to restrict vessels from entering certain segments of the navigable waters of the Des Plaines River, the Chicago Sanitary and Ship Canal (CSSC), branches of the Chicago River, and the Calumet-Saganashkee Channel (Cal-Sag Channel). This temporary safety zone is necessary to protect the waters, waterway users and vessels from hazards associated with a myriad of actions designed to control the spread of aquatic nuisance species. Because Federal and State agencies may take such actions at any time and in any segment of the waterways covered by this temporary safety zone, this rule provides the Captain of the Port, Sector Lake Michigan, the ability to take targeted and expeditious action in order to protect vessels and persons from the hazards associated with any Federal and State efforts to control aquatic nuisance species.

DATES: *Effective Date:* This rule is effective in the CFR on May 11, 2010 through March 1, 2011. This rule is effective with actual notice for purposes of enforcement on April 28, 2010. This rule will remain in effect until March 1, 2011.

Comment Period: Comments and related material must reach the Coast Guard on or before July 12, 2010.

ADDRESSES: You may submit comments identified by docket number USCG–2010–0166 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call CDR Tim Cummins, Deputy Prevention Division, Ninth Coast Guard District, telephone 216–902–6045, e-mail address *Timothy.M.Cummins@uscg.mil.* If you have questions related to the application of piscicide, please contact Mr. Bill Bolen, U.S. Environmental Protection Agency, Senior Advisor, Great Lakes National Program Office, 77 W. Jackson Blvd., Chicago, Il. 60604, at (312) 353–6316. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2010–0166), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and mailing address, e-mail address, or telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov*, click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG–2010–0166" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit comments by mail or hand 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 Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change this rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–0166" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of 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 a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register.**

Regulatory Information

The Coast Guard is issuing this temporary interim rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this temporary interim rule because doing so would be both impracticable and contrary to the public interest.

The serious threat posed by Asian Carp migration requires swift development and implementation of Federal and State countermeasures to fight the spread of this invasive species. The Coast Guard anticipates that Federal and State agencies, intensely focused on controlling the Asian Carp migration, will often act with little notice when implementing their countermeasures. Because the Coast Guard expects these countermeasures to pose serious risks to life and property along the waterways discussed in this rule, it is necessary that the Coast Guard stand at the ready to rapidly respond to any action taken by Federal or State agents. Waiting for the NPRM process to run would delay the Coast Guard's readiness to protect the general public and therefore, is impracticable and contrary to the public interest.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register.** Just like with the NPRM process, waiting 30 days after this rule's publication in the **Federal Register** for it to go into effect would delay the Coast Guard's readiness and ability to respond commensurate to any swift action taken by Federal and State agencies. Delaying the effective date of this rule, therefore, is impracticable and contrary to the public interest.

While we are issuing this regulation under the good cause provisions of the APA, we do value public input into our rulemaking. For this reason, we request comments on this rule and may change the provisions of this temporary regulation in response to comments.

Background and Purpose

In 2007, the Department of the Interior through the Fish and Wildlife Service listed the Asian Carp and the Silver Carp as Injurious Wildlife Species. Based upon testing conducted by the United States Army Corps of Engineers (USACE), the Asian Carp is presently migrating toward the Great Lakes through the Chicago Sanitary and Ship Canal and connected tributaries. If these aquatic nuisance species reach the Great Lakes in sufficient numbers, scientists are concerned that they might devastate the Great Lakes commercial and sport fishing industries.

The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended by the National Invasive Species Act of 1996, authorized the USACE to conduct a demonstration project to identify an environmentally sound method for preventing and reducing the dispersal of non-indigenous aquatic nuisance species through the Chicago Sanitary and Ship Canal. The USACE selected an electric barrier because it is a non-lethal deterrent with a proven history, which does not overtly interfere with navigation in the canal.

A demonstration dispersal barrier (Barrier I) was constructed and has been in operation since April 2002. It is located approximately 30 miles from Lake Michigan and creates an electric field in the water by pulsing low voltage DC current through steel cables secured to the bottom of the canal. A second barrier (Barrier IIA) was constructed 800 to 1300 feet downstream of the Barrier I. Barrier IIA is currently operating at two volts per inch. Construction on a third barrier (Barrier IIB) is in the initial stages; Barrier IIB will augment the capabilities of Barriers I and IIA and may allow for maintenance operations without the use of aquatic nuisance species countermeasures.

In November 2009, the USACE announced that it had discovered environmental DNA (E–DNA) north of the fish barrier suggesting the potential presence of Asian Carp. A possible explanation of barrier circumvention by the aquatic nuisance species was through flooding in parallel waterways, or the inadvertent transport of eggs, gametes or juvenile carp in the non-potable water of vessels transiting the barrier.

The USACE is conducting further investigations to detect the potential presence of Asian Carp and other aquatic nuisance species both north and south of the fish barrier. Upon detection of the presence of Asian Carp or other aquatic nuisance species within any segment of the waterways covered by this safety zone, the USACE, along with its Federal and State partners, may take action designed to control the spread of aquatic nuisance species, within the area of detection, as soon as practically possible. Due to the possibility of Asian Carp fish or eggs circumventing the fish barrier, the USACE and the Illinois Department of Natural Resources (IDNR) may conduct aquatic nuisance species countermeasures in the vicinity of the fish barrier.

One of the primary aquatic nuisance species countermeasures will be the application of piscicide. The effective application of piscicide is essential in preventing the Asian carp from entering the Great Lakes. IDNR reports that vessels moored along waterways could create pockets or eddies where the piscicide is not able to reach all of the targeted aquatic nuisance species. As such, the Captain of the Port, Sector Lake Michigan, must be able to order a vessel's immediate removal from any enforced portion of the temporary safety zone. Exceptions may possibly be granted upon the review of the Captain of the Port, Sector Lake Michigan.

Another aquatic nuisance species countermeasure that may be employed will be targeted fishing operations. Fishing nets may be deployed across the channel for extended periods of time which would have an adverse effect on vessel traffic.

The intent of aquatic nuisance species countermeasure operations by the USACE and IDNR is to eradicate any Asian Carp or other aquatic nuisance species that may be present in the waterways subject to this temporary safety zone. The countermeasures taken by the USACE and IDNR may have fatal effects to native fish species, in addition to the targeted invasive species. Therefore, the USACE and IDNR will specifically target those portions of waterways suspected of containing Asian Carp and other aquatic nuisance species.

Discussion of Rule

This rule places a temporary safety zone on 77 miles of waterways from Brandon Road Lock and Dam (mile marker 286.0) to Lake Michigan, including the waterways of the Des Plaines River, the CSSC, branches of the Chicago River, and the Calumet-Saganashkee Channel (Cal-Sag Channel). The Coast Guard has deemed this temporary safety zone necessary to protect the waters, commercial vessels and recreational boaters who transit the area during the application of aquatic nuisance species countermeasures. Because it is difficult to predict with certainty the type and degree of aquatic nuisance countermeasures that might be in place along the affected waterways one year from now, this rule is temporary in nature and expires on March 11, 2011. This rule does not amend, remove or supersede 33 CFR § 165.T09–1080, which was published in the January 6, 2010 issue of the **Federal Register** (75 FR 759) to establish a safety zone and regulated navigation area (RNA) on the CSSC near Romeo Road Bridge, Romeoville, IL, or any other regulation currently applicable to the waterways covered by this safety zone.

The Captain of the Port, Sector Lake Michigan, may enforce this safety zone in whole or in segments. Although the safety zone may be enforced in its entirety, it is the intention of the Captain of the Port, Sector Lake Michigan to enforce the safety zone, depending on the circumstances, in the smallest segments possible. By enforcing only segments of the safety zone, the Captain of the Port, Sector Lake Michigan, retains the flexibility to focus enforcement efforts only on those portions of the safety zone actually affected by aquatic nuisance species countermeasures. It is expected that this enforcement scheme will minimize waterway closures and any corresponding effects on vessel traffic. Any segment of the temporary safety zone to be enforced shall be delineated by mile markers and/or landmarks (*e.g.,* Romeo Road Bridge).

Vessels may transit through any portion of the safety zone that is not being enforced. Entry into, transiting, mooring, laying up, or anchoring within an enforced segment of the safety zone, however, is prohibited unless authorized by the Captain of the Port, Sector Lake Michigan, or his or her designated representative. All vessels desiring to enter a segment of a waterway in which this safety zone is being enforced must obtain permission from the Captain of the Port, Sector Lake Michigan, to do so and must follow all orders from the Captain of the Port, Sector Lake Michigan, or his or her designated representative while in the zone.

Even during periods of enforcement, the Captain of the Port, Sector Lake Michigan, will make every effort to permit vessel entry into any enforced segment of the safety zone until on-scene preparations begin for aquatic nuisance species countermeasures. Once on-scene preparations begin and until clean-up is complete, however, no vessel, except those being used for aquatic nuisance species countermeasures or having permission from the Captain of the Port, Sector Lake Michigan, will be permitted to enter or remain in an enforced segment of the safety zone.

As the necessary clean up actions are completed, the Captain of the Port, Sector Lake Michigan, will begin to re-open segments of the waterways in an effort to minimize disruption or waterway use. As soon as the aquatic nuisance species eradication efforts are complete, the safety zone will no longer be enforced and the Captain of the Port, Sector Lake Michigan, will notify the public of such by all appropriate means. Such means of notification include, but are not limited, to Broadcast Notice to Mariners or Local Notice to Mariners.

The Captain of the Port, Sector Lake Michigan, maintains a live radio watch on VHF Channel 16 and a telephone line that is manned 24-hours a day, seven days a week. The public can obtain information concerning enforcement of the safety zone by contacting the Captain of the Port, Sector Lake Michigan, via the Coast Guard Sector Lake Michigan Command Center at 414–747–7182.

Regulatory Analyses

We developed this temporary interim rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

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

We expect the economic impact of this rule to be minimal. This determination is based the following: (1) While this rule will establish a temporary safety zone that is 77 miles long, the Captain of the Port, Sector Lake Michigan, will have the authority to divide the safety zone into segments for enforcement purposes. The Captain of the Port, Sector Lake Michigan, will have the flexibility to enforce the safety zone in only the segments of the safety zone affected by the application of piscicide, targeted fishing operations, or other countermeasures to address the problem of aquatic nuisance species invasion; and (2) every effort will be made to reduce the closure time of the enforced segments of the safety zone immediately following the clean-up of the piscicide application.

Because such safety zones must be implemented immediately without a full notice and comment period, the full economic impact of this rule is difficult to determine at this time. The Coast Guard urges interested parties to submit comments that specifically address the economic impacts of waterway closures. Comments can be made online by going to *http://www.regulations.gov,* inserting USCG–2010–0166 in the "Keyword" box, and then clicking "Search." While this temporary interim rule is effective immediately, we may make changes to it based upon comments that we receive from the public.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this temporary interim 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 temporary interim rule does not require a general notice of proposed rulemaking and, therefore, is exempt from the requirements of the Regulatory Flexibility Act. If you are a small entity and feel that this temporary interim rule would have a significant economic impact on your business, please submit a comment to the docket, explaining the impacts.

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 the temporary interim rule so that they can better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees

who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and 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). The Coast Guard will not retaliate against small entities that question or complain about this temporary interim rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This temporary interim 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 temporary interim 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. The Administrator of the Office of Information and Regulatory Affairs has not designated it 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 temporary interim rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this temporary interim rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that this action is one of the category of actions which do not individually or cumulatively have significant effect on the human environment. Therefore, this rule is categorically excluded, under section 2.B.2 Figure 2–1, paragraph (34)(g), of the Instruction and neither an environmental assessment nor an environmental impact statement is required. This rule involves the establishing, disestablishing, or changing of a security or safety zone. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**. The Coast Guard's environmental responsibilities extend only to the creation of a safety zone and do not include the application of piscicide or any other countermeasures to combat invasive species.

List of Subjects in 33 CFR Part 165

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

■ For the reasons discussed in the preamble, the Coast Guard temporarily 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, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 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 May 11, 2010 until March 1, 2011, add § 165.T09–0166 to read as follows:

§ 165.T09–0166 Safety Zone, Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL.

(a) *Location.* The following areas are a temporary safety zone:

(1) *Des Plaines River.* All U.S. waters of the Des Plaines River located between mile marker 286.0 (Brandon Road Lock and Dam) and mile marker 290.0 (point at which the Des Plaines River connects

with the Chicago Sanitary and Ship Canal).

(2) *Chicago Sanitary and Ship Canal.* All U.S. waters of the Chicago Sanitary and Ship Canal between mile marker 290.0 (point at which the Chicago Sanitary and Ship Canal connects to the Des Plaines River) and mile marker 321.8 (point at which the Chicago Sanitary and Ship Canal Connects to the South Branch Chicago River).

(3) *South Branch Chicago River.* All U.S. waters of the South Branch Chicago River between mile marker 321.8 (point at which the South Branch Chicago River connects to the Chicago Sanitary and Ship Canal) and mile marker 325.6 (point at which the South Branch Chicago River connects to the Chicago River (Main Branch) and North Branch Chicago River).

(4) *Chicago River (Main Branch).* All U.S. waters of the Chicago River (Main Branch) between mile marker 325.6 (point at which the Chicago River connects to the South Branch Chicago River) and 100 yards extending past the end of the Chicago River covering the area of the Federal channel within Chicago Harbor.

(5) *North Branch Chicago River.* All U.S. waters of the North Branch Chicago River between mile marker 325.6 (point at which the North Branch Chicago River connects to the Chicago River (Main Branch) and the South Branch Chicago River) and mile marker 331.4 (end of navigation channel).

(6) *Calumet-Saganashkee Channel.* All U.S. waters of the Calumet-Saganashkee Channel between mile marker 303.5 (point at which the Calumet-Saganashkee Channel connects to the Chicago Sanitary and Ship Canal) and mile marker 333.0; all U.S. waters of the Calumet-Saganashkee Channel between mile marker 333.0 and Lake Michigan (Calumet Harbor).

(b) *Effective Period.* This rule is effective in the CFR on May 11, 2010 This rule is effective with actual notice for purposes of enforcement on April 28, 2010. This rule will remain in effect until March 1, 2011.

(c) *Enforcement.*

(1) The Captain of the Port, Sector Lake Michigan, may enforce this safety zone in whole, in segments, or by any combination of segments. The Captain of the Port, Sector Lake Michigan, may suspend the enforcement of any segment of this safety zone for which notice of enforcement had been given.

(2) The safety zone established by this section will be enforced, pursuant to paragraph (c)(1) of this section, only upon notice by the Captain of the Port, Sector Lake Michigan. Suspension of any previously announced period of enforcement will also be provided by the Captain of the Port, Sector Lake Michigan. All notices of enforcement and notices of suspension of enforcement will clearly describe any segments of the safety zone affected by the notice. At a minimum, notices of enforcement and notices of suspension of enforcement will identify any affected segments by reference to mile markers. When possible, the Captain of the Port, Sector Lake Michigan, will also identify enforced segments of this safety zone by referencing readily identifiable geographical points. In addition to providing the geographical bounds of any enforced segment of this safety zone, notices of enforcement and notices of suspension of enforcement will also provide the date(s) and time(s) at which enforcement will commence or suspend.

(3) The Captain of the Port, Sector Lake Michigan, will publish notices of enforcement and notices of suspension of enforcement in accordance with 33 CFR 165.7(a) and in a manner to provide as much notice to the public as possible. The primary method of notification will be through publication in the **Federal Register.** The Captain of the Port, Sector Lake Michigan, will also provide notice through other means, such as Broadcast Notice to Mariners, local Notice to Mariners, local news media, distribution in leaflet form, and on-scene oral notice. Additionally, the Captain of the Port, Sector Lake Michigan, may notify representatives from the maritime industry through telephonic and email notifications.

(d) *Regulations.*

(1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, mooring, laying up, or anchoring within any enforced segment of the safety zone is prohibited unless authorized by the Captain of the Port, Sector Lake Michigan, or his or her designated representative.

(2) The "designated representative" of the Captain of the Port, Sector Lake Michigan, is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port, Sector Lake Michigan, to act on his or her behalf. The designated representative of the Captain of the Port, Sector Lake Michigan, will be aboard a Coast Guard, Coast Guard Auxiliary, or other designated vessel or will be on shore and will communicate with vessels via VHF radio, loudhailer, or by phone. The Captain of the Port, Sector Lake Michigan, or his or her designated representative may be contacted via VHF radio Channel 16 or the Coast Guard Sector Lake Michigan Command Center at 414–747–7182.

(3) To obtain permission to enter or operate within an enforced segment of the safety zone established by this section, Vessel operators must contact the Captain of the Port, Sector Lake Michigan, or his or her designated representative. Vessel operators given permission to operate in an enforced segment of the safety zone must comply with all directions given to them by the Captain of the Port, Sector Lake Michigan, or his or her designated representative.

(4) When a segment of the safety zone is being enforced, it will be closed to all vessel traffic, except as may be permitted by the Captain of the Port, Sector Lake Michigan, or his or her designated representative. As soon as operations permit, the Captain of the Port, Sector Lake Michigan, will issue a notice of suspension of enforcement as specified in paragraph (c) of this section.

(5) All persons entering any enforced segment of the safety zone established in this section are advised that they do so at their own risk.

Dated: April 28, 2010.

L. Barndt,

Captain, U.S. Coast Guard, Captain of the Port, U.S. Coast Guard Sector Lake Michigan.

[FR Doc. 2010–11083 Filed 5–10–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0168]
RIN 1625–AA00

Safety Zone; Under Water Clean Up of Copper Canyon, Lake Havasu, AZ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of Lake Havasu in the Copper Canyon in support of the underwater cleanup of Copper Canyon. This temporary safety zone is necessary to provide for the safety of the participants, crew, spectators, participating vessels, and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this temporary safety zone unless authorized by the Captain of the Port or his designated representative.

DATES: This rule is effective from 7 a.m. through 11 a.m. on June 1, 2010.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2010–0168 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–0168 in the "Keyword" box, and then clicking "Search." They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail Petty Officer Krista Stacey, Waterways Management, U.S. Coast Guard Sector San Diego, CA at telephone 619–278–7262, e-mail *Krista.m.stacey@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the logistical details of the event were not finalized or presented to the Coast Guard in enough time to draft and publish an NPRM. As such, issuing an NPRM would be impracticable because the event would occur before the rulemaking process was complete.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register.** Any delay in the effective date of this rule would expose the divers to danger from transiting vessels.

Basis and Purpose

The Lake Havasu Divers Association is sponsoring the Under Water Copper Canyon Clean up, which will involve 40 divers cleaning the river bottom in Lake Havasu. The Coast Guard is establishing a safety zone, which will be a 500 foot radius around the divers as they move along the river bottom.

This temporary safety zone is necessary to protect the divers and equipment from potential damage and injury.

Discussion of Rule

The Coast Guard is establishing a safety zone that will be enforced from 7 a.m. to 11 a.m. on June 1, 2010. The limits of the safety zone will include all waters of Copper Canyon extending from the surface to the river bottom, within 500 feet of the divers. The safety zone is necessary to provide for the safety of the crew, spectators, participants, and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. This determination is based on the size and location of the safety zone. This safety zone will last for only four hours, and occupies a relatively small area; vessels and persons will be able to transit around the safety zone.

Small Entities

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

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

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in portion of Lake Havasu between 7 a.m. and 11 a.m. on June 1, 2010.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons: Vessel traffic can pass safely around the safety zone. Before the effective period, the coast Guard will publish a local notice to mariners (LNM) and will issue broadcast notice to mariners (BNM) alerts via marine channel 16 VHF before the safety zone is enforced.

Assistance for Small Entities

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

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). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it 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 Department of Homeland Security Management Directive 5100.1 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule involves the establishment of a safety zone. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 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. Add § 165.T11–179 to read as follows:

§ 165.T11–179 Safety zone; Copper Canyon Clean Up, Lake Havasu, AZ.

(a) *Location.* The limits of the safety zone will include all waters of Copper Canyon extending from the surface to the river bottom, within 500 feet of the divers.

(b) *Enforcement Period.* This section will be enforced from 7 a.m. to 11 a.m. on June 1, 2010. If the event concludes prior to the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone.

(c) *Definitions.* The following definition applies to this section: *designated representative,* means any commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and Federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port.

(d) *Regulations.* (1) Entry into, transit through or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port of San Diego or his designated on-scene representative.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated representative.

(3) Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(4) The Coast Guard may be assisted by other Federal, state, or local agencies.

Dated: 4/27/2010.

T. H. Farris,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2010–11086 Filed 5–10–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

Danger Zone, Pacific Ocean, Naval Base Coronado, Coronado, California

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The U.S. Army Corps of Engineers (Corps) is amending its regulations to establish a naval danger zone in the waters of the Pacific Ocean extending offshore from the small arms range at the Naval Base Coronado (NBC), in Coronado, San Diego County, California. The danger zone will provide

an appropriate and enforceable zone in which the Navy may conduct small arms test firing to qualify military personnel.

DATES: *Effective date:* June 10, 2010.

ADDRESSES: Headquarters, U.S. Army Corps of Engineers, Operations and Regulatory Community of Practice, 441 G Street, NW., Washington, DC 20314–1000.

FOR FURTHER INFORMATION CONTACT: Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202–761–4922 or by e-mail at *david.b.olson@usace.army.mil* or Ms. Peggy Bartels, U.S. Army Corps of Engineers, Los Angeles District, Regulatory Division, at 760–602–4832 or by e-mail at *peggy.j.bartels@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The Commander, Naval Base Coronado (NBC), has requested that the Corps establish a danger zone in the waters of the Pacific Ocean, pursuant to its authorities under section 7 of the Rivers and Harbors Act of 1917 (40 State 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 1). From 1959 to 2008, the Navy has operated a partially baffled Small Arms Range (SAR) at NBC. The SAR consists of two firing areas, a 12-lane pistol range and a 10-lane rifle range, each of which are 25 yards in length. The targets are backed by a 20-foot-high berm and each range has an 18-foot-high berm along the edges. During operation, approximately 1,000 military personnel use the SAR for small arms qualification every month. From 1958 until 2008, the SAR routinely operated 360 days of the year, during which time the Navy implemented and observed safety measures to prevent potential ricochets from exiting the SAR.

In 2008, after an internal safety review, the Navy voluntarily closed the SAR for the purpose of formally establishing the danger zone under the Corps authorities cited above. Although there have been no known public safety incidents since it was constructed, the Navy elected to suspend all operations at the SAR until a danger zone was formally established. The danger zone is essential to guard persons and property from the dangers associated with possible munitions ricochets and to bring the existing NBC SAR into compliance with the Department of Navy regulations in the Military Handbook, Range Facilities and Miscellaneous Training Facilities Other Than Buildings, MIL–HDBK–1027/3B (30 November 1992, Change 1, 30 June 1995, Naval Facilities Engineering Command, Southern Division, Charleston, South Carolina).

The proposed rule was published in the July 9, 2009, edition of the **Federal Register** (74 FR 32818) and the docket number is COE–2009–0033. In June and August 2009, the Corps' Los Angeles District issued public notices soliciting comments on the proposal to all known interested parties. The District received a total of 24 comments. Please note that the proposed rule referred to the installation as Naval Air Station North Island and the final rule uses the current designation of the installation, which is Naval Base Coronado.

Several commenters stated the area in question has many uses of high priority to the maritime community, including yacht club races; bait hauling for sports fishing charters; recreational fishers; and lobster trapping. The danger zone and nearby area are transited by many visitors on recreational boats throughout the day and night. Commenters stated that stray rounds so close to the entrance to San Diego Bay was "absolutely unacceptable." They also noted that vessels returning from Mexico would have no idea what the SAR warning flags along the shoreline indicate and may inadvertently travel through the danger zone. They recommended either an enclosed indoor range be used, or the rifle range be placed at Camp Pendleton, Otay Mesa, El Cajon, or Escondido. One commenter was concerned about anchoring along the Zuniga Jetty near the danger zone. Another commenter was concerned about the effect of the danger zone on the Sir Lipton Cup Races.

To ensure safe use of the danger zone by the public, section 334.866(b) of the rule was modified to provide more advance notice of the Navy's intention to use the SAR during periods of activity by the following means: VHF–FM radio communication, Web sites, raising flags, and flashing red lights.

The far west end (deep end) of the danger zone is located approximately one thousand (1,000) meters east of the entrance to San Diego Bay. Department of Navy munitions experts have assured the Corps that the SAR design and safety features will prevent ricochets from exiting the SAR with the exception of a rare ricochet that may reach the danger zone in the Pacific Ocean. However, the danger zone is configured so that these rare ricochets will not exit from it.

To assist mariners, updated nautical charts will be published by the National Oceanic and Atmospheric Administration that cite the regulations and clearly depict the boundaries of the danger zone. These nautical charts are used by mariners internationally and should provide danger zone awareness required by international boaters traveling in or near the SAR and the danger zone. In addition, the locations of the SAR's flag poles and flashing red lights will be mapped on the nautical charts.

The Corps considered five alternatives to the proposal, including those suggested by the commenters. The alternatives were rejected from further consideration for the following reasons: no Congressional authority has authorized the use of funds to enclose the SAR; it is unrealistic to wait up to eight years or more for military construction funding to be approved and an indoor facility to be built to resume SAR training, and traveling to off-base locations for training results in training delays, which would prevent the Navy from meeting its training mission.

The anchorage along the Zuniga Jetty is not affected by the final rule.

The majority of yacht and sailboat racing occurs within San Diego Bay and southeast of Zuniga Jetty. While some coordination between the U.S. Coast Guard and the NBC SAR would be necessary, no loss of organized yacht racing areas or sailing courses is expected.

Administrative Requirements

a. *Review Under Executive Order 12866.* This rule is issued with respect to a military function of the Department of Defense and the provisions of Executive Order 12866 do not apply.

b. *Regulatory Flexibility Act, as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 et seq.* This rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96–354), which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (*i.e.,* small businesses and small governments). The Corps determined that the impact of the new danger zone would not have a significant economic impact on a substantial number of small entities. For more detailed analysis of potential economic impacts of this rule, please see the regulatory analysis in the environmental assessment.

c. *Review Under the National Environmental Policy Act.* An environmental assessment (EA) has been prepared. We have concluded that the establishment of a danger zone off NBC will not have a significant impact to the quality of the human environment and, therefore, preparation of an

environmental impact statement is not required. The final EA and Finding of No Significant Impact may be reviewed at the Los Angeles District Office. Please contact Peggy Bartels at the phone number specified above for further information.

d. *Unfunded Mandates Reform Act.* This rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Reform Act (Pub. L. 104–4, 109 Stat. 48, 2 U.S.C. 1501 *et seq.*). We have also found, under Section 203 of the Act, that small governments will not be significantly or uniquely affected by this rule.

List of Subjects in 33 CFR Part 334

Danger zones, Navigation (water), Transportation, Waterways.

■ For the reasons stated in the preamble, the Corps is amending 33 CFR part 334 to read as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

■ 1. The authority citation for 33 CFR part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

■ 2. Add § 334.866 to read as follows:

§ 334.866 Pacific Ocean at Naval Base Coronado, in the City of Coronado, San Diego County, California; Naval Danger Zone.

(a) *The area.* A fan-shaped area extending westerly into the waters of the Pacific Ocean from a point on the beach of Naval Base Coronado, Coronado, California beginning at latitude 32°41′13″ N, longitude 117°12′45″ W; thence easterly, along the mean high water mark, to latitude 32°41′14″ N, longitude 117°12′32″ W; thence southerly to latitude 32°40′31″ N, longitude 117°12′12″ W; thence westerly to latitude 32°40′25″ N, longitude 117°12′43″ W; thence northerly, landward, to the point of origin.

(b) *The regulations.* (1) Range live firing on the Naval Base Coronado, Coronado, California small arms range may occur at any time. Information on live firing schedules and coordination for community concerns can be obtained by calling the Naval Base Coronado Small Arms Range Safety Officer at 619–545–8413 during normal working hours. Assistance is also available via the Naval Base Coronado Hotline at 619–545–7190 or the Naval Base Coronado operator at 619–545–1011. If the phone numbers are changed, they will be updated on the Naval Base Coronado Web site *http://www.cnic.navy.mil/Coronado.*

(2) The danger zone will be open to fishing and general navigation when no weapons firing is scheduled, which will be indicated by the absence of any warning flags or flashing lights on land in the locations specified in paragraphs (b)(3) and (b)(4) of this section.

(3) When live firing is about to be undertaken or is in progress during daylight hours, three (3) large red warning flags will be displayed at the top of the flag poles on the southern berm of the small arms range, so as to be clearly visible from all points of entry into the danger zone. The west flag pole is located on the southern berm at latitude 32°41′21.5″ N, longitude 117°12′42.8″ W, the middle flag pole is located at latitude 32°41′21.7″ N, longitude 117°12′40.9″ W, and the east flag pole is located at latitude 32°41′22.4″ N, longitude 117°12′38.7″ W.

(4) When live firing is about to be undertaken or is in progress during periods of darkness, three (3) red flashing warning lights will be displayed at the top of the flag poles on the southern berm of the small arms range at the locations described in paragraph (b)(3) of this section, so as to be clearly visible from all points of entry into the danger zone.

(5) The danger zone is not considered safe for vessels or individuals when live firing is in progress. When live firing is about to begin or is scheduled as indicated by the warning flags or flashing warning lights described in paragraphs (b)(3) and (b)(4) of this section, all vessels will be required to expeditiously vacate the danger zone.

(6) Anchoring by any vessel within the danger zone is prohibited.

(7) Prior to conducting live firing, Navy personnel will visually scan the danger zone to ensure that no vessels or individuals are located within it. Any vessels or individuals in the danger zone will be notified by the Navy Range Safety Officer using a marine VHF–FM marine radio and by other means as necessary, to exit the danger zone and remain outside the area until conclusion of live firing. As new technology becomes available, the VHF–FM marine radio communications system may be updated.

(8) Safety observers will be posted in accordance with range standard operating procedures at all times when the warning flags or flashing lights described in paragraphs (b)(3) and (b)(4) of this section are displayed. Operation of the small arms range will only occur when visibility is sufficient to maintain visual surveillance of the danger zone and vicinity. In the event of limited visibility due to rain, fog or other conditions, live firing will be postponed until the danger zone can be confirmed clear of all vessels and individuals.

(9) Naval Base Coronado will maintain a schedule of live firing at the small arms range on its Web site, *http://www.cnic.navy.mil/Coronado,* which will be accessible to the public, mariners, and recreationists. The Navy will maintain the Web site on a year round basis and update information as needed for public safety.

(c) *Enforcement.* The regulation in this section will be enforced by the Commanding Officer, Naval Base Coronado, and such agencies and persons as he/she may designate.

Dated: April 30, 2010.
Approved:

Michael G. Ensch,

Chief, Operations, Directorate of Civil Works.

[FR Doc. 2010–11125 Filed 5–10–10; 8:45 am]

BILLING CODE 3720–58–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2010–0062; FRL–9141–3]

Approval and Promulgation of Implementation Plans, State of California, San Joaquin Valley Unified Air Pollution Control District, New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action on revisions to the San Joaquin Valley Unified Air Pollution Control District portion of the California State Implementation Plan. Specifically, EPA is taking final action on three amended District rules, one of which was submitted on March 7, 2008 and the other two of which were submitted on March 17, 2009. Two of the submitted rules reflect revisions to approved District rules that provide for review of new and modified stationary sources ("new source review" or NSR) within the District, and the third reflects revisions to an approved District rule that provides a mechanism by which existing stationary sources may voluntarily limit their operations to avoid the requirement to secure a Federally-mandated operating permit. The NSR rule revisions relate to exemptions from permitting and offsets requirements for certain agricultural

operations, to the establishment of NSR applicability and offset thresholds consistent with a classification of "extreme" nonattainment for the ozone standard, and to the implementation of EPA's NSR Reform Rules. With respect to the revised District NSR rules, EPA is finalizing a limited approval and limited disapproval because, although the changes would strengthen the SIP, there are deficiencies in enforceability that prevent full approval. With respect to the rule pertaining to operating permit requirements, EPA is finalizing a full approval. EPA is also taking final action to remove certain obsolete conditions placed on previous approvals of various California nonattainment plans. Lastly, EPA is deferring further action on the Agency's proposal to correct the May 2004 approval of the previous version of the District's NSR rules pending receipt from California of an interpretation of the District's legal authority with respect to agricultural sources under state law.

The limited approval and limited disapproval action triggers a sanctions clock, and EPA's obligation to promulgate a Federal implementation plan, because the revisions to the District rules that are the subject of this action are required under anti-backsliding principles established for the transition from the 1-hour to the 8-hour ozone standard.

DATES: *Effective Date:* This rule is effective on June 10, 2010.

ADDRESSES: EPA has established docket number EPA–R09–OAR–2010–0062 for this action. The index to the docket is available electronically at *http://www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Laura Yannayon, Permits Office (AIR–3), U.S. Environmental Protection Agency, Region IX, (415) 972–3534, *yannayon.laura@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us" and "our" refer to EPA.

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I. Proposed Action

On January 29, 2010 (75 FR 4745), under the Clean Air Act (CAA or "Act"), we proposed three actions in connection with the permitting rules for the San Joaquin Valley Unified Air Pollution Control District ("District") portion of the California State Implementation Plan (SIP).[1]

A. Correction of EPA's May 2004 Final Approval

First, we proposed to correct an error in our May 2004 final rule approving the District's Rules 2020 and 2201 that establish the requirements and exemptions for review of new or modified stationary sources ("new source review" or "NSR"). In our proposed rule, we explained how our error arose from the failure, based on information available at the time, to recognize that the District did not have the authority under State law to implement Rules 2020 and 2201 with respect to permitting of minor agricultural sources with actual emissions less than 50% of the applicable "major source" thresholds and with respect to the imposition of emissions offset requirements for minor agricultural sources.

In response to our proposed rule, several comments were submitted that object to our proposed correction action and the interpretation of State law upon which it is based, and raise significant questions as to the true extent of District authority with respect to agricultural sources under State law. Specifically, the commenters who object to our proposed correction cite "savings" clauses in State law that they contend ratify District NSR rules that contain no permitting or offsets exemptions for agricultural sources notwithstanding other provisions in State law that would otherwise limit such District authority over those sources. To ensure our action is based on a correct interpretation of State law, we have decided to request the State of California to provide us with a legal interpretation of the extent of District authority with respect to agricultural sources under State law and to defer further rulemaking on the correction proposal until we have the opportunity to consider the StateY's response to our request.

B. Proposed Action on Amended District Rules

In this section, we summarize the information we provided in the proposed rule concerning the submitted rules subject to this final action, the changes in the rules relative to the corresponding rules in the existing SIP, and our evaluation of the amended rules relative to the applicable CAA and EPA requirements. We provide only a summary of this information herein. For a more detailed discussion of these issues, please see our January 29, 2010 proposed rule.

Table 1 lists the rules on which we proposed action in our January 29, 2010 proposed rule with the dates that they were revised by the District and submitted to EPA by the California Air Resources Board (CARB). Today, we are taking final action on the three listed rules.

[1] The San Joaquin Valley includes all of San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings and Tulare counties, and the western half of Kern County, in the State of California. The San Joaquin Valley is designated as a nonattainment area for the 1997 8-hour ozone national ambient air quality standard (NAAQS) and the 1997 (annual) and 2006 (24-hour) fine particulate matter ($PM_{2.5}$) NAAQS and is designated as attainment or unclassifiable for the other NAAQS. See 40 CFR 81.303. The area is further classified as "serious" for the 8-hour ozone NAAQS, but the State of California has submitted a request to reclassify the area to "extreme." *See* 74 FR 43654 (August 27, 2009) for EPA's proposed approval of the State's reclassification request. The San Joaquin Valley was further classified as an "extreme" area for the now-revoked 1-hour ozone NAAQS when EPA designated the area with respect to the 8-hour ozone NAAQS.

TABLE 1—SUBMITTED RULES FOR WHICH WE ARE TAKING FINAL ACTION IN TODAY'S ACTION

Local agency	Rule #	Rule title	Amended	Submitted
SJVUAPCD	2020	Exemptions	12/20/07	03/07/08
SJVUAPCD	2201	New and Modified Stationary Source Review Rule	12/18/08	03/17/09
SJVUAPCD	2530	Federally Enforceable Potential to Emit	12/18/08	03/17/09

With respect to District Rule 2020 ("Exemptions"), the rule's purpose is to specify emission units that are not required to obtain an Authority to Construct or Permit to Operate and to specify the recordkeeping requirements to verify such exemptions. Generally, the changes that we are taking action on today relative to the existing SIP version would revise and clarify certain exemptions and exempt certain agricultural sources from permitting requirements.

Among the changes in amended District Rule 2020 relative to the version previously approved into the SIP are changes that will do the following:

- Revise the existing exemption for steam generators, steam superheaters, water boilers, water heaters, steam cleaners, and closed indirect heat transfer systems that have a maximum input heat rating of five million Btu per hour or less and that are fired exclusively on natural gas or liquefied petroleum gas (LPG) (*see* paragraph 6.1.1 of the submitted rule); [2]
- Clarify and tighten the existing exemption for certain types of transfer equipment, such as loading and unloading racks, and equipment used exclusively for the transfer of refined lubricating oil (*see* paragraph 6.7 of the submitted rule); and
- Exempt agricultural sources to the extent such sources are exempt pursuant to California Health & Safety Code (CH&SC) section 42301.16 (*see* paragraph 6.20 of the submitted rule). CH&SC section 42301.16 essentially exempts agricultural sources with actual emissions less than 50 percent of a major source applicability threshold from permitting unless the District makes certain findings.

With respect to District Rule 2201 ("New and Modified Stationary Source Review Rule"), the rule's purpose is to provide for the review of new and modified stationary sources of air pollution and to provide mechanisms including emission trade-offs by which Authorities to Construct such sources may be granted, without interfering with the attainment or maintenance of ambient air quality standards. District Rule 2201 is also intended to provide for no net increase in emissions above specified thresholds from new and modified stationary sources of all nonattainment pollutants and their precursors.

Generally, amended District Rule 2201 incorporates three major changes relative to the version of Rule 2201 that is approved into the SIP. First, amended District Rule 2201 would replace the term, "Major Modification," with two terms, "Federal major modification" and "SB 288 major modification." (*See* paragraphs 3.17 and 3.34 of the amended rule.) The former term incorporates EPA's NSR reform principles, and the latter term retains the pre-NSR reform approach to determining whether a modification is a major modification.[3] Second, amended District Rule 2201 would incorporate the lower "major source" and "Federal major modification" emissions thresholds, and higher offset ratios, for the ozone precursors, VOC and NO_X, consistent with an "extreme" ozone classification. (*See* paragraphs 3.17, 3.23, and 3.34 of the amended rule.) Lastly, changes to District Rule 2201 would exempt new or modified agricultural sources from offset requirements to the extent provided by CH&SC section 42301.18(c), which exempts agricultural sources from the offsets requirement if emissions reductions from such sources would not meet the criteria for real, permanent, quantifiable, and enforceable emissions reductions, unless the offsets are required by Federal CAA requirements. (*See* paragraph 4.6.9 of the amended rule.)

Unlike District Rules 2020 and 2201, District Rule 2530 ("Federally Enforceable Potential to Emit") is not an NSR rule, but is a rule that relies on thresholds based on certain percentages of the major source thresholds established for NSR purposes as a basis to exempt sources from the requirements of Rule 2520 ("Federally Mandated Operating Permits"). Relative to the corresponding rule in the existing SIP, the amended rule would lower the thresholds below which sources of VOC or NO_X are exempt from the requirements of Rule 2520 (*see* paragraph 6.1 of the amended rule), would lower the thresholds below which sources are exempt from certain recordkeeping and reporting requirements under Rule 2530 (*see* paragraph 5.4.1.2 of the amended rule); and would lower certain alternative operational limits (*see, e.g.,* paragraph 6.2.4 of the amended rule).

In evaluating the amendments to the three District Rules, we found that significant changes fall into four broad categories: Changes affecting minor source NSR permitting requirements; changes relating to the area's extreme classification for the 1-hour ozone standard; changes relating to NSR Reform; and changes affecting the mechanism used by sources to avoid title V requirements, and we evaluated these changes for compliance with the requirements under CAA section 110(a), section 110(l), and section 182(e) and (f). In addition, we reviewed the amended rules for compliance with EPA's regulations for NSR, including 40 CFR 51.160 through 40 CFR 51.165. In so doing, we took into account the pollutant-specific designations for the San Joaquin Valley, summarized in table 2.[4]

[2] The existing exemption is limited to the types of equipment described above but also establishes the following specifications for both natural gas and LPG combusted by the equipment: "provided the fuel contains no more than five percent by weight hydrocarbons * * * and no more than 0.75 grains of total sulfur per 100 standard cubic feet of gas * * *." The revised exemption establishes separate specifications for natural gas and for LPG. The hydrocarbon content limit remains five percent for natural gas but drops to two percent for LPG. The sulfur content limit increases from 0.75 grains, to 1.0 grain for natural gas, and to 15 grains (per 100 standard cubic feet of gas). The revised exemption requires use of the latest versions of the relevant ASTM test methods.

[3] Using these two definitions, the District performs two separate "major modification" determinations. Where the modification of an existing source falls within the definition of "SB 288 Major Modification," the modification will be required at a minimum to meet the NSR SIP requirements that had applied prior to adoption by the District of the 2002 NSR Reforms into Rule 2201. Where the modification also falls within the definition of "Federal Major Modification," the modification will have to meet additional NSR Requirements consistent with 2002 NSR Reform.

[4] We also identified and evaluated a number of other, less substantive changes, and found all of them to be either neutral or strengthening relative to the existing SIP and consistent with all applicable requirements. *See* section IV.B.5 of the January 29, 2010 proposed rule.

TABLE 2—SAN JOAQUIN VALLEY AREA DESIGNATIONS

Pollutant	Designation	Classification
(Revoked) Ozone—1-hour standard	Nonattainment	Extreme (at the time of designation for the 1997 8-hour ozone standard).
Ozone—1997 8-hour standard	Nonattainment	Serious.[a]
Respirable Particulate Matter (PM_{10})	Attainment	Not Applicable.
Fine Particulate Matter ($PM_{2.5}$)	Nonattainment	Not Applicable.
Carbon Monoxide	Attainment (4 urban areas); Unclassifiable/Attainment (rest of valley).	Not Applicable.
Nitrogen Dioxide	Unclassifiable/Attainment	Not Applicable.
Sulfur Dioxide	Unclassifiable/Attainment	Not Applicable.

[a] The State of California has requested reclassification of the San Joaquin Valley to "extreme" for the 1997 8-hour ozone standard. See 74 FR 43654 (August 27, 2009).

1. Summary of Evaluation of Changes Related to Minor NSR

As to the changes related to minor source NSR permitting requirements, we found that the amended rules would affect minor source NSR ("minor NSR") by revising an existing permitting exemption for certain natural-gas- or LPG-fired combustion and heat transfer systems (*see* paragraph 6.1 in submitted District Rule 2020), by exempting minor agricultural sources with actual emissions less than 50 percent of the major source threshold (*see* paragraph 6.20 in submitted District Rule 2020) from permitting, and by exempting all new or modified minor agricultural sources from the offset requirement (*see* paragraph 4.6.9 of submitted District Rule 2201).

We concluded that the amended rules met EPA's minor NSR requirements in 40 CFR 51.160 because, even with the new and amended exemptions, the District NSR program would continue to provide the District with the information necessary to determine whether the construction or modification of a stationary source would result in a violation of applicable portions of the control strategy; or would result in interference with attainment or maintenance of the NAAQS. With respect to the revised exemption for certain smaller combustion and heat transfer systems, we based this conclusion on our determination that the relaxed sulfur content specification in amended Rule 2020, paragraph 6.1, would have no significant impact on emissions in the valley.

With respect the limited permitting exemption for agricultural sources, we based this conclusion on a number of factors. For particulate matter, we rely upon the implementation of certain prohibitory rules, such as District Rule 4550 ("Conservation Management Practices") and the District's Regulation VIII ("Fugitive PM_{10} Prohibitions", particularly, Rules 8011 and 8081) to act as non-permitting means to reduce fugitive dust emissions at agricultural sources that fall under the exemption and thereby reduce the potential for localized exceedances of the PM_{10} and $PM_{2.5}$ standards. For ozone precursors (VOC and NO_X), we noted that the limited permitting exemption would only apply to agricultural operations with "actual" emissions (*i.e.,* including fugitive emissions) [5] of less than 5 tons per year, and that, as such, the scope of the exemption would be limited to small-scale agricultural operations and would be acceptable so long as the ozone plans for the valley do not count on permitting of such sources.

With respect to the regional planning context, for the proposed rule, we reviewed the various approved and submitted San Joaquin Valley attainment or maintenance plans, and noted that none of these plans rely upon reductions from NSR for agricultural sources less than 50 percent of the major source threshold. We also noted that, for attainment planning purposes, growth in emissions from agricultural sources has been established by CARB's area source inventory growth methodologies, and no mitigation of that growth from an offsets requirement has been considered when determining the impact of the growth on the District's ability to achieve attainment with the standards.[6] We concluded that, because the plans do not rely on emission reductions from permitting of agricultural sources less than 50% of the major source threshold and do not rely on offsets for new or modified minor agricultural sources, approval of the amended Rules 2020 and 2201 would be consistent with regional planning efforts to attain and maintain the NAAQS.

Lastly, with respect to minor source NSR changes, we noted that, under Federal law, minor sources are not required to obtain offsets, and thus, the exemption for minor agricultural sources from the offsets requirement is consistent with Federal requirements.

2. Summary of Evaluation of Changes Related to "Extreme" Ozone Area NSR Requirements

In our January 29, 2010 proposed rule, we identified the applicable requirements for nonattainment areas classified as "extreme" for the 1-hour ozone standard and reviewed the amended District rules for compliance with the applicable requirements. For such areas, the relevant NSR requirements include a major source threshold of 10 tons per year of VOC or NO_X [*see* CAA section 182(e) and 182(f) and 51.165(a)(1)(iv)], an offset ratio of 1.5 to 1 [*see* CAA section 182(e)(1) and 40 CFR 51.165(a)(9)], and definition of major modification that applies to any change at a major stationary source which results in any increase in emissions from any discrete operation, unit, or other pollutant emitting activity at the source [see CAA section 182(e)(2) and 40 CFR 51.165(a)(1)(x)(E)].

As submitted on March 17, 2009, the VOC and NO_X provisions in District Rule 2201 have been amended to include the 10 ton per year threshold

[5] The District's view on whether the CH&SC section 42301.16 (and cited in District Rule 2020, section 6.20) covers fugitive VOC emissions is found in the District's Final Staff Report (page B–13, response to comment #19) on proposed amendments to Rule 2201 and Rule 2530 (dated December 18, 2008): "The District appreciates the opportunity to reiterate that, for the purposes of implementing CH&SC sections 40724.6(c) and 42301.16(c), all emissions, except for fugitive dust, must be included in calculations to determine district permitting requirements based on one-half of the major source thresholds. The statutory language of these sections is consistent, which read separately or in the interrelated nature in which they were intended to be read, and [sic] District's implementation adheres to this statutory language." Thus, fugitive VOC emissions are included in the determination of whether actual emissions from a minor agricultural operation are greater than 50% of the applicable major source threshold which, for VOC, is 10 tons per year, or, in other words, greater than 5 tons per year.

[6] Also see the District's Clean Air Act section 110(l) analysis, entitled "San Joaquin Valley Unified Air Pollution Control District Rules 2020 and 2201, as amended September 21, 2006, District's Clean Air Act 110(l) Analysis," dated November 20, 2007.

(*see* paragraph 3.23 of amended Rule 2201), the 1.5 to 1 offset ratio (*see* paragraph 4.8.1 of amended Rule 2201), and the "any increase" threshold for major modifications (*see* paragraph 3.17.1.4 of amended Rule 2201). As such, we concluded that District Rule 2201 has adequately been amended to reflect "extreme" ozone area requirements under the CAA and 40 CFR 51.165.

3. Summary of Evaluation of Changes Implementing EPA's NSR Reform Rules

In our proposed rule, we described EPA's implementation of NSR Reform Rules and the ensuing litigation and identified the basic program elements that NSR programs must be amended to include. We concluded that, as submitted on March 17, 2009, District Rule 2201 has been amended to provide for the minimum program elements of the 2002 NSR Reform Rules that remain in the wake of subsequent litigation and EPA rulemaking. The amended District Rule provides for the minimum program elements by replacing a single definition for "Major Modification" with two definitions, one for "Federal Major Modification" and the other for "SB 288 Major Modification." As discussed above, the former term captures the NSR Reform program elements (and the "any increase" emissions threshold required in "extreme" ozone areas), while the latter retains the pre-Reform approach to determining major modification status. Paragraph 3.17.1 of amended Rule 2201 incorporates the new method for determining baseline actual emissions and the actual-to-projected-actual methodology for determining whether a major modification has occurred. Paragraph 3.17.2 incorporates provisions allowing major stationary sources to comply with Plantwide Applicability Limits (PALs).

4. Summary of Evaluation of Amended Rules for Enforceability

For the reasons given in the January 2010 proposed rule and summarized above, we found the amendments to District Rules 2020 and 2201 to be acceptable under applicable NSR regulations; however, SIP rules must also be enforceable [*see* CAA section 110(a)], and we found two specific deficiencies related to enforceability of Rules 2020 and 2201 that prevent our full approval. These deficiencies arise from the ambiguity introduced by the references in both paragraph 6.20 (of Rule 2020) and paragraph 4.6.9 (of Rule 2201) to State law under circumstances where the State law has not been submitted to EPA for approval into the SIP. Specifically, paragraph 6.20 (of Rule 2020) provides a permitting exemption for: "Agricultural sources, but only to the extent provided by California Health and Safety Code, Section 42301.16." In turn, CH&SC section 42301.16(a) requires districts to extend permitting requirements to all agricultural sources that are "required to obtain a permit pursuant to Title I * * * or Title V * * * of the Federal Clean Air Act," which we have interpreted as referring to "major" sources under the CAA, and to all other agricultural sources (referred to herein as "minor") with actual emissions one-half of the applicable major source emissions thresholds (or greater) for any air contaminant, excluding fugitive dust. See CH&SC section 42301.16(b). However, CH&SC section 42301.16(b) also provides a means through which a district can extend the exemption from "one-half of any applicable emissions threshold" to the "major source" threshold if certain findings are made in a public hearing.

Because CH&SC section 42301.16 is not included in the California SIP, nor has California submitted the section to EPA for approval, the SIP would be ambiguous as to the extent of the agricultural source permitting exemption if EPA were to approve submitted District Rule 2020 into the SIP. Effective enforcement of the permitting requirements would rely on judicial notice of the statutory provision cited in the rule, and such judicial notice may or may not be forthcoming. There is no need to rely on judicial notice when the District can eliminate the ambiguity by clearly stating the exemption for agricultural sources in District Rule 2020 or by submitting CH&SC section 42301.16 to EPA for approval into the SIP. Moreover, even if we could assume that judicial notice of the statutory provision would be taken, CH&SC section 42301.16 by its terms allows for a relaxation of the one-half of major source permitting threshold for agricultural sources, and such relaxations should be reviewed by EPA under section 110 for approval as a SIP revision. Therefore, we proposed a limited approval and limited disapproval of submitted Rule 2020. In our January 2010 proposed rule, we noted that the deficiency in Rule 2020 can be remedied by the District by replacing the statutory reference to CH&SC section 42301.16 in paragraph 6.20 with a clear description of the sources covered by the exemption, and by submitting the amended rule to EPA (via CARB) as a SIP revision. In today's document, we are taking final limited approval and limited disapproval action today on amended Rule 2020 consistent with our January 29, 2010 proposal.

Paragraph 4.6.9 of submitted Rule 2201 contains a similarly-ambiguous reference to state law in listing emission offset exemptions: "Agricultural sources, to the extent provided by California Health and Safety Code, section 42301.18(c), except that nothing in this section shall circumvent the requirements of section 42301(a)." CH&SC section 42301.18(c) states: "A district may not require an agricultural source to obtain emissions offsets for criteria pollutants for that source if emissions reductions from that source would not meet the criteria for real, permanent, quantifiable, and enforceable emission reductions." Our understanding is that the District has no plans to require emissions offsets for new or modified agricultural sources unless such new or modified source is a "Major Source" or a "Federal Major Modification" as defined in another section of Rule 2201. Once again, there is no need for ambiguity in the applicability of the emissions offset exemption, and therefore, EPA proposed a limited approval and limited disapproval of submitted Rule 2201. The deficiency in Rule 2201 can be remedied by either submittal of the statutory provisions cited in paragraph 4.6.9 or by replacing the references with a clear description of the applicability of the offset requirement to agricultural sources, and by submitting the amended rule to EPA (via CARB) as a SIP revision. In today's document, we are taking final limited approval and limited disapproval action today on amended Rule 2201 consistent with our January 29, 2010 proposal.

5. Summary of Evaluation of Amended Rule 2530

In our January 2010 proposed rule, we discussed the purpose of District Rule 2530 and the applicable EPA guidance and corresponding parameters for such rules, and explained that the emission limits and the alternative operational limits in the rule were amended by the District in step with the valley's classification of "extreme" for the 1-hour ozone NAAQS. We reviewed the amended limits in District Rule 2530, as submitted on March 17, 2009, and found them to be acceptable. Based on our review of the amended rule in relation to its underlying purpose, we are taking final action today to approve amended District Rule 2530 because we find that it has been appropriately modified to reflect the decrease in the major source threshold for VOC and NO_X consistent with the area's

"extreme" classification for the 1-hour ozone standard.

6. Summary of Evaluation of Amended Rules for Compliance with CAA Section 110(l)

CAA section 110(l) provides: "Each revision to an implementation plan submitted by a State under this chapter shall be adopted by such State after reasonable notice and public hearing. The administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 7501 of this title) or any other applicable requirement of this chapter." 42 U.S.C. 7410(l).

In our January 2010 proposed rule, for the purposes of CAA section 110(l), we took into account the overall effect of the revisions included in this action. Given the wide application of the lower major source thresholds to all types of new or modified stationary sources of VOC and NO_X and the limited extent of the exemptions from permitting and offsets for certain types of agricultural sources, we found that the overall effect of the revisions would strengthen the SIP, notwithstanding deficiencies identified above in enforceability. Moreover, we concluded that we do not anticipate localized exceedances of the PM_{10} or $PM_{2.5}$ standards, due to the permitting exemption for certain agricultural sources, given the application of non-permitting requirements in the SIP. Lastly, we noted that the revisions are consistent with the assumptions of the various air quality plans developed for the valley.

Accordingly, we concluded that the revisions to Rules 2020, 2201, and 2530 would not interfere with any applicable requirements for attainment and reasonable further progress or any other applicable requirement of the CAA and are approvable under section 110(l) of the Clean Air Act.

C. Removal of Obsolete Conditions on SIP Approvals

In our January 29, 2010 proposed rule, we also proposed to remove certain obsolete conditions placed on SIP approvals of certain California nonattainment plans in the 1980's. These NSR-related conditions are identified in table 3, below, by applicable county, EPA action, and CFR citation.

TABLE 3—OBSOLETE CONDITIONS BEING REMOVED

County	Conditional approval Federal Register citation	Regulatory citation
Kern County [a]	46 FR 42450 (August 21, 1981)	40 CFR 52.232(a)(5)(i)(A)
San Joaquin County	47 FR 19694 (May 7, 1982), amended at 50 FR 7591 (February 25, 1985).	40 CFR 52.232(a)(6)(i)(A)
Kings, Madera, Merced, Stanislaus, and Tulare Counties.	47 FR 19694 (May 7, 1982)	40 CFR 52.232(a)(10)(i)(A)
Fresno County	47 FR 28617 (July 1, 1982)	40 CFR 52.232(a)(11)(i)(A)

[a] In today's document, we are removing the Kern County condition for carbon monoxide and ozone only.

We proposed removal of the condition in 40 CFR 52.232(a)(5)(i)(A) because we concluded that it was obsolete as to carbon monoxide and ozone in light of the approval of District NSR rules in 2004 (69 FR 27837, May 17, 2004), the change in the boundary for the 1-hour ozone nonattainment boundary for San Joaquin Valley (66 FR 56476, November 8, 2001), and the redesignation of the East Kern County 1-hour ozone nonattainment area to attainment (69 FR 21731, April 22, 2004). However, as to particulate matter, we found the condition to be unfulfilled because the Kern County Air Pollution Control District (APCD) [7] retains jurisdiction over a small portion of the San Joaquin Valley planning area, the portion of the San Joaquin Valley planning area over which Kern County APCD retains jurisdiction remains nonattainment for PM_{10} (*see* 73 FR 66759, November 12, 2008), and because we have yet to approve a revision to Kern County APCD NSR rules that meet the condition in 40 CFR 52.232(a)(5)(i)(A). We proposed removal of the conditions set forth in 40 CFR 52.232(a)(6)(i)(A), (a)(10)(i)(A), and (a)(11)(i)(A) as obsolete in light of the approval of District NSR rules in 2004 (69 FR 27837, May 17, 2004).[8] We are taking final action today to remove the obsolete provisions described above for the reasons given in our January 29, 2010 proposed rule and that are summarized above. We are retaining the condition in 40 CFR 52.232(a)(5)(i)(A) as to particulate matter until we approve the Kern County APCD's nonattainment NSR rules for the East Kern County PM_{10} nonattainment area or until we approve a redesignation request for the East Kern PM_{10} area to "attainment."

II. Public Comments and EPA's Responses

Our January 29, 2010 proposed rule (75 FR 4745) provided for a 30-day comment period. During that period, we received adverse comments from three groups: Greenberg-Glusker law firm (referred to herein as "Dairy Cares"), on behalf of Dairy Cares, a coalition of California's dairy producer and processor associations, by letter dated March 1, 2010; Earthjustice, by letter dated March 1, 2010; and the Center on Race, Poverty & the Environment (referred to herein as "AIR"), on behalf of the Association of Irritated Residents and other community and environmental groups, by letter dated March 1, 2010. AIR joins in the comments from Earthjustice, but also adds comments of its own. As noted previously, we have decided to defer further rulemaking action on our proposal to correct our May 2004 approval of the previous version of District NSR rules pending a legal interpretation from the state regarding the extent of the District's permitting and offsets authority in connection with agricultural sources under State law. Thus, we have not responded to the comments related to that aspect of our proposal in this document, but will respond to those comments in a separate final rule if we subsequently finalize our proposed correction as proposed on January 29, 2010. In the following paragraphs, we provide a summary of the significant adverse comments and

[7] Kern County ACPD, one of the original county-based APCDs covering San Joaquin Valley, was not entirely consolidated into the current San Joaquin Valley Unified Air Pollution Control District (herein, referred to as "District"), but its jurisdiction is no longer county-wide, and is limited to the eastern portion of the county.

[8] The condition established in 40 CFR 52.232(a)(11) also relates to Ventura County, but removal of the condition is proper as to Ventura County in light of EPA's subsequent approval of the Ventura County nonattainment NSR rules at 68 FR 9561 (February 28, 2003).

our responses (*i.e.,* related to the aspects of our proposal other than the error correction).

Comment #1: Dairy Cares disagrees with EPA's approval of the District's Rule Revisions to the extent it is predicated on an interpretation that the exemption for emission offsets does not apply to major sources. Dairy Cares claims that CH&SC section 42301.18(c) prohibits any district from requiring any agricultural source to obtain offsets until agricultural source reductions meet the criteria for creditability. Dairy Cares claims that, under CH&SC 42301.18(c), the District does not have the requisite State authority to require emission offsets unless the offsets can be credited. Dairy Cares acknowledges that CH&SC section 42301.16(a) requires that agricultural sources obtain permits "consistent with Federal requirements," and that the Clean Air Act generally requires certain emission offsets from new or expanding Federal major sources, but argues that integral to such emission offsets requirements is the ability to credit emission reductions. To the extent there is a conflict between sections 42310.16(a) and 42301.18(c), Dairy Cares asserts that the more specific provision—section 42301.18(c)—must control.

Response #1: Dairy Cares is correct that EPA's proposed (limited) approval (and limited disapproval) of revised District Rule 2201 is predicated in part on an interpretation of CH&SC sections 42301.16(a) and 42301.18(c) to the effect that CH&SC section 42301.16(a) limits the applicability of the emission offset exemption in CH&SC section 42301.18(c) so as to exclude major agricultural sources from the exemption. In other words, we have concluded that State law requires the District to impose the emissions offsets requirements on new or modified agricultural sources that are considered new major sources or major modifications, notwithstanding the limitation on District authority set forth in CH&SC section 42301.18(c).

Paragraph 4.6.9 of revised District Rule 2201 provides that emission offsets shall not be required for:

"Agricultural sources, to the extent provided by California Health and Safety Code, section 42301.18(c), except that nothing in this section shall circumvent the requirements of section 42301.16(a)."

CH&SC section 42301.16(a) provides:

"In addition to complying with the requirements of this chapter, a permit system established by a district pursuant to section 42300 shall ensure that any agricultural source that is required to obtain a permit pursuant to Title I (42 U.S.C. Sec. 7401 *et seq.*) or Title V (42 U.S.C. Sec. 7661 *et seq.*) of the Federal Clean Air Act is required by district regulations to obtain a permit in a manner that is consistent with the Federal requirements."

CH&SC section 42301.18(c) provides:

"A district may not require an agricultural source to obtain emissions offsets for criteria pollutants for that source if emissions reductions from that source would not meet the criteria for real, permanent, quantifiable, and enforceable emission reductions."

EPA interprets the reference in CH&SC section 42301.16(a) to "any agricultural source that is required to obtain a permit pursuant to Title I * * * or Title V * * * of the Federal Clean Air Act" as a reference to sources considered "major sources" under the Clean Air Act and not to "minor sources" because only the former are required to obtain a permit. A state may exempt new or modified minor sources from regulation so long as the overall program for regulation of new or modified stationary sources assures that the NAAQS are achieved. *See* section 110(a)(2)(C) of the Act.

EPA interprets the directive in CH&SC 42301.16(a) to the Districts to ensure that their permit rules require major agricultural sources (and major modifications of such sources) to obtain a permit in a manner "that is consistent with the Federal requirements" as referring to, in this context, the minimum requirements for new or modified major sources, including but not limited to, emission offsets [*see* CAA section 173(a)(1)] and use of emissions control technology representing the lowest achievable emission rate [*see* CAA section 173(a)(2)]. With certain exceptions not relevant here (*e.g.,* rocket engines), the Act does not exempt any major sources or major modifications in nonattainment areas from the offset requirement, regardless of whether emissions reductions for a given source meet the criteria for real, permanent, quantifiable, and enforceable emission reductions. In other words, contrary to Dairy Cares' claim, the ability to credit emission reductions is not integral to the emissions offset requirements.

We find no statutory or regulatory basis to support Dairy Cares' claim that exemption of major agricultural sources from the offset requirement does not conflict with the Clean Air Act. Dairy Cares points to Clean Air Act sections 173(c) and 182(e)(2), 40 CFR 51.165(a)(1)(vi)(A) and 40 CFR part 51, appendix S as support for the general principle that credits are an integral part of the statutory and regulatory scheme for offsets, and further, that one cannot be imposed (emission offsets requirements) without allowing for the other (credits for emissions reductions from the source).

First, section 173 ("* * * may comply with any offset requirement only by obtaining emission reductions from the same source or other sources * * * ") provides two basic approaches to meeting the emissions offset requirement, by obtaining emissions reductions from the same source or by obtaining emissions reductions from other sources. The fact that, for the time being, one approach (internal offsets) is quite limited (*i.e.,* limited to certain discrete units at a farm from which emissions reductions are considered creditable, *e.g.,* boilers and stationary engines and pumps) does not justify a full exemption from the emissions offset requirement for all major agricultural sources. If Congress had intended major agricultural sources to be exempt from the offset requirement, it could well have carved out an exception as it has for rocket engines [*see* CAA section 173(e)]. Moreover, a new major agricultural source is in no different position than any other new major source in that both have no internal emissions reductions to use to comply with the offset requirement.

Two other provisions cited by Dairy Cares, CAA section 182(e)(2) ("* * * not considered a modification if the owner * * * elects to offset the increase * * * from discrete operations, units or activities within the source") and 40 CFR 51.165(a)(1)(vi)(A) ("net emissions increase means * * * any other increases and decreases in actual emissions that are * * * otherwise creditable") relate to identification of modifications as "major modifications." Dairy Cares is correct in that the limited ability by agricultural sources to use internal credits may well make it harder to avoid "major modification" status and the corresponding requirements. However, there is simply no language in either the statutory provision or regulatory provision cited above that conditions "major modification" status on whether or not the source can credit its emissions reductions. Furthermore, as noted above, discrete units at agricultural sources, such as boilers and stationary pumps, can already be used for internal credits in a major modification applicability determination at an agricultural source.

Dairy Cares points to a provision in 40 CFR part 51, appendix S, that allows, under certain circumstances, emissions reduction credits from shutdowns or curtailments as further evidence that allowance for credits from a source are integral to the imposition of the emissions offset requirement on the source. However, once again, the

provision allowing under certain circumstances the use of credits from shutdowns or curtailments is but one means to comply with the offset requirement, and its unavailability to a certain category of sources does not negate the underlying statutory requirement on all new major sources and major modifications, including the category of sources for which shutdown or curtailment credits are unavailable, in nonattainment areas to provide emissions offsets for the applicable nonattainment pollutants.

Hence, with respect to agricultural sources, to be "consistent with the Federal requirements" within the meaning of CH&SC 42301.16(a) means a District permitting program must impose an emissions offset requirement for new major sources and major modifications. We view CH&SC 42301.16(a) as not only a grant of authority to Districts to establish a permitting system that, in nonattainment areas, requires imposition of an emissions offset requirement on all agricultural sources that are new major sources or major modifications, but as an affirmative directive to do so.

Lastly, we recognize that CH&SC section 42301.18(c), read in isolation, withholds the authority from Districts to require emissions offsets from any (*i.e.,* major and minor) new or modified agricultural sources until agricultural source reductions meet the criteria for creditability. As explained above, however, such a reading would prevent District from establishing permitting programs for major sources and major modifications "consistent with Federal requirements" as required by the Legislature through CH&SC section 42301.16(a).

We also do not agree that CH&SC section 42301.18(c) is simply a more specific statute that should be given precedence over the more general statute CH&SC section 42301.16(a). The two CH&SC sections simply address different permitting issues; one generally relates to emissions offsets for (both major and minor) agricultural sources whereas the other generally relates to permitting of major sources. We see no reason to interpret the two statutory provisions in question as in direct conflict and thereby to choose one provision over the other, but rather to give effect to both by interpreting CH&SC section 42301.18(c) as withholding the authority from Districts to impose an emission offset requirement on new or modified agricultural sources (until emissions reductions from such sources are creditable) but only with respect to non-major agricultural sources and modifications.

Our interpretation of CH&SC sections 42301.16(a) and 42301.18(c) is further supported by our knowledge of the regulatory context in which Senate Bill 700 (SB 700), which established the two cited provisions, was promulgated by the California Legislature. One of the principal purposes for promulgation of SB 700 was to respond to a "SIP call" under CAA section 110(k)(5) by EPA based on the lack of State or District authority to carry out the applicable nonattainment NSR or PSD portions of the SIP with respect to major agricultural sources. See 68 FR 37746 (June 25, 2003). Under Dairy Cares' interpretation, the California Legislature would have failed to address this deficiency by failing to provide the necessary authority with respect to nonattainment NSR. However, for the reasons stated above, the relevant provisions of SB 700, *i.e.,* CH&SC sections 42301.16(a) and 42301.18(c), need not be interpreted that way.

Finally, we note that CARB and the District interpret the relevant State law in the same way as EPA. In a letter to Air Pollution Control Officers dated September 3, 2008, the CARB Executive Officer requests the heads of the various air districts in California to update their permit rules as they apply to agricultural sources in accordance with CH&SC 42301.16. In reference to agricultural sources that are major, the CARB Executive Officer states that "Both Federal and State law require "best available control technology" (BACT) and offsets for these sources. Any exemption for major sources from permit requirements that can arguably be considered to be in your District's rule and in the SIP must be removed." See page 3 of the CARB September 3, 2008 letter. Later, in this letter, in reference to the offsets exemption in CH&SC 42301.18(c), the CARB Executive Officer states "This exemption should be narrowly applied, and, in any event, cannot be used to exempt major Federal sources from offset requirements." See page 4 of the CARB September 3, 2008 letter.

The District's interpretation can be found in its response to a similar comment as addressed herein, wherein the District stated:

> "The District appreciates the opportunity to further clarify this very important issue. To state it as clearly as possible, the offset exemption of section 4.6.9 is NOT [emphasis from original] available to agricultural sources which are major sources of air pollution. Only non-major sources are provided any exemption from offsetting requirements by this section.
>
> This is not new language, nor is it new interpretation. There is no confusion in the legislative history, or in CAPCOA's white paper on SB 700 implementation. The purpose of the language of section 42301.16(a) is to *specifically require* [emphasis from original] offsets from major sources of air contaminants, as this was specifically necessary to fulfill the mandates of the Federal SIP call that the state was under at the time. Without this language specifically requiring offsets of major agricultural sources, the law would not have met EPA's requirement that we subject major California agricultural sources to Federal permitting requirements, and EPA would not have been able to stop the SIP call and the impending sanctions. Therefore the suggested change cannot be made."

See the District's final staff report on proposed amendment to Rule 2201 (page B–12).

In light of EPA's, CARB's, and the District's interpretation of CH&SC sections 42301.16(a) and 42301.18(c), we view paragraph 4.6.9 of revised District Rule 2020 as simply, and correctly, reflecting current State law as set forth in the two cited sections of the CH&SC. In other words, with respect to the issue of emissions offsets requirements, we see no difference between the authority granted to the District under applicable State law and the language found in paragraph 4.6.9 of revised District Rule 2020. Thus, we disagree with Dairy Care's assertion that we are again making the error of approving a rule change that is in conflict with California law.

Comment #2: Earthjustice claims that EPA's rationale for approval of the various exemptions being added to the District's NSR rules is flawed because it is premised on the false claim that the District has a plan that will achieve the national standards for particulate matter and ozone.

Response #2: In our January 2010 proposed rule, we reviewed the status of air quality plans in the San Joaquin Valley, and relied upon the plans as a basis to conclude that the net effect of the changes in the rules would not interfere with reasonable further progress or attainment of any of the NAAQS and thus are approvable under CAA section 110(l). *See* sections IV.B.1 ("Regulatory Context") and IV.B.8 ("CAA Section 110(l)") of the proposed rule. In our proposed rule, we noted that EPA has not yet taken action on the submitted San Joaquin Valley 2007 Ozone Plan or the submitted San Joaquin Valley 2008 $PM_{2.5}$ Plan. Thus, it is incorrect to say that we have based our proposed approval of the revised District NSR rules on the premise that the District has a plan that will achieve the national standards for those

pollutants. Instead, we have reviewed the plans to ensure that the changes to the District's NSR rules are consistent with the assumptions and control strategies in these plans and found that the changes are indeed consistent with the plans and would strengthen the SIP. Furthermore, we continue to believe that the plans are facially valid, contrary to the unsupported claims by Earthjustice that they are not meaningful plans or that the plans have been undermined by the state.

Our detailed review of the plans and subsequent notice-and-comment rulemaking may lead to the requirement that California adopt additional control measures to provide for attainment of the ozone and particulate matter standards, but California will not necessarily be required to extend permitting and offsets requirements to minor agricultural sources to meet that requirement. While certain SIP requirements are prescribed by the Act and EPA regulations, extending permitting and offsets requirements to minor agricultural sources would be considered a discretionary control measure and thus the state may well decide to select some other measure.

Comment #3: Earthjustice claims that EPA's analysis under CAA section 110(l) of the boilers and steam generator exemptions is incomplete because it does not address whether the District can allow these sources to be constructed or expanded with no mitigation for emissions increases.

Response #3: As an initial starting point, the exemption in amended Rule 2020, paragraph 6.1, would not be a new permitting exemption. Rather, the existing exemption found in the current SIP version of paragraph 6.1 of Rule 2020 is being revised in certain ways, only one of which arguably expands the exemption. The revision that arguably expands the exemption involves changes in the maximum sulfur content specifications for natural gas and liquefied petroleum gas (LPG) combusted by the applicable types of sources (such as boilers and steam generators with maximum input heat ratings of 5 million Btu per hour (gross) or less).

With respect to the sulfur content specification, the amended rule would raise the maximum allowable limit from 0.75 grains (of total sulfur) per 100 standard cubic feet (scf) for both natural gas and LPG, to 1.0 grain per 100 scf for natural gas and 15 grains per 100 scf for LPG. The District's memo dated November 13, 2009, which is cited in the proposed rule, indicates that the reason for the increase is to align the maximum sulfur content specification in the exemption to the corresponding specification used by the relevant utilities in their own contracts for delivery of natural gas. For LPG, the reason for the increase is to align the specification in the exemption with the corresponding industry standard specifications as set by the Gas Processors Association (GPA). The industry practice by LPG distributors of adding odorant for safety purposes (typically mercaptan) containing between 1 and 3 grains of sulfur per 100 scf alone exceeds the existing specification of 0.75 grains of sulfur.

For perspective, we note that the sulfur dioxide emissions from natural gas combustion at 5 million Btu per hour or less amounts to 0.35 lb per day and 0.06 tons per year, assuming maximum operation 24 hours per day, 365 days per year (based on AP–42 (section 1.4) emissions factors, sulfur content of 1 grain per 100 cubic feet). The corresponding sulfur dioxide emissions for LPG are 1.97 lb/day and 0.36 ton per year, once again, assuming maximum continuous operation (based on AP–42 (section 1.5) emissions factors for propane, and sulfur content of 15 grains per 100 cubic feet). In other words, this particular exemption relates to very small emissions sources, that would not be subject to BACT under District Rule 2201, paragraph 4.1.1 ("* * * BACT shall be required for * * * any new emissions unit * * * with a Potential to Emit exceeding 2.0 pounds in any one day"), even if such sources were subject to permitting.

Sulfur dioxide is a criteria pollutant in its own right, but is also a precursor pollutant for PM_{10} and $PM_{2.5}$. While San Joaquin Valley is designated as "attainment" for both the sulfur dioxide NAAQS and the PM_{10} NAAQS, the valley is designated as nonattainment for the $PM_{2.5}$ NAAQS. Thus, to satisfy Federal Clean Air Act requirements regarding NSR, the valley must require emissions offsets for new major sources of sulfur dioxide and major modifications at existing major sources of sulfur dioxide. The applicable major source threshold for sulfur dioxide, as a precursor to $PM_{2.5}$, is 100 tons per year.

The District's NSR rule is more broad than required in this respect and applies the emission offset requirement for sulfur dioxide to sulfur dioxide sources with emissions exceeding 54,750 pounds per year (27.4 tons per year). See paragraph 4.5.3 of the District Rule 2201. Clearly, at less than 1 ton of sulfur dioxide per year, new sources of the type covered by the revised exemption would not otherwise be subject to the offset requirement unless they were located at an existing sulfur dioxide source with emissions greater than 27.4 tons per year. To gain some perspective as to the number of facilities with sulfur dioxide emissions greater than 27.4 tons per year within the valley, we used CARB's California Emission Inventory Development and Reporting System (CEIDARS) database and reviewed the listings of 3,651 facilities and discovered a total of only 26 that had sulfur dioxide emission greater than 27.4 tons per year based on actual emission in 2007. Based on the low rate of sulfur dioxide emissions generated by types of sources covered by the revised exemption and the small number of sources subject to the offset requirement, the potential in foregone sulfur dioxide emission reductions (offsets) due to the installation of the types of sources covered by this particular exemption is very limited.

Therefore, for the reasons stated in the proposed rule and supplemented herein, we continue to believe that the relaxed sulfur content specification in amended Rule 2020, paragraph 6.1, would have no significant impact on emissions in the valley. Even if there would be some small incremental increase in sulfur dioxide emissions due to the hypothetical relaxation in an otherwise applicable emissions offset requirement on account of the revised exemption, such an increase would be more than offset itself by the reductions in emissions that would flow from the lower major source emissions thresholds and more stringent emissions offset requirement for the other $PM_{2.5}$ precursors, volatile organic compounds and nitrogen oxides. Moreover, we have concluded that overall set of changes in District Rules 2020, 2201, and 2530, including the change in the sulfur fuel content specification, other changes in the permitting and offsets exemptions, the lower major source emissions thresholds, and the more stringent emissions offset requirement, would not interfere with reasonable further progress or attainment of any of the NAAQS and thus are approvable under CAA section 110(l).

Comment #4: Earthjustice contends that, in addition to the relaxations highlighted by EPA in the notice of proposed rulemaking, the District is also relaxing its equivalency demonstration outlined in section 7.0 of Rule 2201 by removing the requirement to demonstrate equivalency with the Federal new source review program that was in effect in December 2002. Earthjustice asserts that the purpose of this provision was to enshrine equivalency with the Federal program prior to the relaxations adopted by EPA as part of NSR Reform and that the

District now seeks to take advantage of the less stringent NSR Reform provisions governing major modifications. Earthjustice claims that the change to section 7.1.1 means that fewer offsets will be required in order to demonstrate equivalence, that EPA's analysis completely fails to address this relaxation, and that EPA needs to quantify the reduction in offsets this change will allow and explain how this growth in emissions can be reconciled with the fact that the District has no real strategy for attaining the national standards.

Response #4: Earthjustice claims that the revisions to Rule 2201 have the effect of (1) relaxing the equivalency demonstration required in Section 7.0 of Rule 2201, because it removed the requirement to demonstrate equivalency with the Federal NSR program that was in effect in December 2002, i.e., prior to the effective date of EPA's NSR reform rules, and (2) now requires demonstration with current "less stringent" Federal NSR program requirements. EPA disagrees with both of these claims. First, the only significant revisions made to Section 7.0 was to remove the December 2002 date reference as to which version of 40 CFR 51.165 should be used for determining equivalency with Federal offset requirements. The underlying requirements for demonstrating equivalency with the Federal NSR program offset requirements remain unchanged.

Second, regarding the claim that the current Federal NSR regulations are less stringent, and therefore fewer Federal offsets are now required, we do not agree that fewer offsets necessarily means that the San Joaquin Valley NSR program would achieve fewer emissions reductions overall. Even if the District's implementation of revised NSR rules that incorporate NSR reform requires fewer emissions offsets, EPA concludes that any such foregone offsets are themselves offset by the new lower "major modification" threshold of zero for ozone precursors, down from 25 tons per year under the existing SIP District Rule 2201, and higher offset ratio of 1.5 to 1, up from 1.2 to 1. Moreover, the regional air quality plans do not take credit for reductions and mitigations required under the District's NSR rules in that they do not reduce future year's emissions by taking credit for emissions reductions provided through permitting actions. *See, e.g.,* page D–4, of appendix D to the San Joaquin Valley 2007 Ozone Plan.

Comment #5: AIR takes issue with EPA's statement in the proposed rule that the Agency's 2001 limited approval and limited disapproval of Rule 2020 had the effect of exempting all agricultural sources from permitting in the San Joaquin Valley portion of the SIP. AIR contends that EPA's statement is at odds with the plain language of the Clean Air Act, which neither exempts major agricultural stationary sources nor affords EPA the authority to grant an exemption through a limited approval/limited disapproval action.

Response #5: AIR is objecting to EPA's background discussion concerning the effect of EPA's approval (in 2001) of the versions of the District's NSR rules that preceded the versions of the rules in the current applicable SIP (which were approved in 2004), and thus AIR's comment has no direct bearing on today's final action on amended District NSR rules, as submitted in 2008 and 2009.[9]

III. Final Action

Under CAA sections 110(k)(2) and 301(a) and for the reasons set forth above and in our January 29, 2010 proposed rule, we are finalizing a limited approval and limited disapproval of amended District NSR Rules 2020 and 2201, as submitted on March 7, 2008 and March 17, 2009, respectively. The amended District Rules 2020 and 2201 revise certain existing exemptions; establish an exemption from permitting, and from offsets, for certain minor agricultural operations; establish applicability thresholds (for major sources and major modifications) and offset thresholds consistent with a classification of "extreme" for the ozone standard; and implement NSR Reform.

We are finalizing a limited approval and limited disapproval action, because the individual provisions within District Rules 2020 and 2201 are not separable, and, because, although the rule amendments would strengthen the SIP and meet all but one of the applicable requirements for SIPs in general and NSR SIPs in particular, they contain unacceptably ambiguous references to statutory provisions that prevent full approval. This action incorporates amended Rules 2020 and 2201 into the District portion of the Federally enforceable California SIP, including those provisions identified as deficient. The amended Rules 2020 and 2201 approved herein supersede the versions of the corresponding rules that were approved in May 2004 in the applicable SIP.

The final limited disapproval triggers a sanctions clock and EPA's obligation to promulgate a Federal implementation plan. Sanctions will be imposed unless EPA approves subsequent SIP revisions that correct the rule deficiencies within 18 months of the effective date of this action. These sanctions will be imposed under section 179 of the Act according to 40 CFR 52.31. In addition, EPA must promulgate a FIP under section 110(c) unless we approve subsequent SIP revisions that correct the rule deficiencies within 24 months. Note that the submitted rules have been adopted by the District, and EPA's final limited disapproval does not prevent the local agency from enforcing it.

With respect to amended District Rule 2530, as submitted on March 17, 2009, we are taking final action to approve the amended rule because we find that it has been appropriately modified to reflect the decrease in the major source threshold for VOC and NO_X consistent with an "extreme" classification. This action incorporates amended Rule 2530 into the District portion of the Federally enforceable California SIP. The amended Rule 2530 approved herein supersedes the previous version of the corresponding rule that was approved in April 1996 in the applicable SIP.

EPA is also removing certain obsolete conditions placed on 1980's era approvals by EPA on various nonattainment plans submitted by California for the San Joaquin Valley.

Lastly, we have decided to defer further action on the Agency's January 2010 proposal to correct a previous approval of the District NSR rules pending receipt from California of a legal interpretation of the extent of District authority with respect to agricultural sources under state law.

[9] Nonetheless, we affirm our statement that, prior to our 2004 approval of the District's NSR rules (Rules 2020 and 2201), the District portion of the California SIP included a broad exemption from permitting for all agricultural sources. This is because our 2001 action on previous versions of District Rule 2020 and 2201 was a limited approval and limited disapproval action and that the version of Rule 2020 approved in 2001 included a full exemption from permitting for agricultural sources consistent with state law at the time. *See* paragraph 4.1.2 of District Rule 2020, as amended on September 17, 1998, and approved on July 19, 2001. We identified the agricultural permitting exemption as one of the deficiencies that prevented our full approval of the rules and that triggered a "sanctions clock." As explained in our July 2001 final rule, the limited approval and limited disapproval action incorporated the rules into the SIP, as they were submitted, with no exception as to those provisions that we found deficient. We generally take limited approval and limited disapproval actions where a given SIP revision is not composed of separable parts, and while the overall submittal strengthens the SIP, there are deficiencies that prevent full approval. *See* 66 FR 37587, at 37590 (July 19, 2001).

IV. Statutory and Executive Order Reviews

A. Executive Order 12866, Regulatory Planning and Review

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled "Regulatory Planning and Review."

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.* Burden is defined at 5 CFR 1320.3(b).

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements 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 not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because SIP approvals and limited approvals/limited disapprovals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because this limited approval/limited disapproval action and approval action does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

D. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

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

E. Executive Order 13132, Federalism

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Under Executive Order 13132, EPA 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 EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule 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, because it 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. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

F. Executive Order 13175, Coordination With Indian Tribal Governments

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." This rule does not have tribal implications, as specified in Executive Order 13175. 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. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern 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 rule is not subject to Executive Order 13045, because it approves a State rule implementing a Federal standard.

H. Executive Order 13211, Actions That Significantly Affect Energy Supply, Distribution, or Use

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

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing

programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

J. Congressional Review Act

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).

K. Petitions for Review of This Action

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 *July 12, 2010.* 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, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 12, 2010.

Jared Blumenfeld,

Regional Administrator, Region IX.

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(354)(i)(E)(*14*) and (c)(363)(i)(A)(*5*) and (*6*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(354) * * *

(i) * * *

(E) * * *

(*14*) Rule 2020, "Exemptions," adopted on September 19, 1991 and amended on December 20, 2007.

* * * * *

(363) * * *

(i) * * *

(A) * * *

(*5*) Rule 2201, "New and Modified Stationary Source Review Rule," adopted on September 19, 1991, and amended on December 18, 2008.

(*6*) Rule 2530, "Federally Enforceable Potential to Emit," adopted on June 15, 1995, and amended on December 18, 2008.

* * * * *

■ 3. Section 52.232 is amended by removing and reserving paragraphs (a)(6), (a)(10), and (a)(11) and by revising paragraph (a)(5)(i) to read as follows:

§ 52.232 Part D conditional approval.

(a) * * *

(5) * * *

(i) For PM:

(A) By November 19, 1981, the NSR rules must be revised and submitted as an SIP revision. The rules must satisfy section 173 of the Clean Air Act and 40 CFR Subpart I, "Review of new sources and modifications." In revising Kern County's NSR rules, the State/APCD must address all the requirements in EPA's amended regulations for NSR (45 FR 31307, May 13, 1980 and 45 FR 52676, August 7, 1980) which the APCD rules do not currently satisfy including those deficiencies cited in EPA's Evaluation Report Addendum which still apply despite EPA's new NSR requirements (contained in document File NAP–CA–07 at the EPA Library in Washington, DC and the Regional Office).

* * * * *

[FR Doc. 2010–10925 Filed 5–10–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R05–OAR–2009–0512; FRL–9147–2]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of Lake and Porter Counties to Attainment for Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking several related actions affecting Lake and Porter Counties and the State of Indiana for the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS or standard). EPA is approving a request from the State of Indiana to redesignate Lake and Porter Counties, the Indiana portion of the Chicago-Gary-Lake County, Illinois-Indiana (IL–IN) 8-hour ozone nonattainment area, to attainment of the 1997 8-hour ozone NAAQS. In addition, EPA is approving, as a revision to the Indiana State Implementation Plan (SIP), the State's plan for maintaining the 1997 8-hour ozone NAAQS through 2020 in Lake and Porter Counties and in the Chicago-Gary-Lake County, IL–IN ozone nonattainment area. EPA is also approving the 2002 Volatile Organic Compounds (VOC) and Nitrogen Oxides (NO_X) emission inventories for Lake and Porter Counties as a SIP revision and as meeting the requirements of the Clean Air Act (CAA). Finally, EPA finds adequate and is approving the State's 2010 and 2020 VOC and NO_X Motor Vehicle Emission Budgets (MVEBs) for Lake and Porter Counties.

DATES: This final rule is effective May 11, 2010.

ADDRESSES: EPA has established a docket for this action: Docket ID No. EPA–R05–OAR–2009–0512. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (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 *http://www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77

West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Edward Doty, Environmental Scientist, at (312) 886–6057 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Edward Doty, Environmental Scientist, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6057, *doty.edward@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This supplementary information section is arranged as follows:

Table of Contents

I. What is the background for this rule?
II. What comments did we receive on the proposed rule?
III. What actions is EPA taking?
IV. Statutory and Executive Order Reviews

I. What is the background for this rule?

On July 18, 1997 (62 FR 38856), EPA promulgated an 8-hour ozone standard of 0.08 parts per million (ppm). EPA published a final rule designating and classifying areas under the 1997 8-hour ozone NAAQS on April 30, 2004 (69 FR 23857). In that rulemaking, Lake and Porter Counties in Indiana were designated as nonattainment as part of the Chicago-Gary-Lake County, IL–IN 8-hour ozone nonattainment area. The Chicago-Gary-Lake County, IL–IN area was classified as a moderate nonattainment area for the 1997 8-hour ozone standard under subpart 2 of the CAA.

On June 5, 2009, the Indiana Department of Environmental Management (IDEM) requested redesignation of Lake and Porter Counties to attainment of the 1997 8-hour ozone NAAQS based on ozone data for the period 2006–2008.[1] This redesignation request was supplemented by IDEM on July 20, 2009, to demonstrate that attainment of the 1997 8-hour ozone NAAQS could be maintained in the Chicago-Gary-Lake County, IL–IN area through 2020 without emission reductions resulting from implementation of EPA's Clean Air Interstate Rule (CAIR).

On March 12, 2010, EPA issued a final rulemaking determining that that the entire Chicago-Gary-Lake County, IL–IN area had attained the 1997 8-hour ozone NAAQS based on three years of complete, quality-assured ozone data for the period of 2006–2008, and continuing through 2009. 75 FR 12088. In that rulemaking, based on its determination of attainment, EPA also approved Indiana's request for a waiver under CAA section 182(f) from CAA provisions requiring NO_X Reasonably Available Control Technology (RACT) in Lake and Porter Counties.

Also on March 12, 2010, EPA issued a notice of rulemaking proposing to approve Indiana's request to redesignate the Indiana portion of the Chicago-Gary-Lake County, IL–IN) 1997 8-hour ozone nonattainment area, as well as proposing approval of a ten-year maintenance plan for the area, VOC and NO_X MVEB's, and VOC and NO_X emissions inventories. 75 FR 12090. This proposed rulemaking sets forth the basis for determining that Indiana's redesignation request meets the CAA requirements for redesignation for the 1997 8-hour ozone NAAQS. Air quality monitoring data in the Chicago-Gary-Lake County, IL–IN area for 2006–2009 show that this area is currently attaining the 1997 8-hour ozone NAAQS.

The primary background for today's actions is contained in EPA's March 12, 2010 proposal to approve Indiana's redesignation request, and in EPA's March 12, 2010 final rulemaking determining that the area has attained the 1997
8-hour ozone standard. In these rulemakings, we noted that, under EPA regulations at 40 CFR 50.10 and 40 CFR part 50, appendix I, the 1997 8-hour ozone standard is attained when the three-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations is less than or equal to 0.08 ppm at all ozone monitoring sites in an area. *See* 69 FR 23857 (April 30, 2004) for further information. To support the redesignation of the area to attainment of the NAAQS, the ozone data must be complete for the three attainment years. The data completeness requirement is met when the three-year average of days with valid ambient monitoring data is greater than 90 percent, and no single year has less than 75 percent data completeness, as determined in accordance with appendix I of 40 CFR part 50. Under the CAA, EPA may redesignate a nonattainment area to attainment if sufficient, complete, quality-assured data are available demonstrating that the area has attained the standard and if the State meets the other CAA redesignation requirements specified in section 107(d)(E) and section 175A.

The March 12, 2010, proposed redesignation rulemaking provides a detailed discussion of how Indiana's ozone redesignation request meets the CAA requirements for redesignation of the Indiana portion of the Chicago-Gary-Lake County, IL–IN area. With the final approval of its VOC and NO_X emissions inventories, Indiana has met all CAA requirements for redesignation to attainment for 1997 8-hour ozone. Air quality monitoring data in the Chicago-Gary-Lake County, IL–IN area for 2006–2009 show that this area is currently attaining the 1997 8-hour ozone NAAQS. Indiana has demonstrated that attainment of 1997 8-hour ozone NAAQS will be maintained in Lake and Porter Counties and in the Chicago-Gary-Lake County, IL–IN area through 2020 with or without the implementation of CAIR. Finally, Indiana has adopted 2010 and 2020 VOC and NO_X MVEBs that are supported by Indiana's ozone maintenance demonstration and adopted ozone maintenance plan.

II. What comments did we receive on the proposed rule?

EPA provided a 30-day review and comment period. The comment period closed on April 12, 2010. During the comment period, we received comments from three individuals. These comments are summarized and addressed below.

Comment 1

A commenter recommends that, since the 1997 8-hour ozone standard has been met in Lake and Porter Counties, the vehicle emissions testing should be stopped in these Counties and the State should use the cost savings to address other issues in the State.

Another commenter requests that EPA stop vehicle emissions testing in the area so as not to "continue to penalize" the citizens of Northwest Indiana. The commenter contends that, since air quality has improved and "times are hard for the people in the area" the emissions testing of vehicles should be halted. This commenter believes that emissions must be coming primarily from companies and factories, and contends that it is time for corporations to pay for their pollution.

Response 1

These commenters have not directly addressed any portion of EPA's proposed actions. The March 12, 2010, proposed rule proposes no action with regard to Indiana's vehicle Inspection/Maintenance (I/M) program (the vehicle emissions testing program) in Lake and

[1] The area continues to attain the 1997 8-hour ozone standard based on quality assured ozone data for 2009. *See* March 12, 2010, proposed rule (75 FR 12094).

Porter Counties. Nonetheless, we note that EPA based its approval of the redesignation request in part on the existence of an EPA-approved I/M program in the Indiana SIP for Lake and Porter Counties. Since Lake and Porter Counties are part of the Chicago-Gary-Lake County, IL–IN area, which is classified as moderate nonattainment for the 1997 8-hour ozone standard, section 182(b)(4) of the CAA requires Indiana's SIP to provide for vehicle I/M in Lake and Porter Counties. For EPA to approve a State's redesignation request, Section 107(d)(3)(E)(ii) and (v) of the CAA requires EPA to determine that EPA has fully approved the State SIP for all requirements under section 110 and part D (including section 182(b)(4)) that are applicable for purposes of redesignation. EPA thus could not approve Indiana's redesignation request for Lake and Porter Counties, without an I/M SIP provision.

The State of Indiana has relied, in part, on the VOC and NO_X emission reductions resulting from the implementation of I/M in Lake and Porter Counties to attain the ozone standard in this area. In addition, Indiana's ozone maintenance plan and maintenance demonstration for Lake and Porter Counties include, and, in part, depend on future VOC and NO_X emission reductions resulting from the continued implementation of the I/M program in Lake and Porter Counties. Thus, EPA could not approve either the attainment or maintenance demonstrations without continued operation of the I/M program or some other control measure that would produce similar emissions reductions.

The State of Indiana has not requested EPA to approve a revision to its SIP to remove the I/M program, nor could EPA approve such a revision without an adequate demonstration that such a revision would not interfere with continued maintenance of the 1997 8-hour ozone standard or with attainment of other applicable air quality requirements pursuant to section 110(l) of the CAA. The requirements for I/M in Lake and Porter Counties remain in place in the Indiana ozone SIP, and there is no basis in this rulemaking to remove I/M as an emission reduction program in these Counties.

With regard to requiring companies and industries to control their emissions, the March 12, 2010, proposed rule (75 FR 12095–12097) makes it clear that Indiana has met all stationary source control requirements for Lake and Porter Counties that are applicable for purposes of redesignation under the CAA. The State has adopted all CAA-required VOC RACT requirements and New Source Review (NSR) requirements for Lake and Porter Counties, and the subject stationary sources (companies and industries) in Lake and Porter have implemented these required VOC emission reductions. In addition, on October 27, 1998 (63 FR 57356), EPA issued a NO_X SIP Call requiring the District of Columbia and 22 States to reduce emissions of NO_X in order to reduce the transport of ozone and ozone precursors. In compliance with EPA's NO_X SIP Call, IDEM developed rules governing the control of NO_X emissions from Electric Generating Units (EGUs), major non-EGU industrial boilers, turbines, major cement kilns, and internal combustion engines. EPA approved Indiana's rules as fulfilling requirements of Phase I of the NO_X SIP Call on November 8, 2001 (66 FR 56465) and December 11, 2003 (68 FR 69025), and of Phase II of the NO_X SIP Call on October 1, 2007 (72 FR 55664).

Comment 2

A commenter, apparently in response to EPA's March 12, 2010 (75 FR 12088), final rulemaking approving a NO_X RACT waiver for Lake and Porter Counties, asks why EPA is waiving the "CAA requirement of at least RACT-level emissions control for the State of Indiana." The commenter asserts that there are numerous coal-fired power plants, and other major pollution sources "just south of Illinois," and contends, based on the findings from the Respiratory Health Association of Metropolitan Chicago, that "Indiana pollution sources contribute significantly to the smog that is visible on the horizon from anywhere in Chicago on summer days, despite EPA's finding that the Chicago area has attained the 1997 8-hour ozone standard." The commenter, referencing an EPA Web site (*http://www.epa.gov/dfe/pubs/pwb/tech_rep/fedregs/regsecta.htm*), claims that the "Chicago, IL–IN–WI" area is a "severe" ozone nonattainment area.

Response 2

First, EPA notes that the only waiver that EPA has granted, after notice-and-comment rulemaking that concluded on March 12, 2010, is based on CAA section 182(f)(1)(A) concerning NO_X RACT. 75 FR 12088. EPA received no comments on that rulemaking, which has been finalized, and is not a part of the March 12, 2010, proposed redesignation rule (75 FR 12090), which is the subject of this final rule. The grounds for that rulemaking were fully set forth in the notices that address it, and comments concerning it are not timely or germane to this rulemaking. Similarly, on March 12, 2010, EPA issued a determination that the entire Chicago-Gary-Lake County, IL–IN 8-hour ozone nonattainment area has attained the 1997 8-hour ozone standard, and reiterates in this rulemaking that the most recent three years of complete, quality-assured monitoring data establish that the area is attaining the standard. Since the area is already attaining the 1997 8-hour ozone NAAQS, imposition of additional NO_X RACT controls will not contribute to attainment. 74 FR 48706 (September 24, 2009). Moreover, sources of pollution in Indiana that contribute significantly to air quality in the Chicago-Gary-Lake County, IL–IN area are controlled by provisions of the Indiana SIP and by the NO_X SIP call, as well as by other Federal regulations. *See* the discussion in EPA's notice of proposed rulemaking. All subject sources in Lake and Porter Counties are required to meet applicable RACT requirements for VOC. With regard to the commenter's assertion that the "Chicago, IL–IN–WI" area is classified as a severe ozone nonattainment area, we note that this classification applied to the area's status under the prior 1-hour ozone standard. On June 15, 2005, EPA revoked the 1-hour ozone standard. 70 FR 44470. As noted above, the Chicago-Gary-Lake County, IL–IN area was classified as a moderate nonattainment area under the current 1997 8-hour ozone standard, which is the ozone standard addressed in this final rule. Moreover, in its proposed redesignation notice, EPA concluded, after a detailed discussion, that Indiana had met all applicable 1-hour ozone anti-backsliding requirements for the area's prior severe classification that applied for purposes of redesignation for the 1997 8-hour ozone standard.

Comment 3

A commenter is concerned that redesignating Lake and Porter Counties to attainment of the 1997 8-hour ozone standard will loosen new source review requirements for subject sources from Lowest Achievable Emission Rate (LAER) (required in ozone nonattainment areas) to Best Available Control Technology (BACT) (required in ozone attainment areas).

Response 3

The commenter is correct that major new source requirements in Lake and Porter Counties will change from LAER to BACT after the redesignation of Lake and Porter Counties to attainment of the 1997 8-hour ozone standard becomes effective. This, however, does not mean

that this change in new source emission controls will cause new ozone standard violations, or otherwise interfere with the maintenance of the 1997 8-hour ozone standard in Lake and Porter Counties and in the Chicago-Gary-Lake County, IL–IN area. New sources will be subject to the Prevention of Significant Deterioration (PSD) program but existing sources that underwent nonattainment NSR must continue to comply with their permits and operate their control equipment.

IDEM noted in its June 5, 2009, ozone redesignation request that the PSD requirements for the implementation of BACT at applicable new sources would replace the new source review requirements for LAER upon the redesignation of Lake and Porter Counties to attainment of the 1997 8-hour ozone standard. The substitution of PSD for nonattainment NSR was shown by the State, in its ozone maintenance plan, not to interfere with maintenance of the 1997 8-hour ozone standard in Lake and Porter Counties and in the Chicago-Gary-Lake County, IL–IN area as a whole. IDEM factored in projected new source emissions growth under the PSD program as part of the State's ozone maintenance demonstration. Through this ozone maintenance demonstration, new source growth was shown to not cause future ozone standard violations. Therefore, we do not believe that conversion from LAER requirements to BACT requirements for applicable new sources in Lake and Porter Counties will interfere with the maintenance of the 1997 8-hour ozone standard in the Chicago-Gary-Lake County, IL–IN area. As always, contingency measures that are contained in the maintenance plan exist to correct any unanticipated future violations that may occur for any reason.

Comment 4

A commenter contends that loosening regulations via waivers and redesignation will lead to increases in ozone, augment risks of lung disease and affect asthma sufferers.

Response 4

As discussed above and in the March 12, 2010, proposed rule (75 FR 12104–12109), IDEM has demonstrated that the area is attaining the 1997 8-hour ozone NAAQS, and that VOC and NO_X emissions in Lake and Porter Counties will remain below the attainment year (2006) emission levels through 2020. In making this maintenance demonstration, IDEM has estimated the emissions impacts of source growth in Lake and Porter Counties along with the emissions impacts of continued implementation of existing emission controls. The ozone maintenance demonstration shows that VOC and NO_X emissions will remain below the 2006 emission levels through 2020. Since the ozone maintenance demonstration has included the emissions impacts of the NO_X RACT waiver and of source growth subsequent to the redesignation of Lake and Porter Counties to attainment of the 1997 8-hour ozone standard, we conclude that the NO_X waiver and the redesignation of Lake and Porter Counties should not result in new violations of the 1997 8-hour ozone standard during the ozone maintenance period, through 2020. After redesignation, all control measures that are in place are retained, and contrary to commenter's contention, there is no relaxation of existing controls on sources.

EPA Conclusions Resulting From the Public Comments

After considering all public comments received and our responses to those comments, we conclude that no issues have been raised that would cause us to alter the conclusions set forth in the March 12, 2010, proposed rule.

III. What actions is EPA taking?

After reviewing Indiana's redesignation request, EPA has determined that it meets the criteria set forth in section 107(d)(3)(E) of the CAA. Therefore, EPA is approving the redesignation of Lake and Porter Counties to attainment for the 1997 8-hour ozone NAAQS. EPA is also approving Indiana's ozone maintenance plan for Lake and Porter Counties as a SIP revision, based on Indiana's demonstration that the plan meets the requirements of section 175A of the CAA. In addition, EPA is approving the 2002 VOC and NO_X emission inventories for Lake and Porter Counties as meeting the requirements of section 182(a)(1) of the CAA. Finally, EPA also finds adequate and is approving the State's 2010 and 2020 VOC and NO_X MVEBs for Lake and Porter Counties. For 2010, these MVEBs are 10.5 tons VOC/day and 40.6 tons NO_X/day. For 2020, these MVEBs are 6.0 tons VOC/day and 12.6 tons NO_X/day.

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for this action to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of a redesignation to attainment, which relieves the area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule "grants or recognizes an exemption or relieves a restriction," and section 553(d)(3), which allows an effective date less than 30 days after publication "as otherwise provided by the agency for good cause found and published with the rule." The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rule relieves the State of planning requirements for this 8-hour ozone nonattainment area. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for this action to become effective on the date of publication of this action.

IV. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by State law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, these actions do not impose additional requirements beyond those imposed by State law and the CAA. For that reason, these actions:

- Are not "significant regulatory actions" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are certified as not having a significant economic impact on a substantial number of small entities

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Do 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);

• Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Are not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Are not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Are not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

• Do not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on Tribal governments or preempt Tribal law.

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 action 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 12, 2010. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action 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, Intergovernmental relations, Nitrogen oxides, Ozone, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: April 22, 2010.

Bharat Mathur,

Acting Regional Administrator, Region 5.

■ Parts 52 and 81, chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart P—Indiana

■ 2. Section 52.777 is amended by adding paragraphs (pp) and (qq) to read as follows:

§ 52.777 Control strategy: Photochemical oxidants (hydrocarbons).

* * * * *

(pp) Approval—On June 5, 2009, the Indiana Department of Environmental Management submitted a request to redesignate Lake and Porter Counties to attainment of the 1997 8-hour ozone NAAQS. As part of the redesignation request, the State submitted a maintenance plan as required by section 175A of the Clean Air Act. Elements of the section 175A maintenance plan include a contingency plan and an obligation to submit a subsequent maintenance plan revision in 8 years, as required by the Clean Air Act. The 2010 motor vehicle emissions budgets for Lake and Porter Counties are 10.5 tpd for VOC and 40.6 tpd for NO_X. The 2020 motor vehicle emissions budgets for Lake and Porter Counties are 6.0 tpd for VOC and 12.6 tpd for NO_X.

(qq) Approval—Indiana's 2002 VOC and NO_X emissions inventories satisfy the emission inventory requirements of section 182(a)(1) of the Clean Air Act for Lake and Porter Counties under the 1997 8-hour ozone NAAQS.

PART 81—[AMENDED]

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. Section 81.315 is amended by revising the entry for Chicago-Gary-Lake County, IL-IN in the table entitled "Indiana-Ozone (8-Hour Standard)" to read as follows:

§ 81.315 Indiana.

* * * * *

INDIANA—OZONE

[8-Hour standard]

Designated area	Designation [a]		Category/classification	
	Date [1]	Type	Date [1]	Type
* *	*	* *	*	*
Chicago-Gary-Lake County, IL–IN:				
Lake County	May 11, 2010	Attainment.		
Porter County				
* *	*	* *	*	*

* * * * * * *

[a] Includes Indian Country located in each county or area, except as otherwise specified.

[1] This date is June 15, 2004, unless otherwise noted.

* * * * *

[FR Doc. 2010–11009 Filed 5–10–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R05–OAR–2009–0928; EPA–R05–OAR–2010–0046; FRL–9147–3]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Indiana; Redesignation of the Ohio and Indiana Portions of the Cincinnati-Hamilton Area to Attainment for Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving the requests of Ohio and Indiana to redesignate the Ohio and Indiana portions of the Cincinnati-Hamilton, OH–KY–IN 8-hour ozone nonattainment area, "the Cincinnati-Hamilton area," to attainment for that standard, because these requests meet the statutory requirements for redesignation under the Clean Air Act (CAA). The Ohio Environmental Protection Agency (Ohio EPA) and the Indiana Department of Environmental Management (IDEM) submitted these requests on December 14, 2009, and January 21, 2010, respectively. (EPA will address the Kentucky portion of the Cincinnati-Hamilton area in a separate rulemaking action.)

These approvals involve several related actions. EPA is making a determination under the CAA that the Cincinnati-Hamilton area has attained the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). The Cincinnati-Hamilton area includes Butler, Clermont, Clinton, Hamilton, and Warren Counties in Ohio, Lawrenceburg Township in Dearborn County, Indiana, and Boone, Campbell, and Kenton Counties in Kentucky. This determination is based on three years of complete, quality-assured ambient air quality monitoring data for the 2007–2009 ozone seasons that demonstrate that the 8-hour ozone NAAQS has been attained in the entire Cincinnati-Hamilton area. EPA is also approving, as revisions to the Ohio and Indiana State Implementation Plans (SIPs), the States' plans for maintaining the 8-hour ozone NAAQS through 2020 in the area.

EPA is approving the 2002 base year emissions inventory submitted by IDEM on June 13, 2007, as meeting the base year emissions inventory requirement of the CAA for the Indiana portion of the Cincinnati-Hamilton area. EPA is approving the 2005 base year emissions inventory submitted by Ohio EPA as part of its redesignation request as meeting the base year emissions inventory requirements of the CAA for the Ohio portion of the Cincinnati-Hamilton area. Finally, EPA finds adequate and is approving the States' 2015 and 2020 Motor Vehicle Emission Budgets (MVEBs) for the Ohio and Indiana portion of the Cincinnati-Hamilton area.

DATES: This final rule is effective May 11, 2010.

ADDRESSES: EPA has established dockets for this action: Docket ID No. EPA–R05–OAR–2009–0928 and ID No. EPA–R05–OAR–2010–0046. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (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 *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Kathleen D'Agostino, Environmental Engineer, at (312) 886–1767 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–1767, *dagostino.kathleen@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This supplementary information section is arranged as follows:

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I. What is the background for these actions?
II. What comments did we receive on the proposed rule?
III. What action is EPA taking?
IV. Statutory and Executive Order Reviews.

I. What is the background for these actions?

The background for today's actions is discussed in detail in EPA's February 26, 2010, proposal (75 FR 8871). In that rulemaking, we noted that, under EPA regulations at 40 CFR part 50, the 8-hour ozone standard is attained when the three-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations is less than or equal to 0.08 ppm. (*See* 69 FR 23857 (April 30, 2004) for further information.) Under the CAA, EPA may redesignate nonattainment areas to attainment if sufficient complete, quality-assured data are available to determine that the area has attained the standard and if it meets the other CAA redesignation requirements in section 107(d)(3)(E).

The Ohio EPA and IDEM submitted requests to redesignate the Ohio and Indiana portions of the Cincinnati-Hamilton area to attainment for the 8-hour ozone standard on December 14, 2009, and January 21, 2010, respectively. The redesignation requests included three years of complete, quality-assured data for the period of 2007 through 2009, indicating the 8-hour NAAQS for ozone, as promulgated in 1997, had been attained for the Cincinnati-Hamilton area. The February 26, 2010, proposed rule provides a detailed discussion of how Ohio and Indiana met this and other CAA requirements.

II. What comments did we receive on the proposed rule?

EPA provided a 30-day review and comment period. The comment period closed on March 29, 2010. We received no comments on the proposed rule.

III. What action is EPA taking?

EPA is making a determination that the Cincinnati-Hamilton area has attained the 1997 8-hour ozone NAAQS. EPA is also approving the maintenance plan SIP revisions for the Ohio and Indiana portions of the Cincinnati-Hamilton area. EPA's approval of the maintenance plans is based on the States' demonstrations that the plans meet the requirements of section 175A of the CAA. After evaluating the redesignation requests submitted by Ohio and Indiana, EPA believes that the requests meet the redesignation criteria set forth in section 107(d)(3)(E) of the CAA. Therefore, EPA is approving the redesignation of the Ohio and Indiana portions of the Cincinnati-Hamilton area from nonattainment to attainment for the 1997 8-hour ozone NAAQS. EPA is also approving Ohio EPA's 2005 base year emissions inventory for the Ohio

portion of the Cincinnati-Hamilton area and IDEM's 2002 base year emissions inventory for Dearborn County as meeting the requirements of section 172(c)(3) of the CAA. Finally, EPA finds adequate and is approving the States' 2015 and 2020 MVEBs for Ohio and Indiana portions of the Cincinnati-Hamilton area.

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for this action to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of a redesignation to attainment, which relieves the area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule "grants or recognizes an exemption or relieves a restriction," and section 553(d)(3), which allows an effective date less than 30 days after publication "as otherwise provided by the agency for good cause found and published with the rule." The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rule relieves the state of various requirements for this 8-hour ozone nonattainment area. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for this action to become effective on the date of publication of this action.

IV. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. These actions do not impose additional requirements beyond those imposed by state law and the CAA. For that reason, these actions:

- Are not "significant regulatory actions" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Do 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);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Do not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

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 action 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 12, 2010. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action 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, Intergovernmental relations, Nitrogen oxides, Ozone, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: April 22, 2010.

Bharat Mathur,

Acting Regional Administrator, Region 5.

■ Parts 52 and 81, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart P—Indiana

■ 2. Section 52.777 is amended by adding paragraphs (nn) and (oo) to read as follows:

§ 52.777 Control strategy: Photochemical oxidants (hydrocarbons).

* * * * *

(nn) Approval—Indiana's 2002 inventory satisfies the base year emissions inventory requirements of section 172(c)(3) of the Clean Air Act for the Indiana portion of the Cincinnati-Hamilton, OH–KY–IN area under the 1997 8-hour ozone standard.

(oo) Approval—On January 21, 2010, the Indiana Department of

Environmental Management submitted a request to redesignate the Indiana portion of the Cincinnati-Hamilton, OH–KY–IN area to attainment of the 8-hour ozone NAAQS. As part of the redesignation request, the State submitted a maintenance plan as required by section 175A of the Clean Air Act. Elements of the section 175 maintenance plan include a contingency plan and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. The 2015 motor vehicle emissions budgets for the Ohio and Indiana portions of the Cincinnati-Hamilton, OH–KY–IN area are 31.73 tpd for VOC and 49.00 tpd for NO_X. The 2020 motor vehicle emissions budgets for the Ohio and Indiana portions of the area are 28.82 tpd for VOC and 34.39 tpd for NO_X.

* * * * *

Subpart KK—Ohio

■ 3. Section 52.1885 is amended by adding paragraphs (ff)(10) and (hh)(3) to read as follows:

§ 52.1885 Control strategy: Ozone.

* * * * *

(ff) * * *

(10) Approval—On December 14, 2009, the Ohio Environmental Protection Agency submitted a request to redesignate the Ohio portion of the Cincinnati-Hamilton, OH–KY–IN area to attainment of the 8-hour ozone NAAQS. As part of the redesignation request, the State submitted a maintenance plan as required by section 175A of the Clean Air Act. Elements of the section 175 maintenance plan include a contingency plan and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. The 2015 motor vehicle emissions budgets for the Ohio and Indiana portions of the Cincinnati-Hamilton, OH–KY–IN area are 31.73 tpd for VOC and 49.00 tpd for NO_X. The 2020 motor vehicle emissions budgets for the Ohio and Indiana portions of the area are 28.82 tpd for VOC and 34.39 tpd for NO_X.

* * * * *

(hh) * * *

(3) Approval—Ohio's 2005 inventory satisfies the base year emissions inventory requirements of section 172(c)(3) of the Clean Air Act for the Ohio portion of the Cincinnati-Hamilton, OH–KY–IN area under the 1997 8-hour ozone standard.

PART 81—[AMENDED]

■ 4. The authority citation for part 81 continues to read as follows:

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

■ 5. Section 81.315 is amended by revising the entry for Cincinnati-Hamilton, OH–KY–IN in the table entitled "Indiana—Ozone (8-Hour Standard)" to read as follows:

§ 81.315 Indiana.

* * * * *

INDIANA—OZONE

[8-Hour standard]

Designated area	Designation [a]		Classification	
	Date [1]	Type	Date [1]	Type
* *	*	* *	*	*
Cincinnati-Hamilton, OH–KY–IN:				
Dearborn County (part)	May 11, 2010	Attainment		
* *	*	* *	*	*

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is June 15, 2004, unless otherwise noted.

* * * * *

■ 6. Section 81.336 is amended by revising the entry for Cincinnati-Hamilton, OH–KY–IN in the table entitled "Ohio-Ozone (8-Hour Standard)" to read as follows:

§ 81.336 Ohio.

* * * * *

OHIO—OZONE

[8-Hour standard]

Designated area	Designation [a]		Classification	
	Date [1]	Type	Date [1]	Type
* *	*	* *	*	*
Cincinnati-Hamilton, OH–KY–IN:				
Butler County	May 11, 2010	Attainment		
Clermont County				
Clinton County				
Hamilton County				
Warren County				
* *	*	* *	*	*

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is June 15, 2004, unless otherwise noted.

* * * * *

[FR Doc. 2010–11010 Filed 5–10–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2007–1158; FRL–9147–4]

RIN 2060–AO71

Regulation of Fuels and Fuel Additives: Alternative Affirmative Defense Requirements for Ultra-Low Sulfur Diesel and Gasoline Benzene Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is issuing a direct final rule to amend the diesel sulfur regulations to allow refiners, importers, distributors, and retailers of highway diesel fuel the option to use an alternative affirmative defense if the Agency finds highway diesel fuel samples above the specified sulfur standard at retail facilities. This alternative defense consists of a comprehensive program of quality assurance sampling and testing that would cover all participating companies that produce and/or distribute highway diesel fuel if certain other conditions are met. The sampling and testing program would be carried out by an independent surveyor. The program would be conducted pursuant to a survey plan approved by EPA that is designed to achieve the same objectives as the current regulatory quality assurance requirement. This rule also amends the gasoline benzene regulations to allow disqualified small refiners the same opportunity to generate gasoline benzene credits as that afforded to non-small refiners.

DATES: This rule is effective on July 12, 2010 without further notice, unless EPA receives adverse comment by June 10, 2010. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this rule, or the relevant provisions of this rule, will not take effect. The incorporation by reference of a certain publication listed in the regulations is approved by the Director of the Federal Register as of July 12, 2010.

Hearings: If EPA receives a request from a person wishing to speak at a public hearing by May 26, 2010, a public hearing will be held at a time and location to be announced in a subsequent **Federal Register** notice. To request to speak at a public hearing, send a request to the contact in **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2007–1158, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: a-and-r-docket@epa.gov.*
- *Fax:* (202) 566–9744.
- *Mail:* Air and Radiation Docket, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center, Room 3334, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC, Attention Air Docket ID No. EPA–HQ–OAR–2007–1158. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2007–1158. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* 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 *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, 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 *http://www.regulations.gov,* your e-mail address will automatically be 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 the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Air Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Jaimee Dong, Compliance and Innovative Strategies Division, Office of Transportation and Air Quality, Office of Air and Radiation, Environmental Protection Agency, Mail Code 6405J, 1200 Pennsylvania Avenue, Washington, DC 20460; telephone number: (202) 343–9672; fax number: (202) 343–2800; e-mail address: *Dong.Jaimee@epa.gov.*

SUPPLEMENTARY INFORMATION:

Why is EPA using a direct final rule?

EPA is publishing this rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register,** we are publishing a separate document that will serve as the proposed rule to amend the diesel sulfur regulations and the gasoline benzene regulations if adverse comments are received on this direct final rule. We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

If EPA receives adverse comment on a distinct provision of this rulemaking, we will publish a timely withdrawal in the **Federal Register** indicating which provisions we are withdrawing. The provisions that are not withdrawn will become effective on the date set out above, notwithstanding adverse comment on any other provision. We will address all public comments in any subsequent final rule based on the proposed rule.

Does this action apply to me?

Entities potentially affected by this action include those involved with the production, importation, distribution, marketing, or retailing of diesel fuel and production of gasoline. Categories and entities affected by this action include:

Category	NAICS codes [a]	SIC codes [b]	Examples of potentially regulated entities
Industry	324110	2911	Petroleum Refiners.
Industry	422710	5171	Diesel Fuel Marketers and Distributors.
Industry	484220	4212	Diesel Fuel Carriers.

[a] North American Industry Classification System (NAICS).
[b] Standard Industrial Classification (SIC) system code.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action; however, other types of entities not listed in the table could also be affected. To determine whether your entity is affected by this action, you should examine the applicability criteria of parts 79 and 80 of title 40 of the Code of Federal Regulations. If you have any question regarding applicability of this action to a particular entity, consult the person in the preceding **FOR FURTHER INFORMATION CONTACT** section.

What should I consider as I prepare my comments for EPA?

A. *Submitting CBI.* Do not submit this information to EPA through *http://www.regulations.gov* or e-mail. Clearly mark the information that you claim to be CBI. For CBI information on 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 marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

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

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- 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.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

C. *Docket Copying Costs.* You may be charged a reasonable fee for photocopying docket materials, as provided by 40 CFR part 2.

Outline of This Preamble

I. Background
II. Need for Action
III. This Action
IV. Statutory and Executive Order Reviews
  A. Executive Order 12866: Regulatory Planning and Review
  B. Paperwork Reduction Act
  C. Regulatory Flexibility Act
  D. Unfunded Mandates Reform Act
  E. Executive Order 13132: Federalism
  F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
  G. Executive Order 13045: Protection of Children from Environmental Health and Safety Risks
  H. Executive Order 13211: Acts that Significantly Affect Energy Supply, Distribution, or Use
  I. National Technology Transfer and Advancement Act
  J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.
  K. Congressional Review Act
  L. Clean Air Act Section 307(d)
V. Statutory Provisions and Legal Authority

I. Background

The diesel sulfur regulations were designed to ensure widespread availability of highway diesel fuel containing 15 parts per million (ppm) sulfur or less by October 2006. Almost all highway diesel engines produced beginning in 2007 will be equipped with emissions control systems that are sensitive to sulfur. These vehicles should be fueled with diesel fuel produced to contain no more than 15 ppm sulfur (called Ultra-Low Sulfur Diesel or ULSD highway diesel fuel) in order for the emissions control systems to function properly, and to prevent damage to the emissions control systems.

The diesel sulfur regulations require refiners, importers, distributors and retailers who produce, import, sell, store or transport ULSD highway diesel fuel to meet the standards specified in the diesel sulfur regulations. Where a violation of the standards is identified at a retail outlet, the retailer responsible for dispensing the noncompliant fuel is deemed liable, as well as the refiner(s), importer(s) and distributor(s) of such fuel. See 40 CFR 80.612(a). In addition, where the corporate, trade or brand name of a refiner appears at a retail outlet found to be in violation, that branded refiner is also deemed liable for the violation. *See* 40 CFR 80.612(a)(3).

The diesel sulfur regulations further provide, however, that any person deemed liable can rebut this presumption by establishing an affirmative defense that includes, among other things, showing that it conducted a quality assurance sampling and testing program as prescribed by the regulations. *See* 40 CFR 80.613(a)(1) and 40 CFR 80.613(d). Branded refiners and importers are not liable if they can establish, among other things, that the violation was caused by the action of a third-party distributor or retailer who violated product handling procedures that were contractually required by the refiner, despite periodic sampling and testing to ensure compliance with the contractual obligation.

II. Need for Action

EPA received questions from several large branded refiners of ULSD highway diesel fuel regarding how EPA would enforce violations of the downstream sulfur standard in instances where a ULSD highway diesel fuel sample test result exceeded the downstream standard by an amount less than the 2

ppm adjustment factor.[1] These questions led to discussions between EPA and the refiners about establishing an optional nationwide sampling and testing program in which refiners could participate to satisfy the affirmative defense requirements under § 80.613. This program, which would be generally modeled on the reformulated gasoline (RFG) survey program set forth in 40 CFR 80.68, would be conducted by an independent survey organization following a survey plan approved annually by EPA, and funded by a consortium of refiners, importers and distributors.

For the reasons discussed below, EPA believes it is appropriate to provide branded refiners or importers who sell ULSD highway diesel fuel at retail stations with an alternative means of meeting the affirmative defense requirements in § 80.613. We also believe it is appropriate to provide this alternative to unbranded refiners and importers, as well as distributors and retailers. As a result, this rule amends the diesel sulfur regulations to provide an optional alternative means of meeting the defense requirements in § 80.613, which will be available to any refiner, importer, distributor or retailer of ULSD highway diesel fuel.

We believe that the use of the new alternative quality assurance compliance program will result in a quality assurance program equivalent to that currently required under the diesel sulfur regulations. The provisions in this rule are equivalent to those in an existing program that was implemented by EPA's Office of Enforcement and Compliance Assurance in October, 2006 through enforcement discretion, and which has efficiently provided significant amounts of statistically valid information on a nationwide basis. Sampling results from the program (aggregated on a quarterly basis) are available on the Web site of the Clean Diesel Fuel Alliance at *http://www.clean-diesel.org/pump_survey.html.* This rule will not have any adverse environmental impact and will provide refiners, importers and distributors additional flexibility in complying with the diesel sulfur regulations.

[1] The diesel sulfur regulations at § 80.580(d) provide for an adjustment factor to be subtracted from test results for samples taken downstream of the refinery gate, to account for test variability. The adjustment factor was 3 ppm prior to October 15, 2008, and is now 2 ppm as of October 15, 2008. Thus, ULSD highway diesel fuel downstream of the refinery gate would be deemed to be compliant beginning October 15, 2008 if a test result showed it contained no more than 17 ppm sulfur. For ease of reference, this preamble uses the term "downstream sulfur standard" to refer to the 15 ppm standard plus the adjustment factor, i.e. 17 ppm, beginning October 15, 2008. The term ULSD means diesel fuel subject to the 15 ppm standard applicable at the refinery gate, and subject to the downstream sulfur standard of 15 ppm plus the 2 ppm adjustment factor.

III. This Action

This action provides refiners, importers, distributors and retailers of ULSD highway diesel fuel the option of an alternative defense to liability that consists in part of a nationwide program of sampling and testing designed to provide oversight of all retail stations that sell ULSD highway diesel fuel. Under this option, a refiner, importer, distributor or retailer must participate in an organization that arranges to have an independent surveyor conduct a program of compliance surveys pursuant to a survey plan designed to achieve the same quality assurance objectives as the current regulatory requirement. A detailed survey plan must be submitted to EPA for approval by November 1 of the year preceding the year in which the alternative quality assurance sampling and testing program would be implemented. The survey plan must include a methodology for determining when the survey samples will be collected, the locations of the retail outlets where the samples will be collected, the number of samples to be included in the survey, and any other elements that EPA determines are necessary to achieve the same level of quality assurance as the current requirement.

Under this alternative quality assurance program, the independent surveyor is required to collect samples of ULSD highway diesel fuel at retail stations and have the samples tested for sulfur content. This nationwide sampling and testing program would be designed to ensure comprehensive geographic coverage of regulated highway diesel fuel sold at retail outlets, would provide proportionate coverage of such fuel in three sampling strata, and would be done in accordance with the provisions in 40 CFR 80.580. These three strata generally refer to: (1) Densely populated areas, which include Metropolitan Statistical Areas and the reformulated gasoline control areas; (2) transportation corridors, which are based on interstate highways outside the densely populated areas. Transportation corridors include areas immediately adjacent to the highways themselves and a swath within several miles on each side of the highway. For any given survey, a certain length of any specific highway may be deemed appropriate as a sampling unit or cluster; (3) rural areas, which include all areas not included in the previous two strata. These areas are subdivided into clusters, generally based on groupings of counties. The specific criteria used for selecting sampling areas for each survey plan is subject to EPA approval.

The surveyor would generate and report summary sulfur content statistics to EPA each calendar quarter. In addition, where the survey finds noncompliant samples of ULSD highway diesel fuel, the liable parties would be responsible for identifying and addressing the root cause of the violation to prevent future violations.

EPA recognizes that any alternative quality assurance program must result in the same level of consistency in meeting the ULSD standard for highway fuel as the current quality assurance requirements. A sampling and testing program that accomplishes this must both accurately estimate the proportion of retail stations that sell non-compliant ULSD highway diesel fuel and provide a credible deterrent to deliberate or inadvertent violations of downstream enforcement standards.

While not mutually exclusive, the two overall objectives differ significantly in how an adequate number of samples for an alternative quality assurance program is calculated. The amount of sampling needed to satisfy either objective depends on a number of considerations which pose separate difficulties for the two objectives. On the one hand, the amount needed to estimate the proportion of retail stations that sell non-compliant ULSD highway diesel fuel varies as a function of the expected underlying proportion of stations selling non-compliant fuel, the proportion of stations needed to be non-compliant to determine that fuel is non-compliant, the selected confidence level, and various sample design parameters. Thus, arriving at the sampling requirement for determining the proportion of retail stations that sell non-compliant ULSD highway diesel relies on determining tolerable levels of non-compliance and confidence that would provide a suitable degree of accuracy.

On the other hand, the amount of sampling needed to maintain adequate deterrence rests on sound judgment by experienced field enforcement personnel based on the attractiveness/profitability of deliberate violations, the likelihood of inadvertent violations, the nature of penalty policies, and the speed with which information about enforcement actions and their outcomes is disseminated throughout the regulated community. Therefore, deciding how much sampling is needed for effective deterrence is a less deterministic process.

For the reasons discussed above, no single statistical formula can be used exclusively to determine the size of an acceptable sampling program if both objectives are to be met. The use of a rigorous survey sampling methodology serves both principal objectives. For non-compliance estimation purposes, the need for such statistical rigor is necessary for an accurate measure of the proportion of retail stations selling non-compliant ULSD highway diesel fuel. Another benefit from the use of such methodology is that it makes the most efficient use of limited resources by distributing sampling in a way that no regulated party can be confident that it will not be sampled and tested.

When a violation occurs, today's rule allows branded refiners that participate in the consortium to establish a defense for themselves, and also establish a defense for distributors and retailers that operate under the branded refiners' trade or brand name under new provisions in § 80.613(e). Unbranded refiners and distributors that do not operate under the trade or brand name of a refiner, as well as distributors that operate under a refiner's trade or brand name but the refiner has elected to not participate in the consortium, also may use these new defense provisions by independently participating in the consortium. In certain situations, a distributor's operations may be partially under the brand name of a participating refiner and partially under the brand name of a non-participating refiner or partially not under the brand name of a refiner. Such distributors, if they seek to use the alternative defense discussed here, must participate independently in the consortium to meet their defense requirements under § 80.613(e) for their operations that are under the brand name of a non-participating refiner, or operations not under the brand name of a refiner.

Where the survey association finds a sample of ULSD highway diesel fuel that exceeds the downstream sulfur standard, participants in the consortium have different requirements for establishing their defense under § 80.613(e), depending on the amount of the exceedance. For exceedances of up to 2 ppm over the downstream standard, consortium participants will be deemed to have met all of their defense requirements under § 80.613(e) provided they demonstrate to EPA that diesel fuel last supplied to the retail station contained no more than 15 ppm sulfur prior to subtracting the 2 ppm adjustment factor when dispensed at the supplying terminal, and take several actions, described in further detail below, to stop distribution of the violating fuel, to determine why the violation occurred, and to provide a report to EPA explaining how such violations will be avoided in the future. However, for exceedances of more than 2 ppm over the downstream standard, consortium participants must also meet additional defense requirements as described in further detail below.

EPA chose 2 ppm as a threshold based on past sulfur testing experience in order to provide an incentive for regulated parties to participate in the consortium while encouraging participants to take appropriate steps to comply. Exceedances of more than 2 ppm over the downstream standard indicate that a regulated party may not have taken appropriate steps to comply, and that more analysis is required to determine the cause of the exceedance. The exceedance threshold of 2 ppm is equal to the 2 ppm adjustment factor allowed for downstream parties in the diesel sulfur regulations. Due to variability in sulfur test methods, downstream parties are allowed to subtract 2 ppm from their sulfur test result to determine compliance with the 15 ppm sulfur standard, which means that a downstream sulfur test result of 17 ppm is considered to be compliant with the 15 ppm sulfur standard. However, a test variability of 2 ppm means actual sulfur content may also be 2 ppm greater than the test result, so if diesel fuel containing 17 ppm sulfur is tested twice for sulfur, one test result may be 15 ppm and one test result may be 19 ppm. Thus, if a terminal has a sulfur test result of 15 ppm for their diesel fuel prior to subtracting the 2 ppm adjustment factor, it is possible for another party to test the same diesel fuel and obtain a test result of 19 ppm. Requiring the supplying terminal to demonstrate that their diesel fuel when tested contained no more than 15 ppm sulfur prior to subtracting the 2 ppm adjustment factor means that a retail test result of 19 ppm would show noncompliance but would still be consistent with other test results that show compliance under the regulations.

When the survey association finds a sample of ULSD highway diesel fuel which exceeds the downstream standard by 2 ppm or less, branded refiners that participate in the consortium must take several actions to meet all of their defense requirements under § 80.613(e). These include demonstrating to EPA that diesel fuel last supplied to the retail station contained no more than 15 ppm sulfur when dispensed at the supplying terminal, and that best efforts and accepted business practices are used by downstream parties to avoid diesel fuel contamination. Also, following notification to the branded refiner by the survey association of the test result, appropriate steps must be taken within 24 hours to ensure the diesel fuel is not dispensed into motor vehicles until remedial action is taken to ensure the fuel sulfur content is no greater than the applicable downstream standard. This action may include either shutting down the pumps which supply the diesel fuel, or placing new labels on the pumps stating they dispense 500 ppm highway diesel fuel rather than 15 ppm highway diesel fuel (prior to June 1, 2010). Lastly, the branded refiner must submit a report to EPA within 120 days of the exceedance, which explains the circumstances and root cause of the exceedance and steps taken to prevent distribution of noncompliant fuel, and lists actions that will be taken to prevent future exceedances. The refiner must also provide EPA with copies of contracts which include the procedures in place to prevent contamination of ULSD highway diesel fuel. The survey association must also retest ULSD highway diesel fuel dispensed at the retail station during its next survey, in addition to its scheduled sampling.

Unbranded refiners, distributors and retailers that participate in the consortium have slightly different requirements from branded refiners for establishing their defense when the survey association finds a retail sample which exceeds the downstream standard by 2 ppm or less. Participating unbranded refiners will be deemed to have met all of their affirmative defense requirements under § 80.613(e) if they carry out all of the actions listed previously for branded refiners (except for providing EPA with copies of contracts that include procedures in place to prevent contamination of ULSD highway diesel fuel). Participating distributors and retailers will be deemed to have met all of their defense requirements under § 80.613(e) if they carry out all of the actions listed previously for branded refiners (except for providing EPA with copies of contracts that include procedures in place to prevent contamination of ULSD highway diesel fuel). Additionally, the retail outlet at which the sample was collected must have had no previous instances of a tested sample of ULSD highway diesel fuel exceeding the downstream standard for two years prior to the exceedance. If a tested sample of ULSD highway diesel fuel exceeded the downstream standard within the prior two years, participating distributors and retailers must also meet

the defense elements under § 80.613(a)(1)(i) and (ii), and § 80.613(c).

When the survey association finds a sample that exceeds the downstream sulfur standard by more than 2 ppm, under § 80.613(e) branded refiners must carry out the actions listed previously for branded refiners. In addition, such branded refiners must also meet the defense elements in § 80.613(b), such as showing they did not cause the violation, or that the violation was caused by another person. Similarly, under § 80.613(e), unbranded refiners, distributors and retailers must carry out all of the actions listed previously for branded refiners (except for providing EPA with copies of contracts that include procedures in place to prevent contamination of ULSD highway diesel fuel). In addition, such distributors must also meet the defense elements under § 80.613(a)(1)(i) and (ii), and § 80.613(c).

Use of this alternative affirmative defense and participation in this quality assurance program is optional, and refiners, importers, distributors, and retailers may choose to conduct their own quality assurance program as provided currently in the regulations instead of participating in this nationwide program. A refiner that does not participate in the consortium will continue to be subject to the sampling and testing defense provisions under § 80.613, as will distributors that operate under such a refiner's trade or brand name unless such a distributor independently participates in the consortium.

Today's rule also makes one minor correction to the gasoline benzene regulations clarifying when a small refiner who loses their small refiner status may generate gasoline benzene credits. Disqualified small refiners are allowed a grace period of up to 36 months after the date of the disqualifying event to begin meeting the gasoline benzene standards applicable to non-small refiners. The gasoline benzene regulations currently prohibit disqualified small refiners from generating either early or standard gasoline benzene credits at any of their refineries during this grace period. This results in limitations on credit generation for disqualified small refiners that are more stringent than limitations on credit generation for non-small refiners, which was not EPA's intent. Today's rule amends the gasoline benzene regulations at § 80.1339(e)(4) to allow disqualified small refiners the same opportunity to generate gasoline benzene credits during the grace period as that afforded to non-small refiners.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order (EO) 12866 (58 FR 51735, October 4, 1993), this action is a "significant regulatory action." Accordingly, EPA submitted this action to the Office of Management and Budget (OMB) for review under EO 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action.

B. Paperwork Reduction Act

The information collection requirements in this direct final rule have been submitted for approval to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* The Information Collection Request (ICR) document prepared by EPA has been assigned EPA ICR number 2364.03.

This direct final rule provides refiners, importers and distributors of ULSD highway diesel fuel with additional flexibility to comply with the diesel sulfur regulations. The flexibility afforded under this rule is optional. Modest information collection requirements in the form of reports for noncompliant diesel sulfur samples are required for those parties who avail themselves of the flexibility provided in this rule. The information under this rule will be collected by EPA's Transportation and Regional Programs Division, Office of Transportation and Air Quality, Office of Air and Radiation (OAR), and by EPA's Air Enforcement Division, Office of Regulatory Enforcement, Office of Enforcement and Compliance Assurance (OECA). The information collected will be used by EPA to evaluate compliance with the requirements under the diesel sulfur program. This oversight by EPA is necessary to ensure attainment of the air quality goals of the diesel sulfur program.

The estimated hourly burden per respondent for the diesel surveys is 16 hours. The estimated annual hourly burden is 320 hours for all respondents (assuming 20 respondents per year). The estimated hourly cost is $71 per hour. The total estimated cost per respondent is $1,136. The total estimated cost for all respondents is $22,270. Burden is defined at 5 CFR 1320.3(b).

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.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, EPA has established a public docket for this rule, which includes this ICR, under Docket ID number EPA–HQ–OAR–2007–1158. Submit any comments related to the ICR to EPA and OMB. See **ADDRESSES** section at the beginning of this notice for where to submit comments to EPA. Send comments to OMB at the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: Desk Office for EPA. Comments must be submitted on or before July 12, 2010.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (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 (SBA) 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.

After considering the economic impacts of today's final rule on small entities, we certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives "which minimize any significant economic impact of the rule on small entities." 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small

entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule.

Today's final rule provides additional flexibility to refiners, importers, and distributors of diesel fuel by amending the diesel sulfur regulations to allow a voluntary nationwide sampling and testing program to be used as an alternative means of meeting the sampling and testing defense elements under 40 CFR 80.613. Participation in the program should reduce regulatory burden on all participants. Any small entities may choose whether or not to join the program. Today's rule also amends the gasoline benzene regulations to allow disqualified small refiners the same opportunity to generate gasoline benzene credits as that afforded to non-small refiners. We have therefore concluded that today's final rule will relieve the regulatory burden for all affected small entities.

D. Unfunded Mandates Reform Act

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. This rule provides refiners, distributors, and importers of diesel fuel with additional flexibility in complying with regulatory requirements. As a result, this rule will have the overall effect of reducing the burden of the diesel sulfur regulations on these regulated parties. These requirements also codify existing practices designed to ensure that ULSD highway diesel fuel meets downstream standards. Today's rule also amends the gasoline benzene regulations to allow disqualified small refiners the same opportunity to generate gasoline benzene credits as that afforded to non-small refiners, relieving burden on small refiners. Thus, this rule is not subject to the requirements of sections 202 or 205 of UMRA.

This rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local or tribal governments.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This rule provides refiners, distributors, and importers of diesel fuel with additional flexibility in complying with regulatory requirements. These requirements also codify existing practices designed to ensure that ULSD highway diesel fuel meets downstream standards. Today's rule also amends the gasoline benzene regulations to allow disqualified small refiners the same opportunity to generate gasoline benzene credits as that afforded to non-small refiners. The requirements of the rule will be enforced by the Federal government at the national level. Thus, Executive Order 13132 does not apply to this rule.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This rule applies to refiners, distributors, and importers of diesel fuel. This action contains certain modifications to the federal requirements for diesel sulfur, and will not impose any enforceable duties on communities of Indian tribal governments. Today's rule also amends the gasoline benzene regulations to allow disqualified small refiners the same opportunity to generate gasoline benzene credits as that afforded to non-small refiners, and will not impose any enforceable duties on communities of Indian tribal governments. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets EO 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the EO has the potential to influence the regulation. This action is not subject to EO 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This rule is not a "significant energy action" as defined in Executive Order 13211 (66 FR 28355 (May 22, 2001)) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Further, we have concluded that this rule is not likely to have any adverse energy effects.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

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

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This is a rule amendment that does not relax the control measures on sources regulated by the rule and therefore will not cause emissions increases from these sources.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA 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). This rule will be effective July 12, 2010.

L. Clean Air Act Section 307(d)

This rule is subject to Section 307(d) of the CAA. Section 307(d)(7)(B) provides that "[o]nly an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review." This section also provides a mechanism for the EPA to convene a proceeding for reconsideration, "[i]f the person raising an objection can demonstrate to the EPA that it was impracticable to raise such objection within [the period for public comment] or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule." Any person seeking to make such a demonstration to the EPA should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, Ariel Rios Building, 1200 Pennsylvania Ave., NW., Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Director of the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave., NW., Washington, DC 20004.

V. Statutory Provisions and Legal Authority

Regulation of Fuels and Fuel Additives: Alternative Affirmative Defense Requirements for Ultra-low Sulfur Diesel and Gasoline Benzene Technical Amendment.

Statutory authority for the fuel controls set in this direct final rule comes from sections 211 and 301(a) of the CAA.

List of Subjects in 40 CFR Part 80

Environmental protection, Air pollution control, Fuel additives, Diesel, Gasoline, Imports, Incorporation by reference, Labeling, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: May 3, 2010.

Lisa P. Jackson,

Administrator.

■ For the reasons set out in the preamble, part 80 Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 80—REGULATION OF FUEL AND FUEL ADDITIVES

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7542, 7545, and 7601(a).

■ 2. Section 80.613 is amended by adding paragraph (e) to read as follows:

§ 80.613 What defenses apply to persons deemed liable for a violation of a prohibited act under this subpart?

* * * * *

(e) *Alternative defense requirements.* A person deemed liable under § 80.612(a) for a violation of § 80.610(a)(1), concerning diesel fuel that is sold, offered for sale, or dispensed at a retail outlet and that does not meet the applicable sulfur content standard under § 80.520(a)(1), as adjusted under § 80.580(d), may comply with the following alternative defense requirements in lieu of the requirements in paragraphs (a) through (d) of this section to the extent provided for, and subject to the conditions and limitations set forth in this paragraph (e):

(1) *Independent survey association.* To comply with the alternative defense requirements under this paragraph (e), a person must participate in the funding of a consortium which arranges to have an independent survey association conduct a statistically valid program of annual compliance surveys pursuant to a survey plan which has been approved by EPA, in accordance with the requirements of paragraphs (e)(2) through (e)(4) of this section.

(2) *General requirements.* The consortium survey program under this paragraph (e) must be:

(i) Planned and conducted by an independent survey association that meets the requirements in § 80.68(c)(13)(i);

(ii) Conducted at diesel fuel retail outlets nationwide; and

(iii) Representative of all motor vehicle diesel fuel subject to the 15 ppm sulfur standard under § 80.520(a)(1) dispensed at diesel fuel retail outlets nationwide.

(3) *Independent survey association requirements.* The consortium described in paragraph (e)(1) of this section shall require the independent survey association conducting the surveys to:

(i) Submit to EPA for approval each calendar year a proposed survey plan in accordance with the requirements of paragraph (e)(4) of this section.

(ii) Obtain samples of motor vehicle diesel fuel subject to the 15 ppm sulfur standard under § 80.520(a)(1) in accordance with the survey plan approved under this paragraph (e), or immediately notify EPA of any refusal of retail outlets to allow samples to be taken;

(iii) Test, or arrange to be tested, the samples required under paragraph (e)(3)(ii) of this section for sulfur content as follows—

(A) Samples collected at retail outlets shall be shipped the same day the samples are collected via overnight service to the laboratory, and analyzed for sulfur content within twenty-four hours after receipt of the sample in the laboratory.

(B) Any laboratory to be used by the independent survey association for sulfur testing shall be approved by EPA and its sulfur test method shall comply with the provisions of §§ 80.584, 80.585 and 80.586.

(C) For purposes of the alternative defense requirements in this paragraph (e), test results shall be rounded to a whole number using ASTM E 29–02$^{\varepsilon 1}$, Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications, rounding method procedures. The Director of the Federal Register approved the incorporation by reference of ASTM E 29–02$^{\varepsilon 1}$ as prescribed in 5 U.S.C. 552(a) and 1 CFR part 51. Anyone may purchase copies of this standard from ASTM International, 100 Barr Harbor Dr., West Conshohocken, PA 19428, (610) 832–9585. Anyone may inspect copies at the U.S. EPA, EPA Docket Center, Room 3334, EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460, (202) 566–9744, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

(iv) Provide notice of samples with sulfur content greater than the 15 ppm standard under § 80.520(a)(1), as adjusted under § 80.580(d), as follows:

(A) In the case of any test result that is one or two ppm greater than the 15 ppm standard under § 80.520(a)(1), as adjusted under § 80.580(d), the independent survey association shall, within twenty-four hours after the laboratory receives the sample, send notification of the test result as follows: In the case of a sample collected at a retail outlet at which the brand name of

a refiner or importer is displayed, to the refiner or importer, and EPA; and in the case of a sample collected at other retail outlets, to the retailer and EPA. This initial notification to a refiner shall include specific information concerning the name and address of the retail outlet, contact information, the brand, and the sulfur content of the sample.

(B) In the case of any test result that is three or more ppm greater than the 15 ppm standard under § 80.520(a)(1), as adjusted under § 80.580(d), or for a test result that is one or two ppm greater than the 15 ppm standard under § 80.520(a)(1), as adjusted under § 80.580(d), and the retail outlet has had an exceedance within the previous two years, the independent survey association shall, within the time limits specified in paragraph (e)(3)(iv)(A) of this section, provide notice to the parties described in paragraph (e)(3)(iv)(A) of this section. The notice to EPA must include the name and address of the retail outlet, and the telephone number, if known.

(C) The independent survey association shall provide notice to the identified contact person or persons for each party specified in paragraphs (e)(3)(iv)(A) and (B) of this section in writing (*e.g.* e-mail or facsimile) and, if requested by the identified contact person, by telephone.

(v) Provide to EPA quarterly and annual summary survey reports which include the information specified in paragraph (e)(8) of this section.

(vi) Maintain all records relating to the surveys conducted under this paragraph (e) for a period of at least 5 years.

(vii) At any time permit any representative of EPA to monitor the conduct of the surveys, including sample collection, transportation, storage, and analysis.

(4) *Survey plan design requirements.* The proposed survey plan required under paragraph (e)(3)(i) of this section shall, at a minimum, include the following:

(i) *Number of surveys.* The survey plan shall include four surveys each calendar year. The four surveys collectively are called the survey series.

(ii) *Sampling areas.* The survey plan shall include sampling in three types of areas, called sampling strata, during each survey: Densely populated areas, transportation corridors and rural areas. These sampling strata shall be further divided into discrete sampling areas, or clusters. Each survey shall include sampling in at least 40 sampling areas in each stratum, randomly selected.

(iii) *No advance notice of surveys.* The survey plan shall include procedures to keep confidential from any regulated party, but not from EPA, the identification of the sampling areas that are included in any survey plan prior to the beginning of a survey in an area.

(iv) *Retail outlet selection.*

(A) The retail outlets to be sampled in a sampling area shall be selected from among all retail outlets in the sampling area that sell motor vehicle diesel fuel subject to the 15 ppm sulfur standard under § 80.520(a)(1), with probability of selection proportionate to the volume of motor vehicle diesel fuel subject to the 15 ppm sulfur standard under § 80.520(a)(1) sold at the retail outlets, and inclusion of retail outlets with different brand names and unbranded, if possible.

(B) In the case of any retail outlet from which a sample of motor vehicle diesel fuel subject to the 15 ppm sulfur standard under § 80.520(a)(1) was collected during a survey and determined to have a sulfur content that exceeds the 15 ppm sulfur standard under § 80.520(a)(1), as adjusted under § 80.580(d), that retail outlet shall be included in the subsequent survey.

(C) Only a single sample shall be collected at each retail outlet, except that where a retail outlet had a sample from the preceding survey with a test result that exceeds the 15 ppm standard under § 80.520(a)(1), as adjusted under § 80.580(d), separate samples shall be taken that represent the diesel fuel contained in each storage tank containing motor vehicle diesel fuel subject to the 15 ppm sulfur standard under § 80.520(a)(1), unless collection of separate samples is not practicable (for example, due to diesel piping arrangements or pump outages).

(v) *Number of samples.*

(A) The minimum number of samples to be included in the survey plan for each calendar year shall be calculated as follows:

$$n = \left\{\left[\left(Z_\alpha + Z_\beta\right)\right]^2 \Big/ \left(4 * \left[arc\ \sin\left(\sqrt{\phi_1}\right) - arc\ \sin\left(\sqrt{\phi_0}\right)\right]^2\right)\right\} * St_n * F_a * F_b * Su_n$$

Where:

n = minimum number of samples in a year-long survey series. However, in no case shall n be larger than 9,600 or smaller than 5,250.

Z_α = upper percentile point from the normal distribution to achieve a one-tailed 95% confidence level (5% α-level). Thus, Z_α equals 1.645.

Z_β = upper percentile point to achieve 95% power. Thus, Z_β equals 1.645.

φ_1 = the maximum proportion of stations selling non-compliant fuel for the fuel in a region to be deemed compliant. In this test, the parameter needs to be 5% or greater, i.e., 5% or more of the stations, within a stratum such that the region is considered non-compliant. For this survey, φ_1 will be 5%.

φ_o = the underlying proportion of non-compliant stations in a sample. For calendar year 2011, $\varphi_o$will be 1.9%. For calendar years 2012 and beyond, φ_o will be the average of the proportion of stations to be non-compliant over the previous four surveys.

St_n = number of sampling strata. For purposes of this survey program, St_n equals 3.

F_a = adjustment factor for the number of extra samples required to compensate for collected samples that cannot be included in the survey, based on the number of additional samples required during the previous four surveys. However, in no case shall the value of F_a be smaller than 1.1. For purposes of this adjustment factor, a sample shall be treated as one that can be included in the survey only if the fuel was offered for sale as motor vehicle diesel fuel subject to the 15 ppm sulfur standard under § 80.520(a)(1) at the retail outlet where the sample was collected and if an appropriate laboratory analysis of this fuel is conducted.

F_b = adjustment factor for the number of samples required to resample each retail outlet with test results greater than 17 ppm (resampling), based on the rate of resampling required during the previous four surveys. However, in no case shall the value of F_b be smaller than 1.1.

Su_n = number of surveys per year. For purposes of this survey program, Su_n equals 4.

(B) The number of samples obtained from the formula in paragraph (e)(4)(v)(A) of this section, after being incremented as necessary to allocate whole numbers of samples to each cluster, shall be distributed approximately equally for the surveys conducted during the calendar year. Within a survey, the samples shall be divided approximately equally for the three strata.

(5) *Sulfur test result that is one or two ppm Greater than the 15 ppm standard under § 80.520(a)(1), as adjusted under § 80.580(d).* The following provisions apply if the tested sulfur level of a

diesel fuel sample collected by the independent survey association is one or two ppm greater than the 15 ppm standard under § 80.520(a)(1), as adjusted under § 80.580(d).

(i) *Branded refiner or importer.* Where the sample was collected at a retail outlet at which the brand name of a refiner or importer is displayed, the branded refiner or importer will be deemed to have established its defense under this section, provided that the refiner or importer participates in a consortium as described in paragraph (e)(1) of this section, and provided that the refiner or importer also demonstrates the following:

(A) The sulfur content of the diesel fuel at the terminal(s) that most recently supplied the retail outlet was no greater than 15 ppm prior to adjustment under § 80.580(d) when dispensed for delivery to the retail outlet;

(B) Best efforts and accepted business practices are used by parties downstream from the refiner or importer to avoid diesel fuel contamination. These would include, for example, procedures for ensuring motor vehicle diesel fuel subject to the 15 ppm sulfur standard under § 80.520(a)(1) is not contaminated in delivery trucks, and procedures for ensuring delivery truck drivers can identify retail outlet drop points for motor vehicle diesel fuel subject to the 15 ppm sulfur standard under § 80.520(a)(1).

(C) Upon receiving the notification required under paragraph (e)(3)(iv)(A) of this section, any pumps supplied by the retail storage tank where the noncompliant diesel fuel was found were shutdown until such time that the fuel at issue was retested and the sulfur content of the fuel was found to be no greater than the 15 ppm standard under § 80.520(a)(1), as adjusted under § 80.580(d). Prior to May 31, 2010, as an alternative to shutting down pumps supplied by the retail storage tank where the noncompliant diesel fuel was found, such pumps may be relabeled with the language required under § 80.571(b). The steps required in this paragraph (e)(5)(i)(C) must be taken as soon as practicable after receiving the notification required under paragraph (e)(3)(iv)(A) of this section, which normally will be within the same business day, but no longer than twenty-four hours after notification is received unless the refiner or importer demonstrates this timing is not possible.

(D) A root cause analysis is performed to determine the cause of the noncompliant diesel fuel and appropriate actions are taken to prevent future violations.

(E) The independent survey association samples and retests the diesel fuel at the retail outlet during its next survey, in addition to the scheduled sampling and testing under the approved survey program.

(F) The refiner or importer submits a report to EPA no later than 120 days following the date the sample was collected at the retail outlet, which includes the information specified in paragraph (e)(7) of this section.

(G) The refiner or importer supplies EPA with copies of the contracts with downstream parties specified in § 80.613(b)(2) or the specifications or inspections of procedures and equipment described in § 80.613(b)(3), as appropriate, which are designed to prevent the contamination of motor vehicle diesel fuel subject to the 15 ppm sulfur standard under § 80.520(a)(1).

(ii) *Unbranded refiner or importer.* Any unbranded refiner or importer that is deemed liable under § 80.612(a) for a violation of § 80.610(a)(1), concerning diesel fuel that is sold, offered for sale, or dispensed at a retail outlet and that does not meet the applicable sulfur content standard under § 80.520(a)(1), as adjusted under § 80.580(d), will be deemed to have established its defense under this section if the unbranded refiner or importer is a member of the consortium described in paragraph (e)(1) of this section and the refiner or importer meets the requirements of paragraphs (e)(5)(i)(A) through (F) of this section.

(iii) *Distributor or retailer.* Any distributor (*e.g.,* pipeline, terminal operator, marketer, truck carrier) or retailer that is deemed liable under § 80.612(a) for a violation of § 80.610(a)(1), concerning diesel fuel that is sold, offered for sale, or dispensed at a retail outlet and that does not meet the applicable sulfur content standard under § 80.520(a)(1), as adjusted under § 80.580(d), will be deemed to have established its defense under this section, provided that, within two years prior to the time the diesel fuel sample was collected by the independent survey association, the retail outlet had no instances where the tested sulfur level of a diesel fuel sample was greater than the 15 ppm standard under § 80.520(a)(1), as adjusted under § 80.580(d); and

(A) Where the retailer displays the brand name of a refiner or importer, the requirements in paragraphs (e)(5)(i) of this section are met by the branded refiner or importer; or

(B) Where the branded refiner or importer has elected not to participate in a consortium as described in paragraph (e)(1) of this section, or where the retailer does not display the brand name of a refiner or importer, the distributor or retailer is a member of the consortium described in paragraph (e)(1) of this section and the distributor or retailer meets the requirements in paragraphs (e)(5)(i)(A) through (F) of this section.

(C) If within two years prior to the time the diesel fuel sample was collected by the independent survey association, the retail outlet had an instance where the tested sulfur level of a diesel fuel sample was greater than the 15 ppm standard under § 80.520(a)(1), as adjusted under § 80.580(d), any distributor or retailer that is deemed liable for a violation under § 80.612 will be deemed to have established its defense under this section if the party meets the requirements under paragraph (e)(5)(iii)(A) or (B) of this section (in lieu of the requirement in paragraph (a)(1)(iii) of this section), and the party meets the requirements under paragraphs (a)(1)(i), (a)(1)(ii), and (c) of this section.

(6) *Sulfur test result that is three or more ppm Greater than the 15 ppm standard under § 80.520(a)(1), as adjusted under § 80.580(d).* The following provisions apply if the tested sulfur level of a diesel fuel sample collected by the independent survey association is three or more ppm greater than the 15 ppm standard under § 80.520(a)(1), as adjusted under § 80.580(d):

(i) *Branded refiner or importer.* Any branded refiner or importer that is deemed liable under § 80.612(a) for a violation of § 80.610(a)(1), concerning diesel fuel that is sold, offered for sale, or dispensed at a retail outlet and that does not meet the applicable sulfur content standard under § 80.520(a)(1), as adjusted under § 80.580(d), will be deemed to have established its defense under this section if the refiner or importer meets the requirements under paragraph (e)(5)(i) of this section and meets the requirements under paragraphs (a)(1)(i), (a)(1)(ii), (b)(1), (b)(2), (b)(3), and (c) of this section.

(ii) *Unbranded refiner or importer.* Any unbranded refiner or importer that is deemed liable under § 80.612(a) for a violation of § 80.610(a)(1), concerning diesel fuel that is sold, offered for sale, or dispensed at a retail outlet and that does not meet the applicable sulfur content standard under § 80.520(a)(1), as adjusted under § 80.580(d), will be deemed to have established its defense under this section if the refiner or importer meets the requirements under paragraph (e)(5)(ii) of this section and meets the requirements under

paragraphs (a)(1)(i), (a)(1)(ii), (a)(1)(iv), and (c) of this section.

(iii) *Distributor or retailer.* Any distributor or retailer that is deemed liable under § 80.612(a) for a violation of § 80.610(a)(1), concerning diesel fuel that is sold, offered for sale, or dispensed at a retail outlet and that does not meet the applicable sulfur content standard under § 80.520(a)(1), as adjusted under § 80.580(d), will be deemed to have established its defense under this section if the requirements under paragraph (e)(5)(iii)(A) or (B) of this section, as appropriate, are met, and the distributor or retailer meets the requirements under paragraphs (a)(1)(i), (a)(1)(ii), and (c) of this section. Distributors that blend a diesel fuel additive subject to the requirements of § 80.521(b) into motor vehicle diesel fuel subject to the 15 ppm sulfur standard under § 80.520(a) must also meet the requirement under paragraph (a)(1)(iv) of this section.

(7) *Report regarding motor vehicle diesel fuel subject to the 15 ppm sulfur standard under § 80.520(a)(1) with high sulfur content.* The report that is required to be submitted to EPA under paragraph (e)(5)(i)(F) of this section shall contain the following information:

(i) The name, address and contact information for the regulated party submitting the report;

(ii) The name, address and contact information for the retail outlet where the high sulfur diesel fuel was found;

(iii) The brand name of the refiner or importer displayed at the retail outlet, if any;

(iv) The date of sampling, the analysis results, and the label that appeared on the pump where the sample was collected.

(v) For each of the most recent three deliveries (*i.e.,* the three deliveries that immediately preceded the taking of the violating sample) of diesel fuel to the retail outlet storage tank at issue, or the most recent five deliveries if the cause of the violation is not demonstrated following analysis of the most recent three deliveries:

(A) A copy of the product transfer documents for the delivery;

(B) The name, address and contact information for the terminal and truck distributor that supplied the diesel fuel;

(C) The date of delivery and the volume of diesel fuel delivered;

(D) The designation of the diesel fuel on the product transfer document;

(E) The test results (or other evidence of the diesel sulfur content) for the diesel fuel in the terminal tank from which the delivery truck was loaded, and copies of the test result reports; and

(F) A description of the procedures used by the truck distributor to avoid diesel contamination (*e.g.,* dedicated trucks).

(vi) A description of any actions taken to prevent sale of the noncompliant diesel fuel, including:

(A) The date and time the regulated party was notified of the high sulfur test result, the date and time the retailer was notified, and the date and time the sale of motor vehicle diesel fuel subject to the 15 ppm sulfur standard under § 80.520(a)(1) was suspended;

(B) A description of the actions taken to prevent sale of the noncompliant diesel fuel; and

(C) The date and time that sales of motor vehicle diesel fuel subject to the 15 ppm sulfur standard under § 80.520(a)(1) from the retail storage tank at issue were resumed, the results of the test used to establish the fuel met applicable standards, and a copy of the test result report.

(vii) A description of the root-cause analysis required in paragraph (e)(5)(i)(D) of this section, including:

(A) A description of the investigation conducted to determine the root-cause of the noncompliant diesel fuel, and the conclusions reached as a result of this investigation; and

(B) A description of the steps taken to prevent future problems from the identified cause.

(8) *Summary survey reports.* The quarterly and annual summary survey reports required under paragraph (e)(3)(v) of this section shall include the following information:

(i) The identification of each sampling area included in a survey and the dates that the samples were collected in that area;

(ii) For each retail outlet sampled:

(A) The identification of the retail outlet;

(B) The refiner or importer brand name displayed, if any;

(C) The pump labeling; and

(D) The sample test result.

(iii) Sulfur level summary statistics by brand and unbranded for each sampling area, strata, survey and annual survey series. These summary statistics shall:

(A) Include the number of samples, and the average, median and range of sulfur levels; and

(B) Be provided separately for the diesel fuel samples from pumps labeled as dispensing motor vehicle diesel fuel subject to the 15 ppm sulfur standard under § 80.520(a)(1), motor vehicle diesel fuel subject to the 500 ppm sulfur standard under § 80.520(c), and pumps that are not labeled.

(iv) The quarterly reports required under this paragraph (e)(8) are due sixty days following the end of the quarter. The annual reports required under this paragraph (e)(8) are due sixty days following the end of the calendar year.

(v) The reports required under this paragraph (e)(8) shall be submitted to EPA in both electronic spreadsheet and hard copy form.

(9) *EPA inspections.* If EPA inspects any facility and determines that the sulfur content of diesel fuel exceeds the 15 ppm standard under § 80.520(a)(1), as adjusted under § 80.580(d), liability for such sulfur content violation under § 80.612 will be treated as provided in paragraph (e)(6) of this section for branded refiners or distributors that participate in the consortium under this paragraph (e). Any other party deemed liable for a violation under § 80.612 must establish a defense under paragraphs (a) through (d) of this section, as applicable.

(10) *Procedures for obtaining approval of survey plan.* The procedure for obtaining EPA approval of a survey plan under this paragraph (e), and for revocation of such approval, is as follows:

(i) A survey plan that complies with the requirements of this paragraph (e) must be submitted to EPA no later than November 1 of the year preceding the calendar year in which the surveys will be conducted;

(ii) The survey plan must be signed by a responsible officer of the consortium which arranges to have an independent surveyor conduct the survey program;

(iii) The survey plan must be sent to the following address: Director, Compliance and Innovative Strategies Division, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW. Mail Code 6506J, Washington, DC 20460;

(iv) EPA will send a letter to the party submitting a survey plan under this section, either approving or disapproving the survey plan;

(v) EPA may revoke any approval of a survey plan under this section for cause, including an EPA determination that the approved survey plan has proved to be inadequate in practice or that it was not diligently implemented;

(vi) The approving official for a survey plan under this section is the Director of the Compliance and Innovative Strategies Division, Office of Transportation and Air Quality.

(vii) Any notifications or reports required to be submitted to EPA under this paragraph (e) must be directed to the official designated in paragraph (e)(10)(vi) of this section.

(11) *Independent surveyor contract.* (i) No later than December 1 of the year preceding the year in which the surveys

will be conducted, the contract with the independent surveyor shall be in effect, and an amount of money necessary to carry out the entire survey plan shall be paid to the independent surveyor or placed into an escrow account with instructions to the escrow agent to pay the money to the independent surveyor during the course of the conduct of the survey plan.

(ii) No later than December 15 of the year preceding the year in which the surveys will be conducted, EPA must receive a copy of the contract with the independent surveyor, proof that the money necessary to carry out the survey plan has either been paid to the independent surveyor or placed into an escrow account, and, if placed into an escrow account, a copy of the escrow agreement, to be sent to the official designated in paragraph (e)(10)(vi) of this section.

(12) *Failure to fulfill requirements.* A failure to fulfill or cause to be fulfilled any of the requirements of this paragraph (e) will cause the option to use the alternative quality assurance requirement under this paragraph (e) to be void *ab initio.*

■ 3. Section 80.1339 is amended by revising paragraph (e)(4) to read as follows:

§ 80.1339 Who is not eligible for the provisions for small refiners?

* * * * *

(e) * * *

(4) During the period provided under paragraph (e)(2) of this section, and any extension provided under paragraph (e)(3) of this section, the refiner may not generate gasoline benzene credits under § 80.1275(b)(3) for any of its refineries where under § 80.1342 the refiner was previously allowed to defer compliance with the standards in §§ 80.1230(a) and 80.1230(b).

* * * * *

[FR Doc. 2010–10915 Filed 5–10–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2009–0654; FRL–9146–8]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) Region II is publishing a direct final Notice of Deletion of the Asbestos Dump Superfund Site (Site), located in Long Hill Township and Harding Township, New Jersey, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final deletion is being published by EPA with the concurrence of the State of New Jersey, through the New Jersey Department of Environmental Protection (NJDEP), because EPA has determined that all appropriate response actions under CERCLA, other than operation, maintenance, and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: This direct final deletion is effective July 12, 2010 unless EPA receives adverse comments by June 10, 2010. If adverse comments are received, EPA will publish a timely withdrawal of the direct final deletion in the **Federal Register** informing the public that the deletion will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–SFUND–2009–0654, by one of the following methods:

- *http://www.regulations.gov.* Follow on-line instructions for submitting comments.
- *E-mail: hwilka.theresa@epa.gov*: Theresa Hwilka, Remedial Project Manager; *seppi.pat@epa.gov:* Pat Seppi, Community Involvement Coordinator.
- *Fax:* 212–637–4429.
- *Mail:* Theresa Hwilka, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, Emergency & Remedial Response Division, 290 Broadway, 19th Floor, New York, NY 10007; or Pat Seppi, Community Involvement Coordinator, U.S. Environmental Protection Agency, Region II, Public Affairs Division, 290 Broadway, 26th Floor, New York, NY 10007.
- *Hand delivery:* U.S. Environmental Protection Agency, Region II, Emergency & Remedial Response Division, 290 Broadway, 19th Floor, New York, NY 10007. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–SFUND–2009–0654. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* 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 *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, 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 *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.

Docket

All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statue. Certain other material, such as copyrighted material, will be publicly available only in the hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at: U.S. Environmental Protection Agency, Region II, Superfund Records Center, 290 Broadway, Room 1828. (212) 637–4308.

Hours: 9 a.m. to 5 p.m., Monday through Friday; and at Long Hill Township Public Library, 917 Valley Road, Gillette, New Jersey 07933. (908) 647–2088.

Hours: 10 a.m. to 9 p.m., Monday through Thursday. 10 a.m. to 5 p.m., Friday and Saturday. 1 p.m. to 5 p.m., Sunday (Closed on Sundays in July and August).

FOR FURTHER INFORMATION CONTACT: Theresa Hwilka, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, New

York, NY 10007, (212) 637–4409, e-mail: *hwilka.theresa@epa.gov.*

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Site Deletion
V. Deletion Action

I. Introduction

EPA Region II is publishing this direct final Notice of Deletion of the Asbestos Dump Superfund site (Site), from the National Priorities List (NPL). The NPL constitutes Appendix B of 40 CFR part 300, which is the Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). As described in 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions if future conditions warrant such actions.

Because EPA considers this action to be noncontroversial and routine, this action will be effective *July 12, 2010* unless EPA receives adverse comments by *June 10, 2010.* Along with this direct final Notice of Deletion, EPA is co-publishing a Notice of Intent to Delete in the "Proposed Rules" section of the **Federal Register.** If adverse comments are received within the 30-day public comment period on this deletion action, EPA will publish a timely withdrawal of this direct final Notice of Deletion before the effective date of the deletion, and the deletion will not take effect. EPA will, as appropriate, prepare a response to comments and continue with the deletion process on the basis of the Notice of Intent to Delete and the comments already received. There will be no additional opportunity to comment.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Asbestos Dump Superfund Site and demonstrates how it meets the deletion criteria. Section V discusses EPA's action to delete the Site from the NPL unless adverse comments are received during the public comment period.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

i. Responsible parties or other persons have implemented all appropriate response actions required;

ii. All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

iii. The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Pursuant to CERCLA section 121(c) and the NCP, EPA conducts five-year reviews to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at a site above levels that allow for unlimited use and unrestricted exposure. EPA conducts such five-year reviews even if a site is deleted from the NPL. EPA may initiate further action to ensure continued protectiveness at a deleted site if new information becomes available that indicates it is appropriate. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to deletion of the Site:

1. EPA consulted with the State of New Jersey prior to developing this direct final Notice of Deletion and the Notice of Intent to Delete co-published today in the "Proposed Rules" section of the **Federal Register.**

2. The New Jersey Department of Environmental Protection has concurred on the deletion of the Site from the NPL.

3. Concurrently with the publication of this direct final Notice of Deletion, a notice of the availability of the parallel Notice of Intent to Delete is being published in a major local newspaper, *Courier News.* The newspaper notice announces the 30-day public comment period concerning the Notice of Intent to Delete the Site from the NPL.

4. The EPA placed copies of documents supporting the proposed deletion in the deletion docket and made these items available for public inspection and copying at the Site information repositories identified above.

5. If adverse comments are received within the 30-day public comment period on this deletion action, EPA will publish a timely notice of withdrawal of this direct final Notice of Deletion before its effective date and will prepare a response to comments and continue with the deletion process on the basis of the Notice of Intent to Delete and the comments already received.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis for Site Deletion

The information below provides EPA's rationale for deleting the Site from the NPL. For each Operable Unit there is a discussion section containing information on the following: (1) Site background and history; (2) remedial investigation and feasibility study (RI/FS); (3) selected remedy; (4) response actions; (5) cleanup goals; (6) operation and maintenance; (7) five year reviews; and (8) community involvement.

The Asbestos Dump Superfund Site (the Site), CERCLIS ID NJD980654149, consists of four separate properties which were addressed in three discrete operable units (OUs). OU1 consists of the Millington site, located in Millington, New Jersey. OU2 consists of the New Vernon Road and White Bridge Road "satellite" sites, both of which are located in Meyersville, New Jersey. OU3 consists of the third satellite site, known as the Dietzman Tract, which is located in Harding Township, New Jersey. The Site was placed on the National Priorities List (NPL) in September 1983 (48 FR 40658).

Given the nature of this Site, this Direct Final Notice of Deletion will summarize the history, remedies and remedial actions taken for each individual OU.

OU–1

Site Background and History

OU1 consists of the Millington site which is an 11 acre commercial

property located at 50 Division Avenue in Millington, New Jersey. The site is bounded on the west by the Passaic River, on the north by the Millington Train Station, and on the east and south by commercial and private residences, respectively. Currently owned by Tifa Ltd., this parcel was formerly utilized as an asbestos processing plant that had several previous owners. Manufacturing of asbestos products at the Millington site began in 1927 by Asbestos Ltd., which engaged in the fiberization and sale of asbestos until 1946. From 1946 until 1953, the plant was owned and operated by Smith Asbestos, Inc., a manufacturer of asbestos roofing and siding. During this later period, asbestos sediment from water settling ponds was disposed of on-site.

In May 1953, the property was acquired by the National Gypsum Company (NGC), which manufactured cement asbestos siding and roofing sheets at the plant until 1975. During this period, waste products, consisting of broken siding and asbestos fibers were dumped on a five acre area of the property. This included a 330 by 75 foot area (later referred to as the asbestos mound) where predominantly asbestos fibers were disposed. It is estimated that 90,000 cubic yards of asbestos waste was disposed of on-site.

Remedial Investigation and Feasibility Study (RI/FS)

RI/FS activities were initiated by NGC in 1986 and completed in 1987. The primary contaminant of concern was asbestos. Soil borings and historical information revealed that the upland portion of site contained broken asbestos tiles and siding, while the asbestos mound was found to contain predominantly asbestos fibers. The upland and asbestos mound portions of the site were covered with varying thicknesses of topsoil; however, exposed areas of asbestos fibers were observed on the slope of the asbestos mound adjacent to the Passaic River. Extensive slope stability analyses indicated that the asbestos mound was relatively stable; however, the slope was unprotected from surface erosion and the potential destabilizing effects of flooding along the Passaic River. Analysis of groundwater samples revealed low concentrations of mercury and asbestos related to disposal activities at the site. Mercury was detected in groundwater in concentrations exceeding drinking water standards in a limited number of samples; however, the limited mercury contamination remained within the footprint of the landfill and did not pose an unacceptable human health risk. As a result, groundwater alternatives were not evaluated. Asbestos was detected at concentrations substantially below the proposed EPA drinking water standard. The RI and FS reports were completed in September 1988.

Selected Remedy

On September 30, 1988, EPA issued a ROD for OU1. The major components of the selected remedy include the following: (1) Installation of a two-foot soil cover on areas of exposed or minimally covered asbestos; (2) installation of a chain-link security fence to restrict access to the asbestos mound; (3) construction of slope protection/stabilization measures along the asbestos mound embankment; (4) construction of surface run-off diversion channels on top of the asbestos mound; (5) operation and maintenance of the remedy; (6) long-term monitoring; (7) institutional controls to restrict on-site groundwater usage and limit development on the asbestos fill areas; and (8) treatability studies of technologies for permanent destruction or immobilization of asbestos.

Response Actions

OU1 remedial action activities were conducted pursuant to the 1988 ROD. EPA entered into an Interagency Agreement (IAG) with the U.S. Army Corps of Engineers (USACE) who in turn provided oversight during all remedial activities. USACE contracted IT Corporation (IT) to complete the remedial actions in accordance with the contract documents and all applicable State and Federal regulations.

Mobilization activities began on June 17, 1999 and included the delivery of general materials, initiation of soil erosion and sediment control measures, and clearing and grubbing activities. The primary remedial construction activities included, but were not limited to, the following: (1) Access road construction—completed in November 1999; (2) retaining wall construction for slope stabilization—completed in May 2000; and (3) cap construction operations and site restoration—completed in May 2000. Capping activities consisted of relocating excavated material, closing the asbestos mound, grading the asbestos-containing material (ACM) to the required elevations, installation of a layer of geotextile and geogrid material, and the placement and grading of a two-foot soil cover. A retaining wall was installed at the toe of the asbestos mound for stabilization purposes. The wall is an average of 10 feet in height and 516 feet long. The Final RA Report for OU1 was approved by EPA in September 2001.

EPA also conducted treatability studies to fulfill the OU1 ROD requirement for evaluating innovative treatment technologies that may be effective in permanently remediating asbestos. Since the issuance of the OU1 ROD, EPA has performed treatability studies on solidification/stabilization and vitrification (thermal treatment resulting in an asbestos-free glass) and has evaluated potential applicability of thermochemical asbestos conversion (destruction) technologies. EPA believes that the OU1 remedy, including the cap constructed over the ACM waste and institutional controls, is protective and will remain protective of human health and the environment. Solidification and stabilization of the ACM was incorporated into the OU2 remedy.

Cleanup Goals

The cleanup goal for the Site was to contain the migration of asbestos. The objective was achieved through response actions conducted between June 1999 and June 2000 which included the consolidation of ACM into the landfill area and the construction of the landfill cap.

Operations and Maintenance

In September 2001, EPA approved the Final RA Report as well as the 30–Year Operations and Maintenance (O&M) Plan. NJDEP is currently responsible for operation and maintenance activities. The O&M Plan documents the installation of a six-foot high chain link security fence which surrounds the site on its north, east and south limits. Furthermore, the O&M Plan specifies that periodic inspections are conducted of all OU1 design components including the retaining wall, perimeter access fence, capped area, and mowing/pruning of the ACM cover and surrounding areas. Monitoring of surface water and sediment sampling of the Passaic River along with groundwater monitoring in accordance with the New Jersey landfill closure requirements is also included in the O&M Plan. Monitoring and sampling is conducted once every 5 years.

In addition to O&M activities, the OU1 site is protected by institutional controls. A Deed Notice was filed by Tifa Realty, Inc., in the Morris County, New Jersey, Office of the County Clerk, on September 8, 2008 for the OU1 Millington property designated as Block 12301, Lot 1 on the Long Hill Township tax map. The Deed Notice has been filed in Deed Book 21152, Page 508. The type of restrictions placed on the OU1 Millington property significantly limit

any type of intrusion onto the landfill cap thereby restricting on-site groundwater usage and limiting development on the asbestos fill areas. Any future use of the landfill area must be designed to protect the integrity of the components of the landfill.

OU–2

Site Background and History

OU2 consists of the New Vernon Road and White Bridge Road sites. The OU2 New Vernon Road site is located at 237 New Vernon Road in Meyersville, Long Hill Township, Morris County, New Jersey. The New Vernon Road site consists of approximately 30 acres of land and is currently bounded by the Great Swamp National Wildlife Refuge (GSNWR) to the north, tracts of wooded and wetland areas to the east and south, and New Vernon Road to the west. The property previously included two residences and a large garage structure.

From 1945 through 1980 the privately owned New Vernon Road site was used for farming. From 1968 to 1971, ACM generated by NGC, including asbestos fibers, broken asbestos tiles, and siding, was deposited throughout the site. Large amounts of ACM were deposited in the central portion of the property in a large depression. Asbestos was also detected in other areas of the property.

The White Bridge Road site is located at 651 White Bridge Road in Long Hill Township, NJ. The White Bridge Road site is approximately two miles away from the New Vernon Road site and consists of approximately 12 acres of privately owned land, as well as adjoining property, which is part of the GSNWR, in Meyersville, New Jersey. From 1945 through 1969, the White Bridge Road site had been used for farming. In 1970, the property was purchased by the current residents. From 1970 to 1975, ACM, consisting of asbestos tiles and siding from the NGC, was disposed of on the property. Subsequent to these disposal activities, the current owner converted the property into a horse farm with stables, a horse riding track, and grazing fields. The horse riding track was comprised of large amounts of ACM mixed with soils. ACM had also been detected in other areas of the site.

The remedy for the White Bridge Road portion of OU2 was completed and this portion of the site was deleted from the NPL in February 2002 (67 FR 5955). Therefore, the White Bridge Road portion of the Asbestos Dump Site is not included in this Notice of Deletion.

Remedial Investigation and Feasibility Study (RI/FS)

EPA initiated a RI/FS in the fall of 1990 to supplement the NGC RI and fully characterize the extent of asbestos contamination at the OU2 portion of the Site. The RI included a hydrogeological investigation, extensive sampling and subsequent laboratory analysis of subsurface soils, sediments, surface water, groundwater, potable water and air. The data indicated the presence of elevated levels of asbestos in the soil at both the New Vernon Road and White Bridge Road residential properties. With respect to groundwater, sampling results indicated that asbestos was not detected in levels above the analytical detection limit for all groundwater samples analyzed. Asbestos was determined to be present in air sample at both OU2 sites as a result of soil contamination. EPA determined that an immediate removal action was necessary to address the imminent threat posed by the contamination. Removal activities were conducted in the fall of 1990 to temporarily reduce the potential for airborne asbestos fibers and to restrict access. Removal activities included installation of fences, air and soil sample collection, decontamination of the residences, and visual inspection of ACM. RI field work was completed in 1990 and the RI and FS reports were completed in June 1991.

Selected Remedy

On September 27, 1991, EPA issued a ROD documenting the remedy for OU2. The ROD documented the remedial actions for both the New Vernon Road property and the White Bridge Road property. The major components of the selected remedy include the following: (1) In-situ solidification/stabilization of asbestos contaminated soils; (2) appropriate environmental monitoring to confirm the effectiveness of the remedy; and (3) implementation of institutional controls to restrict future subsurface activities and assure the integrity of the treated waste.

TRC and TAMS Consultants, Inc. initiated the Remedial Design (RD) in 1991 under contract with EPA. A solidification/stabilization treatability study was performed by TRC as part of the RD. Based upon the results of the treatability study, the solidification/stabilization depth was changed prior to the issuance of the Final Design Report in January 1993 to require that the solidified/stabilized mass be constructed only above the groundwater table. EPA issued an Explanation of Significant Differences (ESD) on October 20, 1993 to modify the remedy specified in the OU2 ROD.

Response Actions

Remedial activities were conducted in two phases. Phase I activities at the New Vernon Road site were initiated in August 1994 and were completed in December 1994. Phase I activities included the following: (1) Excavation and consolidation of ACM; (2) in-situ solidification/stabilization of ACM; (3) impermeable cover and perimeter infiltration trench construction; (4) placement of rip rap along the sides of the cap for slope stability protection; and (5) backfill of excavation areas excluding topsoil and seeding. The solidification process was considered complete when the cement mixture had set and quality control sample results indicated that the solidified mass conformed to the specified design criteria. Upon completion of the solidification/stabilization process, the site was graded and a minimum of six inches of soil was placed over the solidified material. The protective cap placed on the solidified soil consisted of several components including six inches of stone screenings, a geomembrane liner, a drainage layer consisting of a geocomposite, a 24 inch layer of common fill and a vegetative layer consisting of six inches of topsoil and grass. After the implementation, air monitoring was performed to demonstrate the effectiveness of this remedy.

The second phase of the remedial action activities was initiated in March 1995 and was intended to include site restoration work such as final grading with topsoil, grass establishment, planting, wetlands restoration, asphalt paving, and demobilization. The second phase was halted when EPA issued a Stop Work Order on March 30, 1995. EPA subsequently issued a Cure Notice, in April 1995, to CDM Federal Programs Corporation (CDM), an EPA contractor, for failure to meet the contract specification for the use of fill at both the New Vernon Road and White Bridge Road properties. The Cure Response cleanup activities at New Vernon Road were initiated in July 1998 and completed by March 1999. The USACE provided oversight of the Cure Response cleanup activities. In September 2000, EPA approved the Remedial Action Report for the New Vernon Road portion of OU2.

Cleanup Goals

The cleanup goal for the Site was to contain the migration of asbestos. Asbestos containing materials on the OU2 properties that were either

detected by visual inspection or analytically (having greater than 0.5% asbestos, which is the detection limit of the TEM analytical method) were addressed in the remedy. The objective was achieved through consolidation of ACM, in-situ solidification/stabilization of asbestos contaminated soils, environmental monitoring to confirm the effectiveness of the remedy, and implementation of institutional controls to restrict future subsurface activities and assure the integrity of the treated waste. Response actions for OU2 were conducted between August 1994 and March 1999.

Operations and Maintenance

In June 2001, an O&M plan for the New Vernon Road site was finalized. The overall objective of the O&M Plan is to provide for periodic inspection, maintenance, and monitoring to evaluate and maintain the effectiveness of the remedy implemented at the site. The landfill cap, perimeter infiltration trench and environmental monitoring, are the key components of the O&M Plan. Environmental monitoring includes the collection and analysis of groundwater and monitoring of wildlife species from the area around the New Vernon Road site.

In January 2002, EPA, NJDEP and the U.S. Fish & Wildlife Service (FWS) reached an agreement on the terms of the transfer of a portion of the New Vernon Road property to FWS to expand the GSNWR. In September 2002, an approximately 25 acre portion of the New Vernon Road property (Block 225, Lot 30) was formally transferred to FWS and is now in use as part of the Refuge. This Lot also includes the residential structures along New Vernon Road. The remaining five acre portion of the property (Block 225, Lot 30.03), which contains the solidified ACM, was transferred to the State of New Jersey. NJDEP is conducting the O&M activities on the five acre parcel of the property.

Subsequent to the division of the New Vernon Road property between NJDEP and FWS, separate Deed Notices were filed for Block 225, Lots 30 and 30.03. The Deed Notice for Block 225, Lot 30 was filed in the Morris County, New Jersey, Office of the County Clerk on August 20, 2002. The Deed Notice includes a "Limited Subsurface Use Area" which exists within 10 feet of the foundation of the residences. This area is restricted because it could not be fully investigated for the presence of asbestos because such and investigation would have compromised the integrity of the substructure. Digging and excavating more than 12 inches below the surface of the Limited Subsurface Area is prohibited unless approved by EPA or NJDEP. The Deed Notice for Block 225–Lot 30.03, which pertains to the five acre capped OU2 parcel, was filed in the Morris County, New Jersey, Office of the County Clerk on October 22, 2002. The Deed Notice specifies the restrictions placed on the capped area of OU2. The Deed Notice does not permit any disturbance of the surface or subsurface of the capped area including, but not limited to filling, drilling, excavation, or the removal of topsoil, sediments, rock or minerals, or by construction, planting anything other than grass or wildflowers, or changing the topography in any manner; however, topsoil may be added to make repairs in accordance with the Deed Notice. Changing, damaging or removing the perimeter trench around the solidified mass, the manholes or the monitoring wells is also prohibited.

OU–3

Site Background and History

OU3 consists of the former Dietzman Tract which is a seven acre parcel of land located in the GSNWR, about two miles southeast of the New Vernon Road portion of the site. The GSNWR, currently owned by the FWS, covers approximately 7,400 acres of swamp, wooded, and wetland areas. The refuge is managed by FWS as a wildlife habitat and for recreational purposes. The Dietzman Tract included the following four discrete areas: (1) Site A—a five acre asbestos contaminated dump; (2) Site B—a half acre dump consisting of refuse and covered with ACM; (3) Unimproved Access Road (UAR)—a road surfaced with ACM which leads to Site A and Site B; and (4) three small refuse areas adjoining Site B (Refuse Areas #1, 3 and 6).

The above mentioned areas of OU3 were used for the disposal of refuse collected from neighboring communities. Along with refuse, ACM and other industrial wastes from the NGC plant in Millington were trucked to the OU3 site for disposal. The disposal of ACM began in 1959 and ended in 1968 when the FWS acquired the property. Approximately 40,000 cubic yards of ACM and refuse were delineated at OU3.

Remedial Investigation and Feasibility Study (RI/FS)

The supplemental RI, known as the Phase II RI, for OU3 was needed to fill data gaps remaining from prior investigations to characterize the nature and extent of contamination at OU3. Another goal of the Phase II RI was to collect geotechnical data for evaluation of remedial alternatives in the FS. RI activities included, but were not limited to, the following: (1) Characterization of the organic and inorganic contaminants and asbestos in the site media; (2) sampling of groundwater from 15 monitoring wells; (3) sampling of surface water; and (4) excavation of drums from Site A.

Early Phase II RI field activities commenced in January 1996. Removal actions were conducted in the Fall of 1996 to address buried drums, and air quality monitoring was completed in December 1996. The Phase II RI report was completed and submitted to EPA in 1997. The report indicated that OU3 was found to contain approximately 36,800 cubic yards of ACM, 3,800 cubic yards of refuse debris, an estimated 207 buried drums at Site A, and areas of metal-impacted soil and ACM. Buried drums located at Site A were removed in September 1997. FWS completed their FS Report in 1997 which outlined general response actions to satisfy the remedial action objectives for OU3 and recommend a remedy.

Selected Remedy

On September 8, 1998, EPA issued a ROD for OU3. The major components of the selected remedy include the following: (1) Access improvements; (2) long-term drainage improvements, and short-term erosion control measures; (3) drum removal activities (which were completed in September 1997 as a time-critical, non-emergency removal prior to implementation of the preferred alternative), including post-excavation and waste classification sampling; (4) removal and off-site disposal of soils having lead concentrations greater than 218 mg/kg (completed, Spring 1998); (5) consolidation of Site B ACM into Site A (completed, Spring 1998); (6) placement of a biotic cover over Site A; (7) implementation of institutional controls to ensure the continued integrity of the drainage and cover activities; and (8) assessment of wetland impacts and wetlands restoration.

Response Actions

The FWS contracted the USACE to perform remedial design and construction activities. The USACE subcontracted the design and construction activities to IT Corp. A three-phase approach was developed for the remediation of the OU3 areas described in the previous OU3 background section.

Phase 1, addressed the activities including site access improvement, drainage improvement and drum removal from Site A. Access to Site A was improved by upgrading the surface

of the UAR and clearing dense vegetation covering Site A. The site drainage was enhanced by clearing the channel constriction and blockage where the UAR crosses the Old Great Brook Channel northwest of Site A and a culvert system was placed in the channel to maintain vehicle access to Site B and improve site drainage. After drainage improvements were completed, drum excavation and removal, and off-site disposal of the drums and miscellaneous debris was initiated and completed in October 1997. Post excavation sampling confirmed that contaminants in the drums had not been released to the soil and therefore were not released to groundwater above the regulatory standards before or during removal. Phase 1 work was completed in 1997.

The Phase 2 removal action consisted of excavation, removal, and off-site disposal of lead-contaminated soils located at Site B, Refuse Area #1, and Refuse Area #6 (as defined in the OU3 background section). The action was initiated in February 1998 and was completed in May 1998. Removal activities also included the consolidation of ACM from Site B onto Site A.

Phase 3, the final remedial action phase, consisted of the excavation and removal of ACM from the UAR, consolidation of the excavated UAR material to Site A, backfilling the excavated portions of the UAR, and construction of the biotic cap on Site A. Cap construction activities included the installation of an anchor trench on the west side of the landfill, compaction of landfill material, placement of geotextile fabric (woven and non-woven) and placement of geonet for the biotic barrier. Construction of the biotic cap on the Site A landfill was considered to be complete after a final inspection was conducted in September 1999.

The disturbed and created wetlands areas were restored by placing a final soil cover, consisting of six inches of organic sediment, over the areas. The sediment contained a natural seed bank with species indigenous to adjacent wetlands. The progress of wetlands restoration efforts continues to be monitored by FWS.

On September 29, 1999, EPA approved the Final Remedial Action Report for OU3, which signified the completion of OU3 remedial activities.

Cleanup Goals

The cleanup goal for the Site was to contain the migration of asbestos. OU3 ROD cleanup activities consisted of drum removal, removal of lead contaminated soils and consolidation and capping of ACM. The cleanup objective was achieved through the response actions conducted between September 1997 and September 1999.

Operations and Maintenance

The O&M Plan for OU3 includes maintenance of the permanent features such as the surface water drainage improvements and the Site A biotic cap. The O&M plan also requires the implementation of a groundwater monitoring program that meets the requirements of the New Jersey Pollutant Discharge Elimination System regulations. FWS is responsible for implementing the OU3 O&M plan.

In addition to O&M activities, FWS has implemented institutional controls at OU3 to ensure the continued integrity of the capped areas. OU3 institutional controls include the following: (1) Restricted access via a gated road; (2) posted signs indicating closed areas; (3) law enforcement presence; (4) altered trail system to divert people from the landfill area; and (5) periodic inspections. The OU3 property is located entirely within the GSNWR. As part of the National Wilderness Area, the remediated OU3 area is protected from development or future land uses that might potentially conflict with the remedial design. Any changes to this designation would be subject to Congressional approval. As such, the land will be managed in perpetuity as wildlife habitat with very limited public use and access insofar as these activities are consistent and compatible with the O&M actions that have been prescribed for the Site.

Five Year Review for All Operable Units

The first Five-Year Review was completed for the Site in September 2000. The results of the second Five-Year Review, which was completed in September 2005, indicated that there is no significant off-site migration of contaminants and that the remedies for OU1, OU2 and OU3 are functioning as intended by the respective RODs. Since contaminants remain contained on-site, EPA will continue to conduct statutory five-year reviews of the implemented remedies. The next review is scheduled to be completed by September 2010.

Community Involvement for All Operable Units

Community involvement activities for the Asbestos Dump Superfund Site have been conducted in accordance with CERCLA requirements. Public meetings have been held for remedial milestones such as the presentation of the Proposed Plan, RI and FS reports and for the public comment period. Additional meetings were held with the public and/or stakeholders on an as needed basis throughout the remedial process. Documents comprising the administrative record were made available to the public at the Passaic Township Free Public Library in Sterling, New Jersey. Community notifications were also issued for the site Five-Year Reviews. A more detailed account of community involvement activities may be found in the Asbestos Dump Superfund Site Close Out Report.

Determination That the Site Meets the Criteria for Deletion in the NCP

The NCP specifies that EPA may delete a site from the NPL if "all appropriate responsible parties or other persons have implemented all appropriate response actions required" or "all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate". 40 CFR 300.425(e)(1). EPA, with concurrence of the State of New Jersey through the New Jersey Department of Environmental Protection by a letter dated February 19, 2009, believes these criteria for deletion have been satisfied. Therefore, EPA is proposing the deletion of the site from the NPL. All of the completion requirements from the site have been met as described in the Superfund Final Close-Out Report, dated November 10, 2009. Documents supporting this action are available in the site file and deletion dockets.

V. Deletion Action

The EPA, with concurrence of the State of New Jersey through the New Jersey Department of Environmental Protection, has determined that all appropriate response actions under CERCLA, other than operation, maintenance, and five-year reviews, have been completed. Therefore, EPA is deleting the site from the NPL.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication. This action will be effective July 12, 2010 unless EPA receives adverse comments by June 10, 2010. If adverse comments are received within the 30-day public comment period, EPA will publish a timely withdrawal of this direct final notice of deletion before the effective date of the deletion, and it will not take effect. EPA will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: April 1, 2010.

Judith A. Enck,

Regional Administrator, Region 2.

■ For the reasons set out in this document, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

■ 2. Table 1 of Appendix B to part 300 is amended by removing "Asbestos Dump, Millington, NJ" from the table.

[FR Doc. 2010–10849 Filed 5–10–10; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket No. 05–337, CC Docket No. 96–45; FCC 10–56]

High-Cost Universal Service Support, Federal-State Joint Board on Universal Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) defines "sufficient" under section 254(e) of the Communications Act as an affordable and sustainable amount of support that is adequate, but no greater than necessary, to achieve the goals of the universal service program. The Commission finds that rural rates are "reasonably comparable" to urban rates if they fall within a reasonable range of the national average urban rate. The Commission concludes, on the basis of undisputed empirical evidence in the record, that the current non-rural high-cost support mechanism comports with the requirements of section 254. The Commission also grants, with modifications, the joint petition filed by the Wyoming Public Service Commission and the Wyoming Office of Consumer Advocate for supplemental high-cost universal service support for rural residential customers of Qwest, Wyoming's non-rural incumbent local exchange carrier.

DATES: Effective June 10, 2010.

FOR FURTHER INFORMATION CONTACT: Katie King, Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418–7491 or TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Order on Remand and Memorandum Opinion and Order (Order) in WC Docket No. 05–337, CC Docket No. 96–45, FCC 10–56, adopted April 16, 2010, and released April 16, 2010. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone (800) 378–3160 or (202) 863–2893, facsimile (202) 863–2898, or via the Internet at *http://www.bcpiweb.com.* It is also available on the Commission's Web site at *http://www.fcc.gov.*

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I. Order on Remand

A. The Current Non-Rural Mechanism Comports With Section 254

1. On remand, the Tenth Circuit directed the Commission to address three issues. First, the court held that the Commission "must articulate a definition of 'sufficient' that appropriately considers the range of principles in the text of the statute." Second, the Commission "must define the term 'reasonably comparable' in a manner that comports with its concurrent duties to preserve and advance universal service." And finally, the court directed the Commission "to utilize its unique expertise to craft a support mechanism taking into account all of the factors that Congress identified in drafting the Act and its statutory obligation to preserve *and* advance universal service." With respect to this last mandate, the court stated that "the FCC must fully support its final decision on the basis of the record before it." We address each of these issues in turn. After careful analysis and review of the record, we conclude that the non-rural support mechanism, as currently structured, comports with the requirements of section 254 of the Act.

1. "Sufficient"

a. An Assessment of Whether Support Is "Sufficient" Must Take Into Account the Entire Universal Service Fund

2. Section 254(e) of the Act provides that Federal universal service support "should be explicit and *sufficient* to achieve the purposes of [section 254]." In the context of determining high-cost support for non-rural carriers, the Commission previously defined "sufficient" as "enough Federal support to enable States to achieve reasonable comparability of rural and urban rates in high-cost areas served by non-rural carriers." In *Qwest II,* the Tenth Circuit held that the Commission did not adequately demonstrate how its non-rural universal service support mechanism was "sufficient" within the meaning of section 254(e). The court noted that "reasonable comparability" was just one of several principles that Congress directed the Commission to consider when crafting policies to preserve and advance universal service. The court was "troubled by the Commission's seeming suggestion that other principles, including affordability, do not underlie Federal non-rural support mechanisms." "On remand," the court concluded, "the FCC must articulate a definition of 'sufficient' that appropriately considers the range of principles identified in the text of the statute."

3. Congress, in section 254(b) of the Act, set forth a number of principles for the Commission to consider when implementing the universal service policy. These principles include: (1) "[q]uality service should be available at just, reasonable, and affordable rates"; (2) "access to advanced telecommunications and information services should be provided in all regions of the Nation"; (3) "low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications services and information services * * * that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged * * * in urban areas"; (4) "[a]ll providers of telecommunications services should make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service"; (5) "[t]here should be specific, predictable and sufficient Federal and State mechanisms to

preserve and advance universal service"; and (6) "[e]lementary and secondary schools and classrooms, health care providers, and libraries should have access to advanced telecommunications services." In addition, section 254(b) permits the Joint Board and the Commission to adopt "[s]uch other principles as the Joint Board and the Commission determine are necessary and appropriate for the protection of the public interest, convenience, and necessity and are consistent with this Act."

4. The Commission developed four universal service support programs to implement all of the statutory requirements set forth in section 254 of the Act. While the principles in section 254(b), collectively informed and guided the Commission's decisions, each support program necessarily addresses some of the principles more directly than others. For example, the Commission implemented an E-rate program and a rural health care mechanism to provide support for schools, libraries, and rural health care providers, as set forth in section 254(b)(6). The Commission expanded the Lifeline and Link-up programs to assist low-income consumers and help ensure affordable rates, as set forth in section 254(b)(3). While the Commission kept the larger statutory goals in mind as it developed the four support programs, it did not attempt to fully address each universal service principle in section 254(b) through each support mechanism. Nor is there any indication that Congress intended each principle to be fully addressed by each separate support mechanism. The Commission believes that any determination about whether the Commission has adequately implemented section 254 must look at the cumulative effect of the four support programs, acting together.

5. The non-rural high-cost support mechanism thus is just one segment of the Commission's comprehensive scheme to preserve and advance universal service. The "sufficiency" of the non-rural high-cost mechanism to achieve its purpose cannot fairly be judged in isolation. The four universal service programs work in tandem to accomplish the principles set forth in section 254(b). For instance, while the basic purpose of high-cost support is to ensure that telephone service is not prohibitively expensive for consumers in rural, insular, and high-cost areas, some consumers in those areas will still need additional assistance due to their low household income. Low-income support, provided through the Lifeline and Link-up programs, supplements high-cost support in those circumstances to remove the additional affordability barriers faced by economically disadvantaged individuals living in rural and other high-cost areas. A fair assessment of whether the Commission has reasonably implemented the section 254 principles, and whether support is "sufficient" for purposes of section 254(e), must therefore encompass the entirety of universal service support programs. This approach to assessing "sufficiency" is consistent with the Tenth Circuit's analysis in *Qwest I.* The court there recognized that it could not satisfactorily perform the "task of reviewing the sufficiency of the FCC's actions" without knowing "the full extent of Federal support for universal service."

6. Moreover, whether the Commission has satisfied the goal of "sufficiency," as required by section 254(e), must be evaluated in the larger context of section 254. The various objectives of section 254 impose practical limits on the fund as a whole. If the universal service fund grows too large, it will jeopardize other statutory mandates, such as ensuring affordable rates in all parts of the country, and ensuring that contributions from carriers are fair and equitable. This issue is not theoretical. With the contribution factor above 15 percent, the Commission has to balance the principles of section 254(b) to ensure that support is sufficient but does not impose an excessive burden on *all* ratepayers. For the reasons discussed herein, we conclude that in designing its non-rural high-cost mechanism, the Commission must balance the statutory principles of reasonable comparability and affordability, taking into account both affordability of rates in high-cost areas served by non-rural carriers and affordability of rates in other areas where customers are net contributors to universal service funding.

7. Several courts, including the Tenth Circuit, have recognized that over-subsidizing universal service programs can actually undermine the statutory principles set forth in section 254(b). The Tenth Circuit acknowledged that "excessive subsidization arguably may affect the affordability of telecommunications services, thus violating the principle in section 254(b)(1)." The United States Court of Appeals for the District of Columbia Circuit (DC Circuit) recently found, when it upheld the Commission's interim cap on high-cost support disbursements to competitive ETCs' support, that the concept of "sufficiency" can reasonably encompass "not just affordability for those benefited, but fairness for those burdened." The DC Circuit explained that, in assessing whether universal service subsidies are excessive, the Commission "must consider not only the possibility of pricing some customers out of the market altogether, but the need to limit the burden on customers who continue to maintain telephone service." Further, in *Alenco Communications, Inc.* v. *FCC* , the Fifth Circuit found that "[t]he agency's broad discretion to provide sufficient universal service funding includes the decision to impose cost controls to avoid excessive expenditures that will detract from universal service." We thus conclude that a proper balancing inquiry must take into account our generally applicable responsibility to be a prudent guardian of the public's resources.

8. In light of all these considerations, we respond to the Tenth Circuit's remand by defining "sufficient" as an affordable and sustainable amount of support that is adequate, but no greater than necessary, to achieve the goals of the universal service program. Unlike the Commission's prior definition, which the court stated "ignore[d] all but one principle in [section] 254(b)," this definition is "tied explicitly to all the principles underlying the universal service program." It also "expressly incorporates the principle of 'affordability' by ensuring that universal service [support] levels are 'sufficient' without growing so large as to be unsustainable and without rendering the rates for supported services 'unaffordable.'" Having considered the principles set forth in section 254(b) and the Commission's interpretation and application of those principles, we now turn to applying those principles to the non-rural high-cost support mechanism.

b. The Commission's Universal Service Programs Provide "Sufficient" Support

9. We find that the non-rural high-cost support mechanism, acting in conjunction with the Commission's other universal service programs, provides sufficient support to achieve the universal service principles set forth in section 254(b) of the Act. These programs have produced almost ubiquitous access to telecommunications services and very high telephone subscribership rates. The Commission's most recent report on telephone subscribership, released in February 2010, found that, as of November 2009, the telephone subscribership penetration rate in the United States was 95.7 percent—the highest reported penetration rate since the Census Bureau began collecting

such data in November 1983. The fact that subscribership has increased indicates that the Commission is preserving and *advancing* universal service.

10. In particular, the current telephone subscribership penetration rate is strong evidence that our universal service programs provide support that is sufficient to ensure that rates are affordable, as required by section 254(b)(1). This finding is buttressed by data showing that average consumer expenditures on telephone service as a percentage of household expenditures have been relatively stable over time—approximately 2 percent—even while the amount of telephone service consumers are purchasing has increased. Moreover, rural consumers and urban consumers spent a comparable percentage of their household expenditures on telephone service. We agree with Qwest that "the current level of telephone subscribership suggests that universal service subsidies *as a whole* are enabling *affordable* rates * * *." We disagree, however, that the Commission is required to "present[] data * * * to demonstrate that non-rural high-cost support" by itself "is actually contributing to affordable rates" in order to satisfy the court. As we explained above, the Commission cannot—and is not required to—evaluate the non-rural high-cost fund in isolation. Sufficient support that satisfies the universal service principles of section 254(b)—including affordable rates—can only reasonably be achieved through the totality of the Commission's universal service programs, not by the non-rural high-cost mechanism standing alone. Indeed, we believe that the public interest would not be well-served if we attempted to determine sufficiency by considering a single support mechanism in a vacuum, while ignoring the support provided by the other support mechanisms.

11. Significantly, the court in *Qwest II* did not find that non-rural high-cost support was insufficient to achieve the statutory principles in section 254(b). Rather, it held that the Commission failed to consider all of those principles in its analysis of whether support is, in fact, sufficient. We have now considered those principles and adopted a definition of "sufficient" that is tied explicitly to all of those principles. We further find, based on record evidence, that the Commission's universal service programs, including the non-rural high-cost support mechanism, provide "sufficient" support. Given the unprecedented level of telephone subscribership, the increased utilization of service, and the steady share of consumer expenditures, we conclude that current subsidy levels are at least sufficient to ensure reasonably comparable and affordable rates that have resulted in widespread access to telephone service. Contrary to the assertion of some parties, we did not "start[] with a premise that in fixing the non-rural high-cost support fund [the Commission] must not increase the size of the [universal service fund]." Instead, after reviewing the data, we have concluded that it is not necessary to expand funding for the non-rural mechanism to ensure that support is "sufficient."

12. While some commenters assert that the non-rural high-cost support mechanism, as currently structured, provides insufficient support, none has made any effort to demonstrate that its current support is actually insufficient. In particular, we are not persuaded that incumbent LEC line losses due to competitive entry in urban areas have resulted in diminished service for consumers in rural areas. No commenter has presented evidence that customers will be left without service absent an increase in Federal high-cost support for non-rural carriers. A similar lack of evidence caused the D.C. Circuit to reject a challenge to the interim cap the Commission imposed on high-cost support disbursements to competitive ETCs. The court in that case found that petitioners produced "no cost data showing they would, in fact, have to leave customers without service as a result of the cap" and therefore gave the court "no valid reason to believe the principle of 'sufficiency'" would be "violated by the cap." Likewise, in *Alenco,* the Fifth Circuit held that a single provider's reduced rate of return "does not establish that the cap [on certain incumbent LEC high-cost support mechanisms] fails to provide sufficient service" to customers. We therefore reject the argument that competition has rendered non-rural high-cost support insufficient.

13. Qwest and AT&T complain that they receive less high-cost support than other providers, including rural incumbent LECs. But it does not follow that Qwest and AT&T receive insufficient support simply because they receive less support than other providers. Compared to non-rural carriers, rural carriers generally serve fewer subscribers, serve more sparsely populated areas, and generally do not benefit from economies of scale and scope to the same extent as non-rural carriers.

14. Commenters alleging that non-rural high-cost support is insufficient also ignore the millions of dollars of growth in disbursements under this mechanism. For example, when the Tenth Circuit issued *Qwest II* in 2005, carriers received $292 million annually in Federal universal service support from the non-rural mechanism. In 2009, carriers received $331 million in Federal universal service support from the non-rural mechanism. While most of that increase is attributable to support paid to non-incumbent LECs, the majority of which are wireless competitive ETCs, those carriers also provide supported services within each State's boundaries and therefore advance the principles set forth in section 254(b) of the Act. As the Fifth Circuit recognized, "[t]he purpose of universal service is to benefit the customer, not the carrier," so "'[s]ufficient' funding of the customer's right to adequate telephone service can be achieved regardless of which carrier ultimately receives the subsidy." Accordingly, we disagree with the Rural States' argument that the non-rural mechanism provides insufficient support in the face of record evidence showing increases in both total non-rural high-cost support and overall telephone subscribership since the Commission adopted the *Remand Order* in 2003.

15. The Maine, Vermont, and Montana State commissions have also made allegations about problems related to service quality and service availability. At the outset, we note that States (not the Commission) are primarily responsible for ensuring service quality and service availability through their regulation of intrastate services and administration of carrier-of-last-resort obligations. In any event, we find these claims unpersuasive. First, the State commissions have not provided substantial empirical evidence that service quality is worse in areas where non-rural LECs receive high-cost support, relative to either areas where rural LECs receive support, or areas that do not receive any high-cost support. Second, with regard to service availability, they have failed to "systematically analyze[] the effect of" non-rural support on the availability of services, including broadband, and instead "provide[d] only anecdotal evidence of the possible effect of" non-rural high-cost support "on particular deployments." Third, the State commissions have not demonstrated that more support would in fact improve service quality or service availability, nor have they quantified, in a verifiable manner, what level of support would ensure adequate service

quality and service availability. Without such evidence, the Commission would be subject to the same criticisms raised in *Qwest II* if it were to modify the non-rural support mechanism in response to the State commission proposals.

16. The DC Circuit held, and we agree, that the Commission has an obligation to "strike an appropriate balance between the interests of widely dispersed customers with small stakes and a concentrated interest group seeking to increase its already large stake" in the fund. Several parties have proposed reforms to the non-rural high cost support mechanism. Our analysis of these proposals finds that each would significantly increase the size of the fund, the quarterly universal service contribution factor, and the amount that end users ultimately pay. Moreover, advocates of these proposals have failed to demonstrate how consumers living in rural areas would be harmed absent the proposed increase in funding. Qwest projects that its proposal, if adopted, would increase the size of the non-rural high-cost mechanism from $322 million to approximately $1.2 billion, a four-fold increase that would cause the contribution factor to surge to 17.1 percent. Although the Rural States assert, without support, that "[n]o option currently under consideration in this proceeding seems likely to produce a significant increase in the contribution rate," we estimate that the Rural States' proposal would increase the universal service fund by $2.725 billion (or more than nine times the total current amount of non-rural high-cost support). If enacted today, this proposal would cause the contribution factor to leap from 15.3 percent to 21.0 percent—hardly a modest increase from a consumer's perspective. If adopted, consumers throughout the nation would be asked to fund this massive expansion of the non-rural high-cost mechanism through an even larger universal service surcharge on their monthly telephone bill, making telecommunications services less affordable. Given our finding that the non-rural high-cost mechanism already provides sufficient support, and in the absence of any contrary empirical evidence that we need to augment that support to ensure sufficient funding, we decline to add to the already heavy universal service contribution burden placed on consumers.

17. We recognize that some commenters requesting an increase in non-rural high-cost support seek to mitigate the impact of their proposals on consumers by asking the Commission to reduce universal service funding elsewhere. Most of these recommendations involve eliminating high-cost support for certain providers or adopting other regulatory reforms that are unrelated to the non-rural high-cost mechanism. At the outset, we reiterate that the non-rural mechanism, as currently structured, provides sufficient support, so we are not obligated to undertake any of the reforms proposed by commenters—all of which would expand the size of the universal service fund. But even if that were not the case, we note that all of the proposed methods to offset the resulting increase fall outside the narrow scope of this proceeding, which is limited to responding to the issues raised by the Tenth Circuit in *Qwest II.* Moreover, no party has demonstrated how reducing funding for other programs or providers would advance, and not frustrate, the universal service objectives set forth in section 254 of the Act. If anything, the parties' attempt to lessen the significant financial impact of their alternative proposals highlights the inherent tension between the principles of sufficiency and affordability. It also underscores the reasonableness of the Commission's view that the non-rural high-cost support mechanism can only be evaluated properly in the context of all the universal service programs.

18. We further conclude that the Commission's non-rural high-cost support mechanism is consistent with the statutory principle that "[t]here should be specific, predictable and sufficient Federal and State mechanisms to preserve and advance universal service." We continue to believe that the Commission's cost-based formula provides a specific and predictable methodology for determining when non-rural carriers qualify for high-cost support.

2. "Reasonably Comparable"

a. Urban and Rural Rates Are Reasonably Comparable

19. Section 254(b)(3) provides that: "Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas." In 2003, the Commission determined that rural rates were "reasonably comparable" if they fell within two standard deviations of the national average urban rate contained in the Wireline Competition Bureau's annual rate survey. The record in this proceeding contains evidence that our current non-rural high-cost mechanism, which incorporates this definition of "reasonably comparable," has in fact produced rural rates that are reasonably comparable to urban rates.

20. Contrary to the assertion of some commenters, the Tenth Circuit did not find that the non-rural high-cost support mechanism failed to produce reasonably comparable rates. Rather, the court's fundamental criticism in *Qwest II* was that the Commission failed to provide empirical evidence that its non-rural high-cost support mechanism has produced reasonably comparable rates. The court indicated that it "would be inclined to affirm" the existing non-rural high-cost support mechanism if the Commission could present "empirical findings" demonstrating that the mechanism "indeed resulted in reasonably comparable rates." We can now make that showing on the basis of unrefuted empirical evidence in the record.

21. The only comprehensive rate data in the record support the Commission's conclusion that rates for traditional wireline telephone service are reasonably comparable across rural and urban areas. The data show that average rates are similar in urban and rural areas, and that the standard deviation of the rates is similar between rural and urban areas. Specifically, the data show that urban and rural rates often are the same. To the extent there are differences, however, the data show that urban rates within most States tend to be higher. In addition, because the range of rates and standard deviation of the rates are similar in rural and urban areas, the difference among urban rates is similar to the difference between urban and rural rates.

22. Data filed by NASUCA in response to the 2005 *Remand NPRM, 71 FR 1721, January 11, 2006,* demonstrate that rural and urban rates are reasonably comparable. NASUCA submitted data on rates (as of February 2006) in 11,252 wire centers nationwide that are served by non-rural carriers, ranging from zero percent urban to 100 percent urban. The average price of flat-rate residential service (plus the subscriber line charge and Federal universal service charge) does not vary greatly as a function of the degree of urbanization. In fact, NASUCA found that there is no statistically significant difference in average price as a function of the percent of the population living in urban areas. In addition, the range of prices is similar between rural and urban areas.

Moreover, the standard deviation of the prices is similar between rural and urban areas.

23. Our own State-by-State review of NASUCA's data revealed that rural wire centers generally had lower rates than urban wire centers, holding the State constant. In 42 of the 50 States, the average rate in rural wire centers was less than or equal to the average rate in urban wire centers.

24. Data filed by Verizon in response to the 2009 *Remand NOI* confirms NASUCA's findings and our conclusion that rural and urban rates are reasonably comparable. Verizon submitted a declaration by Alan Buzacott, which contains a survey and analysis of tariffed rural and urban rates (in effect as of May 2009) charged by non-rural carriers in all 50 States, plus the District of Columbia and Puerto Rico. The Buzacott declaration finds that in 18 States and the District of Columbia, the largest non-rural carrier offers basic residential local exchange service at the same rate in all exchanges throughout the State. In States where a non-rural carrier does charge different basic residential local exchange rates within the State, the Buzacott declaration finds that rates in urban areas tend to be higher than rates in rural areas.

25. In *Qwest II,* the Tenth Circuit focused on the disparity between rural rates and the lowest urban rate, and noted that a rural rate could be 100 percent more than the lowest urban rate. Such an anomaly can be explained by the variability of rate policies among the States and does not undermine our conclusion that rural and urban rates are reasonable comparable. Because States exercise considerable discretion in setting rural and urban rates, there is considerable variation among States. A comparison of rural rates to the lowest urban rate would be heavily influenced by a particular State's rate policies. For this reason, the general consensus in the record—even among those parties that ask the Commission to adjust the rate benchmark—is that the average urban rate—and not the lowest urban rate—is the appropriate point of comparison for purposes of determining "reasonable comparability."

b. Where a State Demonstrates That Rates Are Not Reasonably Comparable and That Further Federal Action Is Required, We Will Provide Appropriate Relief

26. Only one State—Wyoming—has demonstrated that its rural rates are not reasonably comparable to nationwide urban rates and requested relief based on that demonstration. In light of Wyoming's unique circumstances, in section III, below, we grant, with modifications, the joint petition filed by the Wyoming Public Service Commission and the Wyoming Office of Consumer Advocate for supplemental high-cost universal service support for rural residential customers of Qwest, Wyoming's non-rural incumbent LEC.

27. We see no reason to revise our non-rural high-cost support mechanism just to address Wyoming's unique needs. Rather, we believe that unique situations like Wyoming's can best be addressed on an individualized, case-by-case basis. In the future, if any other State presents us with documentation that unique circumstances prevent the achievement of reasonably comparable rates in that State, we can provide appropriate relief, just as we have done in the case of Wyoming.

c. Because Rural Rates Are Reasonably Comparable to Urban Rates, They Have Advanced Universal Service, Evidenced by An Overall Increase in Telephone Subscribership

28. When the Tenth Circuit remanded the Commission's definition of "reasonably comparable" in *Qwest II,* the court expressed concern that the definition did not take into account the Commission's statutory duty to advance universal service. The court noted that section 254(b) referred to "policies for the preservation and *advancement* of universal service." The court reasoned that the Commission, by adopting a definition of "reasonably comparable" that preserved existing rate disparities, was "ignoring its concurrent obligation to advance universal service, a concept that certainly could include a narrowing of the existing gap between urban and rural rates." The court directed the Commission on remand to "define the term 'reasonably comparable' in a manner that comports with its concurrent duties to preserve and advance universal service."

29. On remand, we adopt a new definition of "reasonably comparable." We find that rural rates are "reasonably comparable" to urban rates under section 254(b)(3) if they fall within a reasonable range of the national average urban rate. In our judgment, our existing rate benchmark ensures that rural rates will fall within a reasonable range (*i.e.,* two standard deviations) of the national average urban rate. The record in this proceeding demonstrates that rates within this range have generally resulted in an increase in overall telephone subscribership, thereby "advancing" the most fundamental goal of universal service. We further conclude that the non-rural support mechanism, as currently configured, produces rates that meet the requirements of section 254(b)(3). This conclusion is supported by our demonstration above that the rural and urban rates are, in fact, reasonably comparable and by evidence of an increase in telephone subscribership penetration rates nationwide.

30. In *Qwest II,* the Tenth Circuit seemed concerned that, unless the Commission took action to reduce the existing variance in rates between rural and urban areas, rural rates would be too high to ensure universal access to basic service. "Rates cannot be divorced from a consideration of universal service," the court said, "nor can the variance between rates paid in rural and urban areas. If rates are too high, the essential telecommunications services encompassed by universal service may indeed prove unavailable." The fact that telephone subscribership penetration rates have increased since Congress enacted section 254 demonstrates that rates are not too high under the Commission's universal service program; indeed, the essential telecommunications services encompassed by universal service have become more available than ever before, with telephone subscribership rates recently reaching an all-time high. The overall increase in the telephone subscribership penetration rates since the enactment of our universal service policies in 1996 demonstrates that the Commission has satisfied its duty to advance universal service.

31. We further find that the development of new telecommunications technologies has furthered the universal service principles in the Act, particularly reasonable comparability. New services are increasingly replacing traditional wireline telephone service, and universal service funding, primarily high-cost support, has helped subsidize their deployment. Consumers now enjoy a variety of competitive options for all-distance voice services—including services provided by mobile wireless service providers, large cable operators, and over-the-top VoIP providers. The rates for these nationwide "all distance" services do not typically vary between urban and rural areas. This provides the Commission even greater assurance that telecommunications services will be available in rural areas at rates that are reasonably comparable to rates in urban areas, even as customers migrate from traditional wireline voice service.

32. The Tenth Circuit directed the Commission on remand to define "reasonably comparable" in a manner that both preserves and advances universal service. Since the *Remand*

Order, telephone subscribership penetration rates have increased, consumer expenditures on telephone service have remained stable, and, as a result of increased broadband and wireless deployment, consumers can now choose among multiple universal service providers, not just traditional wireline telephone companies. We conclude that these marketplace developments demonstrate that the non-rural mechanism results in reasonably comparable rates that have advanced universal service.

33. We disagree with the Rural States' argument that our current mechanism does not do enough to ensure the availability of reasonably comparable "non-dial-tone" or "advanced" services in rural areas. As an initial matter, neither the Rural States nor any other commenter has systematically analyzed the effect of the current non-rural mechanism on the deployment of such services, so we have no data upon which to assess their claims. Moreover, to date, the Commission has designated only basic local telephone service as eligible for universal service support. Our analysis of whether the current non-rural high-cost support mechanism achieves the principle of reasonable comparability must therefore focus on the service that the mechanism was designed to fund, i.e., basic local telephone service. The record in this proceeding shows that basic telephone service of reasonably comparable quality is available in rural and urban areas at reasonably comparable rates.

3. The Non-Rural High-Cost Support Mechanism

34. In *Qwest II,* the court deemed the non-rural high-cost support mechanism invalid because it rested on the application of the definition of "reasonably comparable" rates invalidated by the court. While the court acknowledged that it "would be inclined to affirm the FCC's cost-based funding mechanism if it indeed resulted in reasonably comparable rates," it found that the Commission had failed to provide "empirical findings supporting this conclusion." The court further noted that the Commission based the two standard deviations *cost* benchmark on a finding that *rates* were reasonably comparable, without empirically demonstrating in the record a relationship between costs and rates. "On remand," the court directed the Commission to "utilize its unique expertise to craft a support mechanism taking into account all the factors that Congress identified in drafting the Act and its statutory obligation to preserve and advance universal service." Below we explain and support the decision to utilize variations in cost to determine the level of high-cost support for non-rural carriers.

35. We agree with Verizon that "the Tenth Circuit did not have a problem with use of the [non-rural mechanism]—it merely wanted evidence of results." The court in *Qwest II* emphasized that regardless of what the Commission ultimately decided about its non-rural high-cost support mechanism on remand, "the FCC must fully support its final decision on the basis of the record before it." The record in this proceeding contains precisely the sort of evidence that the court previously found lacking. Unrefuted empirical evidence in the record shows that wireline telephone rates are reasonably comparable in urban and rural areas, and where there is a discrepancy, rural rates tend to be lower. Rates are also affordable, as demonstrated by the fact that telephone subscribership penetration rates have increased while average consumer expenditures on telephone service have remained stable. This same evidence confirms that the non-rural high-cost support mechanism, working in conjunction with the Commission's other universal service programs, provides sufficient support. The record also shows that the non-rural mechanism has both preserved *and* advanced the universal service objectives in section 254(b) of the Act, as demonstrated by increasing subscription rates and increasing access to different types of services.

36. Consequently, we conclude that no further action is required of the Commission to comply with the Tenth Circuit's *Qwest II* decision, and we decline to adopt the handful of proposals to "reform" the non-rural mechanism. The Commission previously rejected several of these proposals in the *Remand Order,* and we do so again here.

a. Cost-Based Support Mechanism

37. We find that it is appropriate to distribute universal service support in high-cost areas based on estimated forward-looking economic cost rather than on retail rates, because costs are a major factor affecting retail rates. There is overwhelming support in the record for the continued use of a non-rural support mechanism based on costs, even though there is disagreement over the design of the cost-based mechanism. None of the commenters seriously suggested that the Commission adopt a "rate-based" approach.

38. There are numerous factors demonstrating that basing a support mechanism on costs represents a reasonable proxy to ensure that rural rates remain reasonably comparable. Economists have long recognized the close relationship between costs and rates. Basic principles of economics demonstrate that, in perfectly competitive markets, competition will drive prices to long-run average total cost. Similarly, in the case of regulated monopolies, regulators have traditionally set prices such that revenues will cover total regulated costs, including a normal return. Given this close relationship between costs and prices, it follows that, if costs rise, so should prices. In addition, because the States retain jurisdiction over intrastate rates, the Joint Board and the Commission always have looked at cost differences, not rate differences, in determining high-cost support. We believe that costs are a necessary component in setting the level of regulated rates because the underlying purpose of rates is to recover, at a minimum, the cost of providing services. States with high costs would have higher rates in the aggregate than other States would, were it not for Federal support.

39. In contrast, it makes little sense to base support on current retail rates, which are the result of the interplay of underlying costs and other factors that are unrelated to whether an area is high-cost. Retail rates in many States remain regulated, and State regulators differ in their treatment of regulated carriers' recovery of their intrastate regulated costs. For example, some States still require carriers to charge business customers higher rates to create implicit subsidies for residential customers, while other regulators have eliminated such implicit subsidies in the face of increasing competition for business customers. Similarly, State regulators vary in the extent to which they have rebalanced rates by reducing intrastate access charges and increasing local rates. In addition, some States have ceased regulating local retail rates. Moreover, basing support on retail rates would create perverse incentives for State commissions and carriers to the extent that rate levels dictate the amount of Federal universal service support available in a State. State commissions or carriers would have an incentive to set local rates well above cost simply to increase their States' carriers' Federal universal service support. A rate-based approach could thus undermine our ability to comply with the court's prior mandate that we develop mechanisms to induce the States "to assist in implementing the goals of universal service." Similarly,

where States have deregulated retail rates, carriers facing competition may have an incentive to raise certain local rates to increase their support rather than to cut rates to meet competition.

40. Finally, we note that the Tenth Circuit did not reject the concept of non-rural support based on costs, rather than rates, so long as the non-rural mechanism produced the desired results. Since we have unrefuted empirical evidence demonstrating that rates are reasonably comparable, we find that *Qwest II* presents no obstacle to the use of a cost-based approach.

b. Forward-Looking Cost Model

(i) Cost Model Inputs

41. In the *Remand NOI,* the Commission acknowledged that many of the inputs in the forward-looking economic cost model have not been updated since they were adopted a decade ago, and sought comment on the extent to which the Commission should continue to use its model in determining high-cost support without updating, changing, or replacing the model. Virtually all commenters that addressed this issue argued that the model should be updated. We agree that the model should be updated or replaced if a forward-looking cost model continues to be used to compute non-rural high-cost support for the long term. Not only are the model inputs out-of-date, but the technology assumed by the model no longer reflects "the least-cost, most-efficient, and reasonable technology for providing the supported services that is currently being deployed." The Commission's cost model essentially estimates the costs of a narrowband, circuit-switched network that provides plain old telephone service (POTS), whereas today's most efficient providers are constructing fixed or mobile networks that are capable of providing broadband as well as voice services.

42. Much progress has been made in developing computer cost models that estimate the cost of constructing a broadband network, such as the CostQuest model, and we note that staff has developed an economic model to estimate the financial implications (costs and revenues) associated with providing broadband to areas presently unserved by adequate broadband speed and capacity for purposes of the National Broadband Plan. Nevertheless, we are unable to evaluate adequately any alternative cost model or to develop a new cost model in time to meet our commitment to respond to the Tenth Circuit's *Qwest II* remand. As the Commission noted in the *Remand NOI,* the Commission's current model was developed over a multi-year period involving dozens of public workshops, and it would take a similar period to evaluate or develop a new cost model and to establish new input values. Rather than attempt to update a model that estimates the cost of a legacy, circuit-switched, voice-only network, we intend to focus our efforts going forward on developing a forward-looking cost model to estimate the cost of providing broadband over a modern multi-service network, consistent with the recommendations in the National Broadband Plan. Accordingly, we conclude that we should continue to use the existing model to estimate non-rural high-cost support on an interim basis, pending the development of an updated and more advanced model that will determine high-cost support for broadband. We expect to initiate a proceeding to seek comment on such a model in the second quarter of 2010.

(ii) Cost Benchmark

43. We also conclude that we should continue to determine non-rural high-cost support by comparing the statewide average cost of non-rural carriers to a nationwide cost benchmark set at two standard deviations above the national average cost per line. As discussed above, we have found that the non-rural high-cost support mechanism comports with the principles of section 254(b). Thus, we conclude that we are not obligated to modify our current mechanism to base support on average wire center costs per line. Some of those proposing a shift to wire center costs, such as Qwest, would set thresholds in a manner that would result in a significant increase in the size of the fund. We find that it would not be in the public interest to impose such a heavy financial burden on consumers nationwide when no party has documented any need for such a dramatic expansion of universal service funding. Record evidence shows that the current non-rural mechanism has produced affordable and reasonably comparable rural rates, and no party has provided any substantial evidence to the contrary. In addition, the Commission's existing model estimates the costs of a narrowband, circuit-switched network that essentially provides only POTS, rather than the costs of the multi-service networks that providers are deploying today. If the Commission were to decide to calculate support on the basis of the per-line costs for a narrower geographic area, such as wire centers, we find that the Commission should do so based on an updated model that incorporates the least-cost, most efficient technologies currently being deployed. Finally, we note that the Tenth Circuit rejected the notion "that the use of statewide and national averages is necessarily inconsistent with [section] 254." While we believe that there may be merit to an approach that distributes high-cost support on a more disaggregated basis rather than on statewide average costs, we do not believe that it would be prudent to change this aspect of the mechanism without addressing other aspects. Nor do we believe that we are required to adopt this approach to satisfy the *Qwest II* remand, or that it would serve the public interest to do so at this time. Accordingly, we conclude that, until the Commission adopts an updated cost model, non-rural high-cost support should continue to be based on statewide average costs.

44. We also reject proposals to compare statewide average cost to an *urban* average cost (instead of the *national* average cost) to determine non-rural high-cost support. The Commission previously found that comparing statewide average cost to a national average cost "reflects the appropriate division of Federal and State responsibility for determining high-cost support for non rural carriers." We maintain that view. Using *urban* average cost instead of *national* average cost, while maintaining the two standard deviation benchmark, would increase Federal support substantially. As noted, this increase would burden all ratepayers, without evidence that such an increase is necessary to fulfill our statutory obligations. *Qwest II* did not condemn statewide and national averaging, and we find that our continued use of national average cost produces results that comport with section 254.

45. We further decline to adopt a lower cost benchmark. As set forth above, the only comprehensive rate data in the record shows that there is little difference between urban and rural rates. No party has demonstrated how a different *cost* benchmark would affect the variance between urban and rural *rates,* much less produce rates that are reasonably comparable. The Rural States argue that the Commission must lower the cost benchmark from two standard deviations to 125 percent of average urban cost to satisfy the Tenth Circuit. This benchmark suffers from the same defect the court identified in *Qwest II:* there is no empirical evidence in the record that a 125 percent cost benchmark would produce more comparable rates. While the Commission could provide more universal service funding to non-rural carriers by arbitrarily lowering the cost

benchmark to 125 percent, no party that supports such a change has analyzed the extent to which the resulting increase in high-cost support would actually reduce the alleged gap between rural and urban rates. Instead, the Rural States' proposal would increase the size of the universal service fund without the benefit of empirical evidence that the non-rural high-cost support mechanism would produce reasonably comparable rates. In fact, there is a risk that the Rural States' proposal would reduce *both* urban and rural rates in a recipient State, not the variance between the two, which could needlessly increase the financial burden imposed on consumers that live in States that are net contributors to the universal service fund. The bottom line is that the Commission has no assurance that increased non-rural high-cost support would produce lower rural rates, rather than be used for other purposes, because the use of that support will depend on 50 different State policies, none of which have been described in the record. We therefore decline to adjust the cost benchmark because we lack the empirical data to justify such an adjustment, and because the record shows that the existing cost benchmark already provides support that yields reasonably comparable and affordable rates.

(iii) Rate Benchmark

46. Finally, we conclude that we should retain a comparability standard based on a national rate benchmark set at two standard deviations above the average urban rate. In *Qwest II,* the Tenth Circuit focused on the disparity between rural rates and the lowest urban rate. There is strong support in the record, however, for the continued use of an average urban rate. Even those parties that ask the Commission to adjust the rate benchmark support the use of an average urban rate—and not the lowest urban rate—as the point of comparison. The general consensus on this issue reflects the common sense conclusion that the average urban rate offers the most reasonable baseline for comparison. Because urban rates themselves vary greatly, a rate benchmark that measures divergence from the lowest urban rate could be too heavily influenced by a particular State's rate policies. By contrast, measuring divergence from the national average urban rate more accurately captures the variability of rate policies among the States.

47. We decline to adopt a new, lower rate benchmark in order to "narrow" the unsubstantiated "gap" between rural and urban rates. Proposals to adjust the rate benchmark presuppose the existence of a rate gap without offering any empirical evidence to demonstrate that such a rate gap exists. Qwest, for example, merely describes an increase in the disparity between rural rates and the *lowest* urban rate. As discussed above, this comparison is misleading because the *average* urban rate is the appropriate point of comparison for purposes of determining "reasonable comparability." The Rural States note that the difference between rural rates and the average urban rate has fluctuated from 34 percent to 43 percent. However, urban rates also vary compared to the average urban rate. And most of that fluctuation is explained by the fact that the range of *urban rates* widened because the highest urban rate increased; rural rates, by contrast, have remained stable over the last few years. In any event, even under the arbitrary rate benchmark proposed by the Rural States (*i.e.,* 125 percent of the average urban rate), rural rates would still be 25 percent greater than the average urban rate, a difference that is not dramatically dissimilar to the 34–43 percent difference that results under the Commission's current mechanism. In the end, we see no reason to modify the current rate benchmark because rate data in the record establishes that rural and urban rates today are reasonably comparable, either when compared nationally or within a State.

48. Moreover, as with their proposal to lower the cost benchmark, the Rural States' proposal to lower the rate benchmark would not answer the questions posed by the Tenth Circuit on remand; it would simply increase non-rural high-cost support without guaranteeing any change in the rates paid by consumers in rural areas. We note that the court already rejected this approach, holding that section 254(b) "calls for reasonable comparability between rural and urban rates," which cannot be satisfied "simply [by] substitut[ing] different standards." Given the inherent imprecision of the statutory phrase "reasonably comparable," the task of defining "reasonably comparable" rates is a line-drawing exercise that falls within the unique expertise of the Commission. The line the Commission drew in this case, *i.e.,* two standard deviations above the average urban rate, is entitled to deference because it falls within a reasonable range, as confirmed by the high telephone subscribership rates and the overall advancement of universal service goals while the non-rural high-cost mechanism has been in effect. No commenter proposing a different rate benchmark has made a comparable evidentiary showing.

c. Rate Comparability Review and Certification Process

49. We conclude that we should continue requiring the States to review annually their residential local rates in rural areas served by non-rural carriers and certify that their rural rates are reasonably comparable to urban rates nationwide, or explain why they are not. Commenters support the continued use of our rate certification process.

50. Currently, the Commission defines reasonably comparable rates in terms of incumbent LEC rates only. In the *Remand NPRM,* we sought comment on whether the Commission should define "reasonably comparable" rural and urban rates in terms of rates for bundled telecommunications services. Given the changes in consumer buying patterns, the competitive marketplace, and the variety of pricing plans offered by carriers today, we asked whether stand-alone local telephone rates were the most accurate measure of whether rural and urban consumers have access to reasonably comparable telecommunications services at reasonably comparable rates. We invited commenters to submit data on the rates and availability of bundled service offerings, identify sources of such data, and propose methods of analyzing such data.

51. While there was support for this approach in the abstract, no party submitted data upon which the Commission could make such a comparison. Given the scant evidentiary record on this issue, we decline at this time to define "reasonably comparable" rural and urban rates in terms of the rates for bundled services.

B. Comprehensive Reform and the National Broadband Plan

52. The Commission has previously recognized the need for review and possible comprehensive reform of its universal service program, and has sought comment on various proposals for comprehensive reform of the high-cost support mechanisms, rural as well as non-rural. Since the Commission originally adopted the non-rural high-cost support mechanism in 1999, the telecommunications marketplace has undergone significant changes. As discussed above, while in 1996 the majority of consumers subscribed to separate local and long distance providers, today the majority of consumers subscribe to local/long distance bundles offered by a single provider. In addition, the vast majority of subscribers have wireless phones as

well as wireline phones, and an increasing percentage of consumers are dropping their wireline phones in favor of wireless or broadband-based VoIP phone services. Finally, an increasing percentage of carriers are converting their networks from circuit-switched to Internet protocol (IP) technology.

53. Against this backdrop, the Commission in the *Remand NOI* sought comment on the relationship between the Commission's resolution of the narrow issues raised in this remand proceeding; comprehensive reform of the high-cost universal service support system; and our independent obligation under the Recovery Act to develop a comprehensive National Broadband Plan. Many commenters argued that the Commission should use this remand proceeding to begin transitioning high-cost funding from support for voice services to support for broadband in light of the changes in technology and the marketplace.

54. On the same day that the Commission issued the *Remand NOI,* it began the process of developing a National Broadband Plan that seeks "to ensure that all people of the United States have access to broadband capability," as required by the Recovery Act. Since then, the Commission staff has undertaken an intensive and data-driven effort to develop a plan to ensure that our country has a broadband infrastructure appropriate to the challenges and opportunities of the 21st century. The Commission conducted 36 workshops and released 31 public notices to obtain public input on the various facets of the Recovery Act as they relate to the National Broadband Plan. Several of the public notices sought comments on different aspects of the universal service programs, and one specifically invited comment on transitioning the current universal service high-cost support mechanism to support advanced broadband deployment.

55. On March 16, 2010, the Commission adopted a Joint Statement on Broadband, which sets forth the overarching vision and goals for U.S. broadband policy, and delivered to Congress the National Broadband Plan, which contains specific recommendations for universal service reform. According to the National Broadband Plan, filling the gaps in the nation's broadband network will require financial support from Federal, State, and local governments. The National Broadband Plan identifies the Federal universal service fund—and the high-cost universal service program in particular—as a key source of Federal support. The National Broadband Plan acknowledges, however, that the existing high-cost universal service program is not designed to fund broadband services. Therefore, the National Broadband Plan recommends a comprehensive reform program to shift the high-cost universal service program from primarily supporting voice communications to supporting broadband platforms that enable many applications, including voice.

56. In light of these recommendations, we conclude that fundamental reform limited to only the non-rural high-cost support mechanism should not be undertaken at this time. Now that the Commission has released the National Broadband Plan, we are in a better position to determine how to reform the high-cost support mechanism consistent with our broadband policies. In response to the mandamus petition in the Tenth Circuit, the Commission committed to issue an order responding to the court's remand by April 16, 2010. We have had insufficient time, between release of the National Broadband Plan in March and our deadline for responding to the court, to implement reforms to the high-cost universal service mechanisms consistent with the overall recommendations in the National Broadband Plan. While we believe we have fully addressed the remand, as discussed above, we anticipate that our efforts to revise and improve high-cost support will be advanced further through proceedings that follow from the National Broadband Plan. The Commission will soon release a notice of proposed rulemaking that sets the stage for comprehensive reform of the high-cost universal service mechanism as recommended in the Joint Statement on Broadband and the National Broadband Plan.

57. We also decline to adopt proposed interim changes to the non-rural high-cost support mechanism that would increase significantly the amount of support non-rural carriers would receive. Instead, we will maintain the current non-rural high-cost support mechanism on a transitional basis until comprehensive universal service reform is adopted. As set forth above, the Commission has a substantial interest in limiting the size of the universal service fund to preserve the affordability of telecommunications services for consumers. Any substantial increases in non-rural high-cost support disbursements would increase the contribution factor above its current level of 15.3 percent of interstate revenues, thereby increasing the size of universal service contribution assessments, which are ultimately paid by consumers. The Commission's authority to take measures to limit the size of the universal service fund is well established. Indeed, the Commission has long used cost controls—including caps—as a means of limiting the growth of its universal service program. We find that maintaining non-rural high-cost support at existing levels pending comprehensive universal service reform quite reasonably follows this long-standing agency practice.

58. Moreover, if carriers were to receive significant additional high-cost support on an interim basis as a result of this proceeding, it likely would be more difficult to transition that support to focus on areas unserved or underserved by broadband, if called for in future proceedings. The Commission may "act[] to maintain the status quo so that the objectives of a pending rulemaking proceeding will not be frustrated." In fact, on several occasions, the Commission has exercised that authority to maintain existing rules on a transitional basis to ensure the sustainability of the universal service program pending comprehensive reform of a larger regulatory framework. We conclude that it would not be prudent to increase the overall amount of non-rural high-cost support significantly above current levels at this time.

59. We wish to emphasize, however, that even if the Commission had no plans to reform existing high-cost universal service support programs in an effort to achieve the objectives set forth in the National Broadband Plan, we would still make no changes in the non-rural high-cost mechanism. As we explained above, record evidence demonstrates that funding under the current mechanism is sufficient to achieve reasonably comparable rates and to advance the universal service principles set forth in section 254(b), including the principles of reasonable comparability and affordability. It also has both preserved and advanced universal service. Therefore, we see no need to alter the non-rural high-cost support mechanism at this time. The Commission's decision to pursue fundamental universal service reform to promote greater broadband deployment, as required by the Recovery Act, provides a separate and independent ground for keeping the existing non-rural high-cost support mechanism in place. Under the circumstances, we believe that it is entirely reasonable to maintain the status quo on a transitional basis until the Commission is ready to implement its new universal service support program for the deployment of networks capable of providing voice and broadband service.

II. Memorandum Opinion and Order: Wyoming Petition for Supplemental High-Cost Universal Service Support

A. Discussion

60. We find that the Wyoming Petitioners have demonstrated that supplemental universal service high-cost support is warranted at this time in Wyoming's rural areas served by Qwest, the non-rural incumbent LEC. The Wyoming Petitioners have met the requirements in section 54.316 of the Commission's rules by demonstrating that such rural residential rates are not comparable to the nationwide urban rate benchmark. Specifically, the Wyoming Commission reviewed and compared the residential rates in rural areas served by Qwest to the nationwide urban rate benchmark, certified to the Commission and to USAC that such rates are not reasonably comparable because they are 124 percent of the nationwide urban rate benchmark, explained why such rates are not comparable, and stated that it intended to request further Federal action to achieve rate comparability as set forth in the *Order on Remand.* We also find that the Wyoming Petitioners' request for supplemental high-cost universal service support is consistent with the requirements in the *Order on Remand* for requests for further Federal action to achieve rate comparability. The Wyoming Petitioners demonstrated that Wyoming's rural rates are not reasonably comparable to urban rates nationwide and that Wyoming has taken all reasonably possible steps to achieve reasonable comparability through State action and existing Federal support. As we acknowledged in the *Order on Remand,* "Wyoming has rebalanced its residential and business rates, while other States have not rebalanced rates." Wyoming requires cost-based pricing for all retail telecommunications services in Wyoming and prohibits cross subsidies and implicit subsidies. Moreover, Qwest has de-averaged cost-based residential rates. Finally, Wyoming has implemented an explicit subsidy support program—the Wyoming Universal Service Fund.

61. Based on the record, however, we modify the Wyoming Petitioners' proposed calculation of supplemental high-cost support. Specifically, we agree with NASUCA's recommendation that any supplemental universal service high-cost support should cover 76 percent of the difference between the rural local rates and the comparability benchmark, and not 100 percent of the difference. We find that funding 76 percent of the difference between Qwest's rural customers' rates (including mandatory surcharges) and the nationwide urban rate benchmark is reasonable because it is consistent with the percentage of support provided using the Commission's forward-looking cost model for non-rural incumbent LECs. Funding 76 percent of the difference strikes a reasonable balance between Federal and State responsibilities of facilitating affordable local rates. Further, we are concerned that funding 100 percent of the difference could provide inappropriate incentives to increase rates or surcharges in order to shift such costs to the Federal universal service fund. Although we acknowledge that Qwest's Wyoming subscribers may continue to pay high local service rates, we must balance the need for additional support in Wyoming against the already heavy universal service contribution burden placed on consumers nationwide. We disagree, however, with NASUCA's recommendation that the Wyoming general sales tax should not be included in the rate comparability calculation. We find that the Wyoming sales tax should be included in the calculation because the nationwide urban rate benchmark, resulting from a rate survey of 95 sample cites, instructed survey respondents to include such sales taxes.

62. Accordingly, we authorize and direct USAC to provide $2,370,629 in additional annualized universal service high-cost support to Qwest in Wyoming beginning in the third quarter of 2010. One-twelfth of this amount shall be paid each month through December 2010.

63. To remain eligible for supplemental high-cost support going forward, beginning with the Wyoming Commission's next rate comparability certification due October 1, 2010, and each October 1 thereafter, the Wyoming Commission shall provide the Commission and USAC with updated line counts and other rate data consistent with and in the same format as the Wyoming 2010 Update. Such data shall be used by the Commission and USAC to verify the additional high-cost support, if any, that is necessary to maintain rural rates in Qwest's service territory at reasonably comparable levels with the nationwide urban benchmark. USAC is required to notify the Wireline Competition Bureau by letter of any concerns regarding future submissions from the Wyoming Commission. Each year after the receipt of the Wyoming Commission's rate comparability certification, any revised supplemental support shall take effect the following January.

B. Procedures for State Requests for Further Federal Action

64. In the *Order on Remand,* the Commission sought comment on how to treat State requests for further Federal action to achieve reasonable comparability of basic service rates, including: (1) The timing of State requests for further Federal action; (2) the showing that a State should be required to make in order to demonstrate a need for further Federal action; and (3) the types of further Federal action that may be provided to requesting States if the Commission determines that further Federal action is necessary in a particular instance, including possible methods of calculating any additional targeted Federal support. We decline to adopt such procedures at this time. Unique situations like Wyoming's can best be addressed on an individualized, case-by-case basis. Moreover, we expect to undertake comprehensive reform of the universal service high-cost mechanisms in proceedings that follow from the Joint Statement on Broadband and the National Broadband Plan. In the meantime, if any other State demonstrates, consistent with section 54.316 of our rules and the *Order on Remand,* that unique circumstances prevent the achievement of reasonably comparable rates in that State, we are prepared to provide appropriate relief, as we have done in the case of Wyoming.

III. Procedural Matters

A. Paperwork Reduction Analysis

65. This Order on Remand and Memorandum Opinion and Order does not contain new, modified, or proposed information collections subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any new, modified, or proposed "information collection burden for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

B. Final Regulatory Flexibility Act Certification

66. As we are adopting no rules in this Order on Remand and Memorandum Opinion and Order, no regulatory flexibility analysis is required.

C. Congressional Review Act

67. The Commission will not send a copy of this Order on Remand and Memorandum Opinion and Order in a

report to Congress and the Government Accountability Office pursuant to the Congressional Review Act because no rules are being adopted.

IV. Ordering Clauses

68. Accordingly, it is ordered that, pursuant to the authority contained in sections 1, 2, 4(i), 4(j), 201–205, 214, 220, and 254 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 201–205, 214, 220, and 254, this Order on Remand and Memorandum Opinion and Order is adopted.

69. It is further ordered that, pursuant to the authority contained in sections 1, 2, 4(i), 4(j), 201–205, 214, 220, and 254 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 201–205, 214, 220, and 254, the Joint Petition of the Wyoming Public Service Commission and the Wyoming Office of Consumer Advocate for Supplemental Federal Universal Service Funds for Customers of Wyoming's Non-rural Incumbent Local Exchange Carrier, filed December 21, 2004, IS granted to the extent described herein.

70. It is further ordered that this Order on Remand and Memorandum Opinion and Order shall be effective 30 days after publication in the **Federal Register**, pursuant to 5 U.S.C. 553(d)(3) and section 1.427(b) of the Commission's rules, 47 CFR 1.427(b).

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2010–11153 Filed 5–10–10; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 75, No. 90
Tuesday, May 11, 2010

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–215–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Model 737–100 and –200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a supplemental notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to certain Model 737–100 and –200 series airplanes. That action would have superseded an existing AD that requires various inspections for cracks in the outboard chord of the frame at body station (BS) 727 and in the outboard chord of stringer 18A; and repair or replacement of cracked parts. That action also would have added inspections for certain airplanes, revised certain compliance times for all airplanes, and added airplanes to the applicability. Since the issuance of the supplemental NPRM, the Federal Aviation Administration (FAA) has received revised service information that will significantly change the requirements proposed by the supplemental NPRM. Accordingly, the proposed rule is withdrawn.

FOR FURTHER INFORMATION CONTACT: Alan Pohl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6450; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Model 737–100 and –200 series airplanes, was published in the **Federal Register** as a supplemental Notice of Proposed Rulemaking (NPRM) on July 10, 2001 (66 FR 35912). That supplemental NPRM proposed to supersede AD 95–12–17, Amendment 39–9268 (60 FR 36981, July 24, 1995). That supplemental NPRM would have continued to require various inspections for cracks in the outboard chord of the frame at body station (BS) 727 and in the outboard chord of stringer 18A; and repair or replacement of cracked parts. That supplemental NPRM also would have added inspections for certain airplanes, revised certain compliance times for all airplanes, and added airplanes to the applicability. That supplemental NPRM was prompted by reports of fatigue cracks in those outboard chords. The proposed actions were intended to detect and correct fatigue cracking, which could result in reduced structural integrity of the outboard chords, and consequent rapid decompression of the airplane.

Actions That Occurred Since the Supplemental NPRM Was Issued

Since the issuance of that supplemental NPRM, The Boeing Company has issued revised service information that is significantly changed from the service information referenced in the supplemental NPRM. As a result, substantial changes to the requirements proposed in the supplemental NPRM are necessary.

FAA's Conclusions

The FAA has determined that the best course of action is to withdraw the supplemental NPRM and issue a new NPRM with revised requirements referencing the updated service information. Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this supplemental NPRM constitutes only such action, and does not preclude the agency from issuing another action in the future, nor does it commit the agency to any course of action in the future.

Regulatory Impact

Since this action only withdraws a supplemental NPRM, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Withdrawal

Accordingly, the supplemental NPRM, Docket No. 95–NM–215–AD, published in the **Federal Register** on July 10, 2001 (66 FR 35912), is withdrawn.

Issued in Renton, Washington, on May 4, 2010.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–11179 Filed 5–10–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–0429; Airspace Docket No. 10–ASO–24]

Establishment of Class E Airspace; Homestead, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E Airspace at Homestead, FL, to accommodate the additional airspace needed for the Standard Instrument Approach Procedures (SIAPs) developed for Homestead General Aviation Airport. This action enhances the safety and airspace management of Instrument Flight Rules (IFR) operations at the airport.

DATES: 0901 UTC. Comments must be received on or before June 25, 2010.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2010–0429; Airspace Docket No. 10–ASO–24, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5610.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this rule 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–2010–0429; Airspace Docket No. 10–ASO–24) 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://www.regulations.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 Docket No. FAA–2010–0429; Airspace Docket No. 10–ASO–24." The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (*see* the **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 Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, Georgia 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, to request a copy of Advisory circular No. 11–2A, Notice of Proposed Rulemaking distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to establish Class E airspace at Homestead, FL to provide controlled airspace required to support the SIAPs for Homestead General Aviation Airport. Class E airspace extending upward from 700 feet above the surface would be established for the safety and management of IFR operations.

Class E airspace designations are published in Paragraph 6005 of FAA order 7400.9T, signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This proposed rulemaking is promulgated under the authority described in subtitle VII, part, A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it would establish Class E airspace Homestead General Aviation Airport, Homestead, FL.

Lists 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 CLASS 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 Federal Aviation Administration Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, effective September 15, 2009, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

* * * * *

ASO FL E5 Homestead, FL [NEW]

Homestead General Aviation Airport, FL
(Lat. 25°29′57″ N., long. 80°33′15″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Homestead General Aviation Airport.

Issued in College Park, Georgia, on May 3, 2010.

Mark D. Ward,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2010–11224 Filed 5–10–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–0416; Airspace Docket No. 10–AEA–12]

Establishment of Class E Airspace; Williamson, WV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E Airspace at Williamson, WV, to accommodate the additional airspace needed for the Standard Instrument Approach Procedures (SIAPs) developed for Mingo County Regional. This action enhances the safety and airspace management of Instrument Flight Rules (IFR) operations at the airport.

DATES: 0901 UTC. Comments must be received on or before June 25, 2010.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey, SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2010–0416; Airspace Docket No. 10–AEA–12, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5610.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this rule 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–2010–0416; Airspace Docket No. 10–AEA–12) 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://www.regulations.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 Docket No. FAA–2010–0416; Airspace Docket No. 10–AEA–12." The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *http://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **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 Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, Georgia 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, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to establish Class E airspace at Williamson, WV to provide controlled airspace required to support the SIAPs developed for Mingo County Regional. Class E airspace extending upward from 700 feet above the surface would be established for the safety and management of IFR operations.

Class E airspace designations are published in Paragraph 6005 of FAA order 7400.9T, signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This proposed rulemaking is promulgated under the authority described in subtitle VII, part, A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it would establish Class E airspace at Mingo County Regional, Williamson, WV.

Lists 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 CLASS 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 Federal Aviation Administration Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, effective September 15, 2009, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 feet or More Above the Surface of the Earth.

* * * * *

AEA WV E5 Williamson, WV [NEW]

Mingo County Regional, WV
(Lat. 37°41′15″ N., long. 82°15′40″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Mingo County Regional.

Issued in College Park, Georgia, on May 3, 2010.

Mark D. Ward,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2010–11226 Filed 5–10–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–0270 Airspace Docket No. 10–AAL–8]

Proposed Revision of Class E Airspace; Kulik Lake, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to revise Class E airspace at Kulik Lake, AK. This action would correct an error in the legal description of the Kulik Lake airspace description, which makes this action necessary to enhance safety and management of Instrument Flight Rules (IFR) operations.

DATES: Comments must be received on or before June 25, 2010.

ADDRESSES: Send comments on the proposal to the Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2010–0270/ Airspace Docket No. 10–AAL–8 at the beginning of your comments. You may also submit comments on the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

An informal docket may also be examined during normal business hours at the office of the Manager, Safety, Alaska Flight Service Operations, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587.

FOR FURTHER INFORMATION CONTACT: Gary Rolf, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; e-mail: *gary.ctr.rolf@faa.gov.* Internet address: *http://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/systemops/fs/alaskan/rulemaking/.*

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 and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA–2010–0270/Airspace Docket No. 10–AAL–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 notice 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 NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition, in person in the Federal Docket Management System 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 Alaska Flight Services Information Area Group. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This action proposes to amend Title 14 Code of Federal Regulations (14 CFR) part 71 by revising Class E airspace at Kulik Lake, AK, to correct an error recently found in the airspace description. This Class E airspace would provide adequate controlled airspace upward from 700 feet above the surface, for the safety and management of IFR operations at Kulik Lake Airport.

The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 in FAA Order 7400.9T, *Airspace Designations and Reporting Points,* signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document would be subsequently published in the Order.

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

26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Because 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.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 1, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, part A, subpart 1, section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it proposes to revise airspace at Kulik Lake, Alaska, and represents the FAA's continuing effort to safely and efficiently use the navigable airspace.

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, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR 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 Federal Aviation Administration Order 7400.9T, *Airspace Designations and Reporting Points,* signed August 27, 2009, and effective September 15, 2009, is to be amended as follows:

* * * * *

Paragraph 6005 Class E Airspace Extending Upward from 700 Feet or More Above the Surface of the Earth.

* * * * *

AAL AK E5 Kulik Lake, AK [Revised]

Kulik Lake Airport, AK
(Lat. 58°58′55″ N., long. 155°07′17″ W.)

That airspace extending upward from 700 feet above the surface within a 4.3-mile radius of the Kulik Lake Airport, AK, and within 4 miles either side of the 278 bearing from the Kulik Lake Airport, extending from the 4.3-mile radius to 7.5 miles west of the Kulik Lake Airport, AK.

Issued in Anchorage, AK, on April 29, 2010.

Michael A. Tarr,

Acting Manager, Alaska Flight Services Information Area Group.

[FR Doc. 2010–11082 Filed 5–10–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2010–0295]

RIN 1625–AA08

Special Local Regulation for Marine Events; Mattaponi River, Wakema, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish special local regulations during the Mattaponi Madness Drag Boat Event, a series of power boat races to be held on the waters of the Mattaponi River, near Wakema, Virginia. These special local regulations are necessary to provide for the safety of life on navigable waters during the events. This action is intended to restrict vessel traffic during the power boat races in a segment of the Mattaponi River that flows along the border of King William County and King and Queen County near Wakema, Virginia.

DATES: Comments and related material must be received by the Coast Guard on or before June 10, 2010.

ADDRESSES: You may submit comments identified by docket number USCG–2010–0295 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. *See* the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call LT Tiffany Duffy, Chief Waterways Management Division, Sector Hampton Roads, Coast Guard; telephone (757) 668–5580, e-mail *Tiffany.A.Duffy@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2010–0295), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov*, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov*, click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert

"USCG–20100295" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand 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 Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–20100295" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of 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 a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES.** Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register.**

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact LT Tiffany Duffy at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Background and Purpose

The Mattaponi Volunteer Rescue Squad will be sponsoring a series of power boat racing events titled the "Mattaponi Madness Drag Boat Event." The power boat races will be held on the following dates: August 28, 2010, and in the case of inclement weather, the event will be rescheduled to August 29, 2010. The races will be held on the Mattaponi River immediately adjacent to the Rainbow Acres Campground, King and Queen County, Virginia. The power boat races will consist of approximately 45 vessels conducting high speed straight line runs along the river and parallel to the shoreline. A fleet of spectator vessels is expected to gather near the event site to view the competition. To provide for the safety of participants, spectators and other transiting vessels, the Coast Guard will temporarily restrict vessel traffic in the event area during the power boat races.

Discussion of Proposed Rule

The Coast Guard proposes to establish special local regulations on specified waters of the Mattaponi River, in the vicinity of Wakema, Virginia. The regulated area includes all waters of Mattaponi River immediately adjacent to Rainbow Acres Campground, King and Queen County, Virginia. The regulated area includes a section of the Mattaponi River approximately ¾-mile long and bounded in width by each shoreline, bounded to the east by a line that runs parallel along longitude 076°52′43″ W, near the mouth of Mitchell Hill Creek, and bounded to the west by a line that runs parallel along longitude 076°53′41″ W just north of Wakema, Virginia. The effect of this regulation would be to restrict general navigation in the regulated area during the drag boat races. This special local regulation will be enforced from 9 a.m. to 7 p.m. on August 28, 2010; and in the case of inclement weather, this special local regulation will be enforced from 9 a.m. to 7 p.m. on August 29, 2010. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area. Non-participating vessels will be allowed to transit the regulated area between races, when the Coast Guard Patrol Commander determines it is safe to do so. This regulation is needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. Although this regulation will prevent traffic from transiting a portion of the Mattaponi River during the events, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the advance notification that will be made to the maritime community via marine information broadcast, local radio stations and area newspapers so mariners can adjust their plans accordingly. Additionally, the regulated area has been designed to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic will be able to transit the regulated area between heats and when the Coast Guard Patrol Commander deems it is safe to do so.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities: owners or operators of vessels intending to transit this section of the Mattaponi River from 9 a.m. to 7 p.m. on August 28, 2010 and on August 29, 2010. This proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons. Although the regulated area will apply to a ¾ mile segment of the Mattaponi River, traffic may be allowed to pass through the regulated area with the permission of the Coast Guard Patrol Commander between races. In the case where the Patrol Commander authorizes passage through the regulated area during the event, vessels shall proceed at the

minimum speed necessary to maintain a safe course that minimizes wake near the race course. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see* **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed 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 see the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

This proposed rule would not cause 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 proposed 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 proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

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

Energy Effects

We have analyzed this proposed 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. The Administrator of the Office of Information and Regulatory Affairs has not designated it 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 proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES.** This proposed rule involves implementation of regulations within 33 CFR Part 100 that apply to organized marine events on the navigable waters of the United States that may have potential for negative impact on the safety or other interest of waterway users and shore side activities in the event area. The category of water activities includes but is not limited to sail boat regattas, boat parades, power boat racing, swimming events, crew racing, and sail board racing. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

2. Add temporary § 100.35T05–0295 to read as follows:

§ 100.35T05–0295 Mattaponi River, Wakema, Virginia.

(a) *Regulated Area.* The regulated area includes all waters of Mattaponi River immediately adjacent to Rainbow Acres Campground, King and Queen County, Virginia. The regulated area includes a section of the Mattaponi River approximately ¾-mile long and bounded in width by each shoreline, bounded to the east by a line that runs parallel along longitude 076°52′43″ W, near the mouth of Mitchell Hill Creek, and bounded to the west by a line that runs parallel along longitude 076°53′41″ W just north of Wakema, Virginia. All coordinates reference Datum NAD 1983.

(b) *Definitions:* (1) *Coast Guard Patrol Commander* means a commissioned, warrant or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Sector Hampton Roads.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Hampton Roads with a commissioned, warrant or petty officer on board and displaying a Coast Guard ensign.

(c) Special Local Regulations: (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by an Official Patrol.

(ii) Proceed as directed by any official patrol.

(d) Enforcement Period: This regulation will be enforced from 9 a.m. to 7 p.m. on August 28, 2010. In the case of inclement weather, this regulation will be enforced from 9 a.m. to 7 p.m. on August 29, 2010.

Dated: 24 April 2010.

M.S. Ogle,

Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads.

[FR Doc. 2010–11084 Filed 5–10–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0294]

RIN 1625–AA00

Safety Zone; Shore Thing & Independence Day Fireworks, Chesapeake Bay, Norfolk, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes establishing a temporary safety zone on the Chesapeake Bay in the vicinity of Ocean View Beach Park, Norfolk, VA in support of the Shore Thing & Independence Day Fireworks event. This action is intended to restrict vessel traffic movement on the Chesapeake Bay to protect mariners from the hazards associated with fireworks displays.

DATES: Comments and related material must be received by the Coast Guard on or before June 1, 2010.

ADDRESSES: You may submit comments identified by docket number USCG–2010–0294 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. *See* the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail LT Tiffany Duffy, Chief Waterways Management Division, Sector Hampton Roads, Coast Guard; telephone (757) 668–5580, e-mail *Tiffany.A.Duffy@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2010–0294), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG–2010–0294" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand 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 Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–0294" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of 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 a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES.** Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register.**

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact Lieutenant Tiffany Duffy, Chief Waterways Management Division, Sector Hampton Roads at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Basis and Purpose

On July 4, 2010 Norfolk Festevents Ltd. will sponsor a fireworks display on the Chesapeake Bay at position 36°57′17″ N/076°15′00″ W (NAD 1983). Due to the need to protect mariners and spectators from the hazards associated with the fireworks display, access to the Chesapeake Bay within 210 feet of the fireworks display will be temporarily restricted.

Discussion of Proposed Rule

The Coast Guard proposes establishing a temporary safety zone on specified waters of the Chesapeake Bay in the vicinity of Ocean View Beach Park, Norfolk, Virginia. This safety zone will encompass all navigable waters within 210 feet of the fireworks display located at position 36°57′17″ N/ 076°15′00″ W (NAD 1983). This safety zone will be established in the interest of public safety during the Shore Thing & Independence Day Fireworks event and will be enforced from 9 p.m. to 10 p.m. on July 4, 2010, with a rain date of July 5, 2010. Access to the safety zone will be restricted during the specified dates and times. Except for participants and vessels authorized by the Captain of the Port or his Representative, no person or vessel may enter or remain in the regulated area.

The Coast Guard expects the temporary final rule will be effective less than 30 days after publication in the **Federal Register** because delaying the effective date would be contrary to the public interest due to the need to protect the public from the dangers associated with the fireworks display.

Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. Although this proposed regulation restricts access to the safety zone, the effect of this rule will not be significant because: (i) The safety zone will be in effect for a limited duration; (ii) the zone is of limited size; and (iii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities because the zone will only be in place for a limited duration and maritime advisories will be issued allowing the mariners to adjust their plans accordingly. However, this rule may affect the following entities, some of which may be small entities: the owners and operators of vessels intending to transit or anchor in that portion of the Chesapeake Bay from 9 p.m. to 10 p.m. on July 4, 2010.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see* **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed 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 Lieutenant Tiffany Duffy, Chief, Waterways Management Division, Sector Hampton Roads at (757) 668–5580. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

This proposed rule would not cause 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 proposed 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 proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

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

Energy Effects

We have analyzed this proposed 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. The Administrator of the Office of Information and Regulatory Affairs has not designated it 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 proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves establishing a temporary safety zone around a fireworks display and is therefore expected to be categorically excluded, under section 2.B.2. Figure 2–1, paragraph 34(g), of the Instruction. The fireworks are launched from land and the safety zone is intended to keep mariners away from any fall out that may enter the water. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES.** We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

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 proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 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. Add § 165.T05–0294 to read as follows:

§ 165.T05–0294 Safety Zone; Shore Thing & Independence Day Fireworks, Chesapeake Bay, Norfolk, VA.

(a) *Regulated Area.* The following area is a safety zone: Specified waters of the Chesapeake Bay located within a 210 foot radius of the fireworks display at approximate position 36°57′17″ N/ 076°15′00″ W (NAD 1983) in the vicinity of Ocean View Beach Park, Norfolk, VA.

(b) *Definition.* For the purposes of this part, Captain of the Port Representative means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Hampton Roads, Virginia to act on his behalf.

(c) *Regulations.* (1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated representatives.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(3) The Captain of the Port, Hampton Roads can be reached through the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia at telephone Number (757) 668–5555.

(4) The Coast Guard Representatives enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65 Mhz) and channel 16 (156.8 Mhz).

(d) *Enforcement Period:* This regulation will be enforced on July 4, 2010, with a rain date of July 5, 2010, from 9 p.m. until 10 p.m.

Dated: 24 April, 2010.

M.S. Ogle,

Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads.

[FR Doc. 2010–11085 Filed 5–10–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0293]

RIN 1625–AA00

Safety Zone; Reedville July 4th Celebration, Cockrell's Creek, Reedville, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes establishing a temporary safety zone on Cockrell's Creek in the vicinity of

Reedville, VA in support of the Reedville July 4th Celebration event. This action is intended to restrict vessel traffic movement on Cockrell's Creek to protect mariners from the hazards associated with fireworks displays.

DATES: Comments and related material must be received by the Coast Guard on or before June 1, 2010.

ADDRESSES: You may submit comments identified by docket number USCG–2010–0293 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. *See* the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail LT Tiffany Duffy, Chief Waterways Management Division, Sector Hampton Roads, Coast Guard; telephone (757) 668–5580, e-mail *Tiffany.A.Duffy@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2010–0293), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (*via http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov*, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov*, click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG–2010–0293" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand 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 Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–0293" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of 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 a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register.**

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact Lieutenant Tiffany Duffy, Chief Waterways Management Division, Sector Hampton Roads at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Basis and Purpose

On July 2, 2010 Greater Reedville Association will sponsor a fireworks display on Cockrell's Creek. The proposed safety zone is intended to protect the public from any fall out that may enter the water. Due to the need to protect mariners and spectators from the hazards associated with the fireworks display, access to Cockrell's Creek within 420 feet of the fireworks display will be temporarily restricted.

Discussion of Proposed Rule

The Coast Guard proposes establishing a safety zone on specified waters of Cockrell's Creek in the vicinity of Reedville, Virginia. This safety zone will encompass all navigable waters within 420 feet of the fireworks display located at position 37°49′54″ N/076°16′44″ W (NAD 1983). This proposed safety zone will be established in the interest of public safety during the Reedville July 4th Celebration event and will be enforced from 8 p.m. to 10 p.m. on July 2, 2010. Access to the safety zone will be restricted during the specified date and times. Except for participants and vessels authorized by the Captain of the Port or his Representative, no person or vessel may enter or remain in the regulated area.

The Coast Guard expects the temporary final rule will be effective less than 30 days after publication in the **Federal Register** because delaying the effective date would be contrary to the public interest due to the need to protect the public from the dangers associated with the fireworks display.

Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. Although this proposed regulation restricts access to the safety zone, the effect of this rule will not be significant because: (i) The safety zone will be in effect for a limited duration; (ii) the zone is of limited size; and (iii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities because the zone will only be in place for a limited duration and maritime advisories will be issued allowing the mariners to adjust their plans accordingly. However, this rule may affect the following entities, some of which may be small entities: the owners and operators of vessels intending to transit or anchor in that portion of Cockrell's Creek from 8 p.m. to 10 p.m. on July 2, 2010.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see* **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed 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 Lieutenant Tiffany Duffy, Chief, Waterways Management Division, Sector Hampton Roads at (757) 668–5580. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

This proposed rule would not cause 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 proposed 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 proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

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

Energy Effects

We have analyzed this proposed 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. The Administrator of the Office of Information and Regulatory Affairs has not designated it 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 proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves establishing a safety zone around a fireworks display. The fireworks are launched from land and the safety zone is intended to keep mariners away from any fall out that may enter the water. Therefore this rule is expected to be categorically excluded, under section 2.B.2. Figure 2–1, paragraph 34(g), of the Instruction.

A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

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 proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 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. Add § 165.T05–0293 to read as follows:

§ 165.T05–0293 Safety Zone; Reedville July 4th Celebration, Cockrell's Creek, Reedville, VA.

(a) *Regulated Area.* The following area is a safety zone: specified waters of Cockrell's Creek located within a 420 foot radius of the fireworks display at approximate position 37°49′54″ N/ 076°16′44″ W (NAD 1983) in the vicinity of Reedville, VA.

(b) *Definition.* For the purposes of this part, Captain of the Port Representative means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Hampton Roads, Virginia to act on his behalf.

(c) *Regulations.* (1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated representatives.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard ensign.

(3) The Captain of the Port, Hampton Roads can be reached through the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia at telephone Number (757) 668–5555.

(4) The Coast Guard Representatives enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65Mhz) and channel 16 (156.8 Mhz).

(d) *Enforcement Period:* This regulation will be enforced on July 2, 2010 from 8 p.m. until 10 p.m.

Dated: April 24, 2010.

M.S. Ogle,

Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads.

[FR Doc. 2010–11087 Filed 5–10–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900–AN42

Drug and Drug-Related Supply Promotion by Pharmaceutical Company Sales Representatives at VA Facilities

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule; republication.

SUMMARY: The Department of Veterans Affairs (VA) is republishing the proposed rule document that was published on May 5, 2010, in the **Federal Register** to provide the address that the public needs to submit their comments. In that document, we inadvertently omitted the **ADDRESSES** section for public comments. As a convenience to the public, instead of merely publishing a correction document, we are republishing the entire proposed rule with the **ADDRESSES** section and a new 60-day comment period. These are the only two changes made to the proposed rule.

The purposes of the proposed rule are to reduce or eliminate any potential for disruption in the patient care environment, manage activities and promotions at VA facilities, and provide sales representatives with a consistent standard of permissible business practice at VA facilities. It would also facilitate mutually beneficial relationships between VA and such sales representatives.

DATES: Comments must be received by VA on or before July 12, 2010.

ADDRESSES: Written comments may be submitted through *http://www.Regulations.gov;* by mail or hand delivery to the Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Comments should indicate that they are submitted in response to "RIN 2900–AN42—Drug and Drug-Related Supply Promotion by Pharmaceutical Company Sales." Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 (this is not a toll-free number) for an appointment. In addition, during the comment period, comments may be viewed online through the Federal Docket Management System at *http://www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Louis E. Cobuzzi, PBM Services (119), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420; (202) 461–7362. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: On May 5, 2010, VA published this proposed rule in the **Federal Register** at 75 FR 24510, with an error. We inadvertently omitted the **ADDRESSES** section for public comments. We are republishing the proposed rule with the address information where the public can submit their comments and with a new 60-day comment period.

Under 38 U.S.C. 303, the Secretary of Veterans Affairs is responsible for "the proper execution and administration of all laws administered by the Department and for the control, direction, and management of the Department." The Secretary has authority to prescribe all rules necessary to carry out the laws administered by the Department, such as section 303 regarding control and management of the Department. *See* 38

U.S.C. 501(a). VA has implemented this authority, as it pertains to management of VA facilities, in 38 CFR part 1.

VA proposes to amend 38 CFR part 1 to regulate access to VA medical facilities by sales representatives (including account managers and clinical liaisons) promoting drugs and drug-related supplies. Currently, many policies regarding access to VA facilities are established and maintained at the local level, either by Veterans Integrated Service Network (VISN) leaders or by administrators at particular facilities. A VISN, which we define in proposed § 1.220(a), is a network of all VA health care facilities located in a particular region. There are 21 such regions, and the areas that they service can be found at *http://www.vacareers.va.gov/networks.cfm.* The proposed rule would prescribe Department-wide rules that must be followed at the VISN and local levels. We note that the proposed rules are consistent with past VA policy and practice.

VA proposes this rule to prescribe the circumstances under which sales representatives from pharmaceutical companies promoting drugs and drug-related supplies may be granted access to VA facilities. This rule is necessary to limit such access to those circumstances that benefit VA from an educational standpoint, while avoiding potential disturbance to patient care and ensuring compliance with standards of ethical conduct. Pharmaceutical sales representatives have heavy interaction with local VA staff each year, and this rule will ensure that their activities do not negatively affect the quality of patient care. The proposed rule would also assist these sales representatives by providing clear standards, applicable to all VA facilities nationwide, which are consistent with current practices at most VA facilities. The proposed rule would require the Chief of Pharmacy or other official responsible for such decisions to approve educational programs and materials presented or furnished by these sales representatives, so as to ensure that those programs and materials focus on clinician education as opposed to marketing of drugs and drug-related supplies. The proposed rule would generally deny sales representatives access to patient care areas in VA facilities to ensure patient privacy, and would require them to make appointments at the facilities they intend to visit as opposed to open and unrestricted access. Further, the proposed rule would prohibit sales representatives from furnishing any food to VA staff or gifts above the de minimis value set forth in the standards of ethical conduct for Federal employees, and would prohibit VA employees' personal acceptance of drug samples.

We propose to designate this rule as § 1.220. Currently, § 1.218, regarding security and law enforcement at VA facilities, describes general behavior that is prohibited on the grounds of VA property. Proposed § 1.220, would govern the behavior of particular individuals (sales representatives) on the grounds of VA medical facilities, but is not a security and law enforcement provision as it is not our intention to prescribe a fine for failure to comply with this rule. (VA is required to provide for a fine and/or imprisonment for violations of the security and law enforcement provisions at § 1.218 (38 U.S.C. 901)).

In proposed paragraph (a), we would set forth definitions applicable to this section. In particular, we would use current policy and practice to define "Criteria-for-use" as clinical criteria describing how certain drugs may be used in VA. The criteria-for-use are, and will continue to be, posted on VA's Web site at *http://www.pbm.va.gov.* The definition would note that local exceptions may apply "for operational reasons." An example of the need for a local exception might be if a particular facility within a VISN (*e.g.,* a Community-Based Outpatient Clinic (CBOC)) did not have a physician with the required expertise about a particular drug to prescribe. Under the exception, a primary care provider might direct that the drug be prescribed at a different facility within the VISN (*e.g.,* a VA hospital) where a suitable physician could be found. We note that such exceptions at the local level are not posted on our website, or elsewhere, because they are subject to change and because they do not have any general effect on the approval of the drug for use within VA. For example, if the particular facility hires a physician with the required expertise to administer the drug within its approved criteria for use, or if a physician within the facility obtains such expertise through training. We also note that such exceptions have no effect on the use of the drug elsewhere within the VISN. Thus, these exceptions do not have a broad or national effect on pharmaceutical companies.

We would broadly define "drugs" and "drug-related supplies" because we intend these terms to be inclusive of all items typically promoted by pharmaceutical sales representatives. Similarly, paragraph (a) would define "VA medical facility" as "any property under the charge and control of VA used to provide medical benefits." These broad definitions would ensure that the proposed rule applies to the largest possible number of sales representatives and VA medical facilities, including but not limited to hospitals, CBOCs, nursing homes, and domiciliaries.

We would define "VA National Formulary (VANF) drugs and/or drug-related supplies" as "any drug or drug-related supply that must be available for prescription at all VA medical facilities," and would provide the public with a means to obtain the most current list of such drugs or drug-related supplies. Non-VANF drugs or drug-related supplies would be defined as drugs or drug-related supplies that are not included on the list of VANF drugs or drug-related supplies.

Proposed paragraph (b) would set forth the general rule applicable to the promotion of drugs and drug-related supplies. It would state that notwithstanding § 1.218(a)(8), regarding soliciting, vending, and debt collection on VA property, VA would allow promotion in VA medical facilities of VANF and non-VANF drugs or drug-related supplies if the promotion is consistent with criteria-for-use, the drug is not classified as non-promotable, and the promotion is otherwise consistent with the proposed rule and with facility initiatives. It would clearly be against the interests of VA and our patients to allow a promotion that did not meet these three criteria, which are consistent with past policy and practice. This rule would be an exception to § 1.218(a)(8) because that rule bars solicitations "of any kind" on VA property, and otherwise precludes behavior (such as posting signs and distributing literature) that would be specifically authorized by § 1.220.

Proposed paragraph (c) would apply only to the promotion of non-VANF drugs or drug-related supplies without criteria-for-use. Such promotions are generally for new molecular entities or new indications for existing drugs, and such promotions must be regulated at the local level in order to allow for different clinical approaches. The promotion of new molecular entities would be permitted, but any decision allowing the promotion of such a drug would be reconsidered if the VANF committee reviews the drug and grants or denies VANF status. Because new molecular entities generally do not have a history of significant published studies in populations similar to the VA patient population and may not be part of an established drug class, it is important that the proposed rule allow VA medical professionals to become educated through the promotion of such drugs but, at the same time, ensure that

promotions are consistent with National policy.

Proposed paragraphs (d) and (f) would be general rules applicable to educational programs and materials (paragraph (d)) and the behavior of sales representatives on the grounds of VA medical facilities (paragraph (f)). These rules would attempt to balance the benefits of such promotion against the need to maintain an appropriate clinical environment at VA facilities, safeguarding the peace and privacy of patients and ensuring that VA personnel are able to perform their jobs without unnecessary interference. The rules would also avoid any appearance of bias for or against particular drug manufacturers by closely regulating the use of advertising material and display of brand names, logos, and sponsorships. An appearance of bias in a drug promotion situation could significantly undermine the trust of patients or the public in VA doctors. Proposed paragraph (e), in addition to furthering the policies described above that support paragraphs (d) and (f), would regulate the receipt of gifts and donations to ensure that VA maintains appropriate relationships with drug companies and suppliers.

In paragraph (g), we would set forth the consequences for noncompliance with this section. Any individual, or any company, that fails to comply with this section would be subject to limitations on the right to access VA facilities, which may include suspension of a sales representative's access privileges, or, in extreme cases, denying access to a company's entire sales force. Consistent with the Secretary's delegations of authority to the Under Secretary for Health and the Under Secretary's further delegation of authority to certain Veterans Health Administration officials, the proposed rule would authorize the director of the VA Medical Center of jurisdiction to issue appropriate orders restricting access to facilities under the director's control. This is the person who would be in the best position to determine whether any violation of the proposed rule requires restrictions on access to particular VA facilities or whether an opportunity for corrective action by the individual or company will suffice. In most cases, we expect that the infraction would be adequately addressed by the sales representative and no formal action would be required.

Procedurally, paragraph (g) would require the director to notify the sales representative or company of the violation and any proposed restrictions on access privileges before issuing any final order. The director would be required to provide notice to a company's sales manager if the proposed action would result in a denial of access privileges for the company's entire sales force. Affected persons and companies would have 30 days after the date of the notice to provide the director a response; however, during that 30-day period the proposed action would be enforced. This is necessary to ensure that noncompliance does not continue during the 30-day period. After considering the requirements of the proposed rule, the circumstances of the improper conduct, and any response submitted by the sales representative or company, the director would either resolve the matter informally or issue a final order restricting access.

Under proposed paragraph (g)(4), in cases where the director issues a final order suspending or permanently barring a company's entire sales force, the director would be required to provide notice of the company's right to a one-time appeal of the matter to the Under Secretary for Health. Any such request for the Under Secretary's review would be submitted to the director that issued the order within 30 days of the date of the order. The director would then forward the initial notice, the company's response, the director's order, and the company's request for review to the Under Secretary for a final decision. The director's order would be enforced until the Under Secretary's review is complete. This mechanism provides important due process to companies seeking to appeal such final orders.

We note that in most cases, sales representatives are considerate of VA's needs and mission, and do not behave inappropriately. Accordingly, we do not envision that the proposed paragraph (g) would be invoked with regularity.

Executive Order 12866

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Executive Order classifies a regulatory action as a "significant regulatory action," requiring review by the Office of Management and Budget (OMB) unless OMB waives such review, if it is a regulatory action 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.

The economic, interagency, budgetary, legal, and policy implications of this proposed rule have been examined and it has been determined to be a significant regulatory action under Executive Order 12866.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any given year. This proposed rule would have no such effect on State, local, or tribal governments, or on the private sector.

Paperwork Reduction Act

The proposed rule does not contain any collections of information under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This proposed rule would not cause a significant economic impact on health care providers, suppliers, or other small entities. The proposed rule generally concerns the promotion of drugs by large pharmaceutical companies and only a small portion of the business of such entities concerns VA beneficiaries. Therefore, pursuant to 5 U.S.C. 605(b), this proposed amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Catalog of Federal Domestic Assistance Numbers

The Catalog of Federal Domestic Assistance numbers and titles are 64.009 Veterans Medical Care Benefits,

64.010 Veterans Nursing Home Care and 64.011 Veterans Dental Care.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. John R. Gingrich, Chief of Staff, Department of Veterans Affairs, approved this document on December 30, 2009, for publication.

List of Subjects in 38 CFR Part 1

Administrative practice and procedure, Archives and records, Cemeteries, Claims, Courts, Crime, Flags, Freedom of Information, Government employees, Government property, Infants and children, Inventions and patents, Parking, Penalties, Privacy, Reporting and recordkeeping requirements, Seals and insignia, Security measures, Wages.

Dated: May 7, 2010.

Robert C. McFetridge,

Director, Regulation Policy and Management, Office of the General Counsel.

For the reasons set forth in the preamble, the Department of Veterans Affairs proposes to amend 38 CFR part 1 as follows:

PART 1—GENERAL PROVISIONS

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

Authority: 38 U.S.C. 501(a), and as noted in specific sections.

2. Add § 1.220 to read as follows:

§ 1.220 Promotion of drugs and drug-related supplies at VA medical facilities.

(a) *Definitions.* For the purposes of this section:

Criteria-for-use means clinical criteria developed by the Department of Veterans Affairs (VA) at a National level that describe how certain drugs may be used. VA's criteria-for-use are available to the public at *http://www.pbm.va.gov.* Exceptions may be applied at the local level for operational reasons.

Drugs means pharmaceuticals or chemicals intended for use by a patient or, in some cases, for medical research.

Drug-related supplies means supplies related to the use of a drug, such as test strips or testing devices.

New molecular entity refers to an active ingredient that has never before been marketed in the United States in any form.

Non-VANF drugs or drug-related supplies are drugs or drug-related supplies that do not appear on the VA National Formulary.

VA medical facility means any property under the charge and control of VA used to provide medical benefits, including Community-Based Outpatient Clinics and similar facilities.

VA National Formulary (VANF) drugs and/or drug-related supplies means any drug or drug-related supply that must be available for prescription at all VA medical facilities. A list of VANF drugs or drug-related supplies is available at *www.pbm.va.gov,* or may be requested by contacting the local office of the Chief of Pharmacy Services.

Veterans Integrated Service Network (VISN) means one of the 21 networks of VA medical facilities.

(b) *Permissible promotion of drugs and drug-related supplies.* Notwithstanding § 1.218(a)(8), VA will allow promotion in VA medical facilities of VANF and non-VANF drugs or drug-related supplies if all of the following are true:

(1) The promotion is consistent with any existing criteria-for-use.

(2) The drug or drug-related supply has not been classified by VA as non-promotable. A list of the drugs or drug-related supplies classified by VA as non-promotable is available at *www.pbm.va.gov,* or may be requested by contacting the local office of the Chief of Pharmacy Services.

(3) The promotion is otherwise consistent with this section.

(4) The promotion is consistent with facility initiatives.

(c) *Promotion of non-VANF drugs and drug-related supplies without criteria-for-use.* Under paragraph (b) of this section, non-VANF drugs or drug-related supplies must be promoted consistent with any existing criteria-for-use. Non-VANF drugs without criteria-for-use may be promoted only if:

(1) Specifically permitted by the VISN Pharmacy Executive;

(2) Authorized by the Chief of Pharmacy with jurisdiction over the VA medical facility at which the promotion occurs; and

(3) In a case where a VISN Formulary Leader has permitted the promotion of a new molecular entity prior to any decision regarding its VANF status, such permission must be reconsidered if the new molecular entity:

(i) Is subsequently granted VANF status but is labeled non-promotable; or

(ii) A decision is made to deny VANF status.

(d) *Educational programs and materials.* All educational programs and materials must be approved by the person at the VA medical facility to whom such approval responsibility has been delegated under local policy, usually the Chief of Pharmacy Services. A summary of the program and all materials must be provided well in advance of the proposed date so that a determination of the program's suitability can be made. Programs and materials must conform to the following guidelines:

(1) Industry sponsorship must be disclosed in the introductory remarks and in the announcement brochure. Sponsorship includes any contribution, whether in the form of staple goods, personnel, or financing, intended to support the program.

(2) Marketing activities cannot be conducted during an educational program.

(3) Promotional materials are not to be placed in any patient care area.

(4) Programs or materials must not offer patients an opportunity to participate in manufacturer sponsored programs and/or require the furnishing of Protected Health Information.

(5) Patient education materials must not contain the name or logo of the pharmaceutical manufacturer or be used for promotion of specific medications; unless the VA Pharmacy Benefits Management Service determines that the logo or name is inconspicuous and legal requirements (*e.g.,* trademark requirements) make their removal impractical. Even if such materials are approved by the VA National Formulary committee, the materials must otherwise be approved by the local facility in accordance with paragraph (d) of this section.

(6) Programs or materials regarding a new drug, drug-related supply, or a new therapeutic indication for a drug, which is already on the VANF but has not yet been reviewed by VA, must be clearly identified as such.

(7) Programs or materials focusing primarily on non-VANF drugs or drug-related supplies are discouraged; such programs or materials, as well as programs or materials regarding VANF drugs or drug-related supplies with restrictions, must be clearly identified as such.

(e) *Providing gifts, drugs or other promotional items to VA employees or facilities.*

(1) *General.* No sales representative may give, and no VA employee may receive, any item (including but not limited to promotional materials, continuing education materials, textbooks, entertainment, and gratuities) that exceeds the value permissible for acceptance under government ethical rules (5 CFR 2635.204(a)). However, such items may be donated to a medical center library or individual department

for use by all employees, in accordance with local policies. Gifts of travel in support of VA staff official travel may be accepted by the Department subject to advance legal review in accordance with 31 U.S.C. 1353, 41 CFR part 304, and VA policy regarding such gifts.

(2) *Donations of drugs and drug-related supplies.* Drug samples and free drug-related supplies must be approved by the person at the medical facility to whom such responsibility is delegated under local policy, usually the Director. Information pertaining to the trial use of these drugs or drug-related supplies must be forwarded to the VISN Pharmacy Executive or VISN Formulary Committee. Drugs or drug-related supplies donated for the intended purpose of patient use must be delivered to the Office of the Chief of Pharmacy Services for proper storage, documentation and dispensing. These donated items must not be labeled "sample," "professional sample," or similar words, unless VA grants an exception in the interests of patient care. Drug or supply samples may not be provided to VA staff for their personal use.

(3) *Donations of food.* Sales representatives may not provide food items of any type or any value to VA staff (including volunteers and without compensation employees) or bring food items into VA medical facilities for use by non-VA staff (e.g., employees of affiliates). This constraint applies to all sales representatives who have business relationships with VA Clinical Services.

(f) *Conduct of sales representatives.* In addition to any other rules in this section, sales representatives (i.e., promoters) of drugs and drug-related supplies must conform to the following:

(1) *Sales representatives must provide accurate information.* Sales representatives must ensure that all drugs or drug-related supplies are discussed, displayed and represented accurately, in accordance with any applicable Food and Drug Administration and VANF guidelines and restrictions.

(2) *Contacts are to be by appointment only.* In order to minimize the potential for disruption of patient care activities, a sales representative must schedule an appointment before each specific visit. Access to VA medical facilities by a sales representative without an appointment is not permitted under any circumstances. VA medical facilities may develop a list of individuals or departments that do not wish to be called-on by sales representatives. A sales representative must not attempt to make appointments with individuals or departments on the list. The list may be obtained at the local office of the Chief of Pharmacy Services.

(3) *Contacts with VA staff without an appointment.* A sales representative visiting a VA medical facility for a scheduled appointment may not initiate requests for meetings with other VA staff; however, sales representatives may respond to requests initiated by VA staff during the visit.

(4) *Paging VA employees.* The sales representative may not use the public address (paging) system to locate any VA employee. Contacts using the electronic paging system (beepers) are permissible only if specifically requested by the VA employee.

(5) *Marketing to students.* Sales representatives are prohibited from marketing to medical, pharmacy, nursing and other health profession students (including residents). Exceptions may be permitted when approved by, and conducted in the presence of, their clinical staff member.

(6) *Attendance at conferences.* A sales representative is not allowed to attend a medical center conference where patient-specific material is discussed or presented.

(7) *Patient care areas.* Sales representatives generally may not wait for scheduled appointments or make presentations in patient-care areas, but may briefly travel through them, when necessary, to meet in a staff member's office. Patient-care areas include, but are not limited to:

(i) Patient rooms and ward areas where patients may be encountered;

(ii) Clinic examination rooms;

(iii) Nurses stations;

(iv) Intensive care units;

(v) Operating room suites;

(vi) Emergency rooms;

(vii) Urgent care centers; and

(viii) Ambulatory treatment centers.

(g) *Failure to properly promote drugs or drug-related supplies within VA.*

(1) A sales representative's commercial visiting privileges at one or more VA medical facilities may be restricted by the written order of the director of the VA medical center of jurisdiction if the director determines the sales representative failed to comply with the requirements of this section. The director will notify the representative of the noncompliance and of the director's proposed action under paragraph (g)(3) of this section. The director will also notify the manager or other appropriate supervisor of the sales force if there have been instances of widespread misconduct by an individual, or by multiple representatives of the same sales force, and the director proposes to suspend or permanently revoke the sales force's commercial visiting privileges at one or more VA medical facilities. The notice will offer 30 days to provide a response; however, the proposed action will be enforced effective the date of the notice.

(2) At the end of the 30-day period for a response, or after the director receives a timely response, the director may, as appropriate to prevent future noncompliance, issue a written order suspending or permanently revoking the sales representative's or sales force's commercial visiting privileges, impose a lesser sanction, or decide that no further action is required. In determining the appropriate action, the director shall consider the requirements of this section, the circumstances of the improper conduct, any prior acts of misconduct by the same sales representative or sales force, any response submitted by the sales representative or sales force manager, and any prior orders issued or other actions taken with respect to similar acts of misconduct. Any final order issued by the director shall include a summary of the circumstances of the violation, a listing of the specific provisions of this section that the sales representative or sales force violated, and the bases for the director's determination regarding the appropriate remedial action.

(3) Actions that may be imposed under this section include limitation, suspension, or permanent revocation of commercial visiting privileges at one or more VA medical facilities. Instances of widespread misconduct by an individual or multiple sales representatives may result in the imposition of a VISN-wide or VA-wide limitation, suspension, or revocation of commercial visiting privileges of the entire sales force of a given manufacturer, if necessary to prevent further noncompliance. The director will provide the sales representative or sales force manager written notice of any final order issued under this section.

(4) Notice concerning a final order suspending or permanently revoking an entire sales force's commercial visiting privileges shall include specific notice concerning the right to appeal the director's order to the Under Secretary for Health. The sales force manager or other corporate representative may request the Under Secretary's review within 30 days of the date of the director's order by submitting a written request to the director. The director shall forward the initial notice, any response, the final order, and the request for review to the Under Secretary for a final VA decision. VA will enforce the director's order while it

is under review by the Under Secretary. The director will provide the individual who made the request written notice of the Under Secretary's decision.

(Authority: 38 U.S.C. 501)

[FR Doc. 2010–11170 Filed 5–10–10; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2007–1158; FRL–9147–5]

RIN 2060–AO71

Regulation of Fuels and Fuel Additives: Alternative Affirmative Defense Requirements for Ultra-Low Sulfur Diesel and Gasoline Benzene Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: EPA is issuing a proposed rule to amend the diesel sulfur regulations to allow refiners, importers, distributors, and retailers of highway diesel fuel the option to use an alternative affirmative defense if the Agency finds highway diesel fuel samples above the specified sulfur standard at retail facilities. This rule also proposes to amend the gasoline benzene regulations to allow disqualified small refiners the same opportunity to generate gasoline benzene credits as that afforded to non-small refiners.

DATES: *Comments:* Comments must be received on or before June 10, 2010. Under the Paperwork Reduction Act, comments on the information collection provisions must be received by OMB on or before June 10, 2010.

Hearings: If EPA receives a request from a person wishing to speak at a public hearing by May 26, 2010 , a public hearing will be held at a time and location to be announced in a subsequent **Federal Register** notice. To request to speak at a public hearing, send a request to the contact in **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2007–1158, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: a-and-r-docket@epa.gov.*
- *Fax:* (202) 566–9744
- *Mail:* Air and Radiation Docket, Environmental Protection Agency, *Mailcode:* 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center, Room 3334, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC, Attention Air Docket ID No. EPA–HQ–OAR–2007–1158. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Comments should be submitted according to the detailed instructions in the **ADDRESSES** section of the corresponding Direct Final Rule located in the "Rules" section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jaimee Dong, Compliance and Innovative Strategies Division, Office of Transportation and Air Quality, Office of Air and Radiation, Environmental Protection Agency, Mail Code 6405J, 1200 Pennsylvania Avenue, Washington, DC 20460; *telephone number:* (202) 343–9672; *fax number:* (202) 343–2800; *e-mail address: Dong.Jaimee@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Why is EPA issuing this proposed rule?

EPA is issuing a proposed rule to amend the diesel sulfur regulations to allow refiners, importers, distributors, and retailers of highway diesel fuel the option to use an alternative affirmative defense if the Agency finds highway diesel fuel samples above the specified sulfur standard at retail facilities. This rule also proposes to amend the gasoline benzene regulations to allow disqualified small refiners the same opportunity to generate gasoline benzene credits as that afforded to non-small refiners.

We have also published a direct final rule to make these same amendments in the "Rules and Regulations" section of this **Federal Register** because we view this as a non-controversial action and anticipate no adverse comment. We have explained our reasons for this action in the preamble to the direct final rule.

If we receive no adverse comment, we will not take further action on this proposed rule. If EPA receives adverse comment on a distinct provision of this rulemaking, we will publish a timely withdrawal in the **Federal Register** indicating which provisions of the direct final rule we are withdrawing. The provisions that are not withdrawn will go into effect on the effective date noted in the **DATES** section of the direct final rule, notwithstanding adverse comment on any other provision. We would address all public comments in any subsequent final rule based on this proposed rule.

We do not intend to institute a second comment period on the action. Any parties interested in commenting must do so at this time.

The regulatory text for the proposal is identical to that for the direct final rule and is published in the "Rules and Regulations" section of this **Federal Register**.

II. Does this action apply to me?

Entities potentially affected by this action include those involved with the production, importation, distribution, marketing, or retailing of diesel fuel and production of gasoline. Categories and entities affected by this action include:

Category	NAICS Codes [a]	SIC Codes [b]	Examples of potentially regulated entities
Industry	324110	2911	Petroleum Refiners.
Industry	422710	5171	Diesel Fuel Marketers and Distributors.
Industry	484220	4212	Diesel Fuel Carriers.

[a] North American Industry Classification System (NAICS).
[b] Standard Industrial Classification (SIC) system code.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action; however, other types of entities not listed in the table could also be affected. To determine whether your entity is affected by this action, you should examine the applicability criteria of Parts 79 and 80 of title 40 of the Code of Federal Regulations. If you have any questions regarding applicability of this action to a particular entity, consult the person in the preceding **FOR FURTHER INFORMATION CONTACT** section.

III. Statutory and Executive Order Reviews

For a complete discussion of all the administrative requirements applicable to this action, see Section IV in the direct final rule amending the diesel sulfur regulations and gasoline benzene regulations in the "Rules and Regulations" section of this **Federal Register**. The following discussion is related to the information collection requirements under the Paperwork Reduction Act.

The modifications to the diesel sulfur information collection requirements in this rule have been submitted for approval to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* The information collection requirements are not enforceable until OMB approves them.

This proposed rule provides refiners, importers and distributors of ULSD highway diesel fuel with additional flexibility to comply with the diesel sulfur regulations. The flexibility afforded under this rule is optional. Modest information collection requirements in the form of reports for noncompliant diesel sulfur samples are required for those parties who avail themselves of the flexibility provided in this rule.

The estimated hourly burden per respondent for the diesel surveys is 16 hours. The estimated annual hourly burden is 320 hours for all respondents (assuming 20 respondents per year). The estimated hourly cost is $71 per hour. The total estimated cost per respondent is $1,136. The total estimated cost for all respondents is $22,270.

The information under this rule will be collected by EPA's Transportation and Regional Programs Division, Office of Transportation and Air Quality, Office of Air and Radiation (OAR), and by EPA's Air Enforcement Division, Office of Regulatory Enforcement, Office of Enforcement and Compliance Assurance (OECA). The information collected will be used by EPA to evaluate compliance with the requirements under the diesel sulfur program. This oversight by EPA is necessary to ensure attainment of the air quality goals of the diesel sulfur program.

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. When this ICR is approved by OMB, the Agency will publish a technical amendment to 40 CFR part 9 in the **Federal Register** to display the OMB control number for the approved information collection requirements contained in this direct final rule.

Today's rule also amends the gasoline benzene regulations to allow disqualified small refiners the same opportunity to generate gasoline benzene credits as that afforded to non-small refiners. The amendment to the gasoline benzene regulations does not impose any new information collection burden. However, the Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing gasoline benzene regulations at 40 CFR part 80, subpart L, under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060–0277. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

IV. Statutory Provisions and Legal Authority

Statutory authority for the fuel controls set in this proposed rule comes from sections 211 and 301(a) of the CAA.

List of Subjects in 40 CFR Part 80

Environmental protection, Air pollution control, Fuel additives, Diesel, Gasoline, Imports, Incorporation by reference, Labeling, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: May 3, 2010.

Lisa P. Jackson,

Administrator.

[FR Doc. 2010–10909 Filed 5–10–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2009–0654; FRL–9146–7]

National Oil and Hazardous Substance Pollution Contingency Plan National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) Region 2 is issuing a Notice of Intent to Delete the Asbestos Dump Superfund Site (Site) located in Meyersville, New Jersey, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is found at Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of New Jersey, through the New Jersey Department of Environmental Protection (NJDEP), have determined that all appropriate response actions under CERCLA, other than operation, maintenance, and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: Comments must be received by *June 10, 2010.*

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–2009–0654, by one of the following methods:

- *http://www.regulations.gov*. Follow on-line instructions for submitting comments.
- *E-mail: hwilka.theresa@epa.gov:* Theresa Hwilka, Remedial Project Manager

seppi.pat@epa.gov: Pat Seppi, Community Involvement Coordinator.
- *Fax:* 212–637–4429.
- *Mail:* Theresa Hwilka, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, Emergency & Remedial Response Division, 290 Broadway, 19th Floor, New York, NY 10007; Or Pat Seppi, Community Involvement Coordinator, U.S. Environmental Protection Agency, Region II, Public Affairs Division, 290 Broadway, 26th Floor, New York, NY 10007.
- *Hand delivery:* U.S. Environmental Protection Agency, Region II,

Emergency & Remedial Response Division, 290 Broadway, 19th Floor, New York, NY 10007.

Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID no. EPA–HQ–SFUND–2009–0654. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, 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 *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, 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 *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.

Docket:

All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in the hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at: U.S. Environmental Protection Agency, Region II, Superfund Records Center, 290 Broadway, Room 1828, (212) 637–4308, Hours: 9 a.m. to 5 p.m., Monday through Friday; and at Long Hill Township Free Public Library, 91 Central Avenue, Sterling, NJ 07930, (908) 647–2088, Hours: 9 a.m. to 8 p.m., Monday through Thursday, 9 a.m. to 5 p.m., Friday and Saturday.

FOR FURTHER INFORMATION CONTACT: Theresa Hwilka, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, New York, NY 10007, (212) 637–4409, *e-mail: hwilka.theresa@epa.gov.*

SUPPLEMENTARY INFORMATION:

In the "Rules and Regulations" Section of today's **Federal Register**, we are publishing a direct final Notice of Deletion of the Asbestos Dump Superfund Site without prior Notice of Intent to Delete because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the preamble to the direct final Notice of Deletion, and those reasons are incorporated herein. If we receive no adverse comment(s) on this deletion action, we will not take further action on this Notice of Intent to Delete. If we receive adverse comment(s), we will withdraw the direct final Notice of Deletion, and it will not take effect. We will, as appropriate, address all public comments in a subsequent final Notice of Deletion based on this Notice of Intent to Delete. We will not institute a second comment period on this Notice of Intent to Delete. Any parties interested in commenting must do so at this time.

For additional information, see the direct final Notice of Deletion which is located in the Rules section of this **Federal Register**.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Dated: April 1, 2010.

Judith A. Enck,

Regional Administrator, Region 2.

[FR Doc. 2010–10848 Filed 5–10–10; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

42 CFR Part 5

Designation of Medically Underserved Populations and Health Professions Shortage Areas; Intent To Form Negotiated Rulemaking Committee

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of Intent To Form Negotiated Rulemaking Committee.

SUMMARY: As required by Section 5602 of Public Law 111–148, the Patient Protection and Affordable Care Act of 2010, HRSA plans to establish a comprehensive methodology and criteria for Designation of Medically Underserved Populations (MUPs) and Primary Care Health Professions Shortage Areas (HPSAs) [under sections 330(b)(3) and 332 of the Public Health Service (PHS) Act, respectively], using a Negotiated Rulemaking process. To do this, HRSA intends to establish a Negotiated Rulemaking Committee under the Federal Advisory Committee Act (FACA).

Use of this Negotiated Rulemaking (NR) process follows two previous publications of Proposed Rules on MUP/HPSA designation for public comment, one in 1998 and one in 2008. In both cases, many public comments were received, and the concerns expressed resulted in a HRSA decision to reconsider and develop a new proposal to be published at a later date; no final revised rule has yet been adopted. It is hoped that use of the NR process will yield a consensus among technical experts and stakeholders on a new rule, which will then be published as an Interim Final Rule in accordance with Section 5602.

HRSA plans that the NR Committee on designations will include technical experts on indicators of underservice/shortage, data analysis, and on methodologies for combining multiple indicators, representing the public's interest in assuring that the areas, populations and entities to be designated under these rules, which become eligible for various Federal programs/resources, are truly underserved and/or have workforce shortages and representatives of programs and other stakeholders that are involved in the designation process and/or likely to be significantly affected by the designation rules; and (c) a HRSA representative. The Committee will also be assisted by a neutral facilitator.

Topics on which Public Comments are solicited are:

(1) Whether HRSA has properly identified the key issues in this designation rulemaking effort;

(2) Whether HRSA has adequately identified key sources of subject matter technical expertise relevant to defining underservice and shortage and designating underserved areas and populations; and

(3) Whether we have identified appropriate representatives of the various stakeholders/interests that will be affected by the final designation rules.

DATES: Comments, including requests to participate on the committee, will be considered if we receive them at the address provided below no later than 5 p.m. June 10, 2010.

Address and Mode of Transmission for Comments: You may submit comments in one of three ways, as listed below. The first is the preferred method. Please submit your comments in only one of these ways, so that no duplicates are received.

1. *Federal eRulemaking Portal.* You may submit comments electronically to *http://www.regulations.gov.* Click on the link "Submit electronic comments on HRSA regulations with an open comment period." Submit your actual comments as an attachment to your message or cover letter. (Attachments should be in Microsoft Word or WordPerfect; however, we prefer Microsoft Word.)

2. *By regular, express or overnight mail.* You may mail written comments to the following address only: Health Resources and Services Administration, Department of Health and Human Services, Attention: HRSA Regulations Officer, Parklawn Building Rm. 14A–11, 5600 Fishers Lane, Rockville, MD 20857. Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *Delivery by hand (in person or by courier).* If you prefer, you may deliver your written comments before the close of the comment period to the same address: Parklawn Building Room 14A–11, 5600 Fishers Lane, Rockville, MD 20857. Please call in advance to schedule your arrival with one of our HRSA Regulations Office staff members at telephone number (301) 443–1785.

Because of staffing and resource limitations, and to ensure that no comments are misplaced, we cannot accept comments by facsimile (FAX) transmission.

In commenting, please refer to file code # HRSA–1. Comments received on a timely basis will be available for public inspection as they are received, beginning approximately 3 weeks after publication of this Notice, in Room 14–05 of the Health Resources and Services Administration's offices at 5600 Fishers Lane, Rockville, MD., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: 301–443–1785).

FOR FURTHER INFORMATION CONTACT: Director, HRSA Division of Policy Review and Coordination, at 301–443–1785.

SUPPLEMENTARY INFORMATION:

I. Negotiated Rulemaking Act

The Negotiated Rulemaking Act (Pub. L. 101–648, 5 U.S.C. 561–570) establishes a seven-point framework for agency determinations to conduct negotiated rulemaking to enhance the rulemaking process. However, Congress in Public 111–148 has mandated the use of this process for developing a new MUP–HPSA designation methodology.

In Negotiated Rulemaking (NR), negotiations are conducted by a committee, chartered under the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2), with members chosen to represent the various interests that will be significantly affected by the rule. Each NR committee includes an agency representative and is assisted by a neutral facilitator. The goal of the committee is to reach consensus on the treatment of the major issues involved in the rule, including key issues of language. If consensus is reached, it is to be used as the basis of the agency's proposed rule. The NR process does not affect otherwise applicable procedural requirements of FACA, the Administrative Procedures Act or other statutes.

II. Subject and Scope of the Rule

A. Need for the Rule

The current Health Professional Shortage Area (HPSA) criteria date back to 1978, when they were issued under Section 332 of the PHS Act, as amended in 1976; their predecessor, the Critical Health Manpower Shortage Area (CHMSA) criteria, date back to the 1971 legislation creating the National Health Service Corps. By statute, an area, population or facility must have a HPSA designation to be eligible to apply for placement of National Health Service Corps (NHSC) personnel.

The original CHMSA criteria simply required that a population-to-primary care physician ratio threshold be exceeded within a rational geographic service area to demonstrate shortage; the HPSA criteria kept this basic approach but expanded it to allow a lower threshold ratio for areas with unusually high needs, as indicated by high poverty, infant mortality or fertility rates, overutilization, or excessive waiting times, and to consider population groups with access barriers within areas where the general population has sufficient resources. Facility HPSA criteria were also included for prisons/correctional institutions and for other facilities serving designated areas or population groups.

The current Medically Underserved Population (MUP) criteria date back to 1975, when they were issued to implement legislation enacted in 1973 and 1974 establishing grants to support Health Maintenance Organizations (HMOs) and Community Health Centers (CHCs) serving medically underserved populations.

The original MUP criteria, still in effect, employ a four-variable Index of Medical Underservice (IMU), with those variables being: percent of the population with incomes below the poverty level; primary care physician-to-population ratio; infant mortality rate; and percent of the population aged 65 or over. Data on these four variables within a geographic service area can be used to compute an IMU score for the area; areas whose score is below an established threshold are identified as medically underserved areas (MUAs). There are also guidelines for applying the IMU to identify certain underserved population groups within adequately served areas, and additional provisions for designation of other underserved populations, including special provisions for migrant and homeless populations, and for designation in unique circumstances upon recommendation of a State Governor and local officials. The term MUP is defined to include both residents of geographic MUAs and population groups designated as MUPs through various means.

Since the time that designations of MUPs and HPSAs were first required by statute in connection with the NHSC and Community Health Center programs, additional programs have also been required by statute to use these designations. These include certification by the Centers for Medicare and Medicaid Services (CMS) of Rural Health Clinics (RHCs) located within rural areas that are HPSAs or MUPs, and the CMS Medicare Incentive Program, which provides higher reimbursement for physician services delivered in HPSAs. CMS also certifies as Federally Qualified Health Centers (FQHCs), organizations that do not receive HRSA grants but serve an MUP and otherwise

meet the definition of a Health Center under Section 330 of the PHS Act.

Over the years there has been an evolution, both in the types of requests for HPSA or MUP designation received, and in the methods for application of the established criteria. Beyond the relatively simple geographic area requests, such as for whole counties and rural subcounty areas, increasingly more requests have been made for urban neighborhood and population group designations. The availability of census data on poverty, race, and ethnicity at the census tract level has enabled the delineation of urban service areas based on their economic and race/ethnicity characteristics. Areas with concentrations of poor, minority and/or linguistically isolated populations have achieved area or population group HPSA designations based on their limited access to physicians adequately serving other parts of their metropolitan areas. As a result, the conceptual distinction between HPSA and MUP designations has become less apparent.

However, while the HPSAs are required by statute to be updated on a regular basis, no such statutory requirement exists for MUPs, with the result that many MUP designations are now significantly outdated. It is important that the list of designated MUPs, which is used by a variety of Federal programs, be reasonably current, and that the criteria used for these designations reflect underservice indicators currently relevant and available (and the currently prevailing range of values of those indicators), rather than being limited to those indicators that were available in the 1970s (and the range of indicator values then prevailing).

For these reasons, consideration has been given to the development of a revised, more coordinated MUP and HPSA designation methodology and procedure that would, at a minimum, define consistently the indicators used for both designation types; clarify the distinctions between MUPs and HPSAs; and update both types of designation on a regular, simultaneous basis. Given the extensive numbers of comments received during the previous two attempts to do this using standard rulemaking procedures, Congress has now mandated the use of negotiated rulemaking.

B. Issues and Questions To Be Resolved

Issues that HRSA anticipates will require resolution through the NR process are outlined below. HRSA also invites public comment on whether there are other issues important to this rulemaking and within the scope of the rule.

1. Are the objectives of the MUP designations and the HPSA designations clearly different, therefore justifying two separate processes? Or are the objectives so closely related that a single designation approach should be used both for MUPs and for HPSAs?

2. The MUP and HPSA statutes (PHS Act Sec. 330(b) and 332 respectively) require the inclusion of factors indicative of health status, ability to pay for services, the accessibility of services, and the availability of health professionals, as well as other indicators of a need for health services (including infant mortality rates). What specific underservice/shortage indicators should be included, for either or both designation types, and how should they be defined/measured? To what extent should national data sources be used, versus State and local sources? What existing data sources are accurate and reliable enough to use, at the appropriate level?

(a) What provider availability measures should be used?

(b) What economic factors may influence access and how can they be measured?

(c) What health status indicators should be included?

(d) What measures of utilization should be included?

(e) What demographic indicators should be included, if any?

3. What methodology or methodologies should be used to incorporate/combine the impact of these various underservice indicators on access? Should indicators be combined in the same way or in different ways for use in MUP and HPSA designations?

4. Within provider availability measures (such as population-to-clinician ratios), which clinicians/providers should be included? How do we define full-time-equivalents (FTEs), as opposed to "head counts"?

5. In counting the clinicians available within an area (or to a population group) for designation update purposes, should those clinicians placed in the designated area under a Federal program be included?

6. How should "Rational Service Areas" or RSAs be defined for designation purposes?

7. What types of Population Groups should be considered for designation?

8. What is the role of Facility designations, which are included under the HPSA authority (in Sec. 332 of the PHS Act)?

9. How should appropriate threshold levels of various underservice/shortage indicators incorporated in the method be identified to separate those areas, population groups and facilities found to qualify for designation from all others?

10. How can the revised methodology and procedures be designed so as to reduce the burden of the designation application and update process on States and local entities?

11. How should the Committee assess the potential impact of revised MUP/HPSA methodologies, versus continued use of the current methods? How can the impact of various options and methodologies best be summarized and displayed?

12. How can the new methodology be implemented in a manner that minimizes disruption and assures equity to the various areas affected?

III. Affected Interests and Potential Participants

We are proposing to include representatives of the following interest groups and/or organizations as negotiation participants.

(1) Up to 3 State Primary Care Offices (PCOs) representing a range of States in terms of size, rural/urban, and different regions of the country, including at least one which is also a State Office of Rural Health (SORH). These PCO representatives would be requested to consult with their fellow PCOs between meetings.

(2) National Organization of State Offices of Rural Health (NOSOHR).

(3) Association of State and Territorial Health Officers (ASTHO) or National Academy for State Health Policy (NASHP).

(4) Up to 3 State Primary Care Associations (PCAs) from different types of States.

(5) National Association of Community Health Centers (NACHC).

(6) National Association of Rural Health Clinics (NARHC).

(7) National Rural Health Association.

(8) Representatives of the Native American community, such as the National Indian Health Board (NIHB), or the National Council of Urban Indian Health (NCUIH).

(9) Dartmouth Institute. It has expertise in rational service areas for primary care and hospital services, and the use of Medicare data for health systems analysis.

(10) American Academy of Family Physicians, Robert Graham Center. It has expertise in health center service areas analysis and maintains "Health Landscape" on-line data base of health care data for geographical analysis.

(11) Representatives of primary care providers and training programs with expertise on supply and demand

analysis and issues of underservice. Representatives from some of these groups would be asked to represent a larger group's interests, including coordinating with sister organizations between NR meetings.

(12) Representative(s) of organizations and institutions with expertise in complex data analysis, as well as expertise in measuring access to care and underservice.

(13) Representatives of organizations representing State, territorial and local government elected officials to ensure their views are reflected in the process. Representatives from some of these groups would be asked to represent a larger group's interests, including coordinating with sister organizations between NR meetings.

We invite comment on this list of negotiation participants. The intent in establishing the negotiating committee is that all relevant types of interests are represented, not necessarily all parties with similar interests. We believe this proposed list of participants represents all types of interests likely to be affected by the rule to be negotiated. If comments suggest that other interests should perhaps be included, the procedure described in section V.C below will be followed.

IV. Schedule for the Negotiation

Public Law 111–148, the Patient Protection and Affordable Health Care Act of 2010, requires that this Notice be published within 45 days of enactment (*i.e.,* by May 7, 2010), followed by a 30-day comment period (*i.e.,* comments due approximately June 7, 2010). The Committee is to be appointed by the Secretary of Health and Human Services (HHS) within 30 days after the expiration of the comment period, or by approximately July 7, 2010. Within 10 days thereafter, the Secretary of HHS will nominate her choice of a facilitator. The facilitator will be subject to consensus approval by the NR Committee.

Once the Committee membership is selected, a Notice regarding the meeting schedule will be published; it is anticipated that the meetings will begin in August or September. The first day's meeting will include discussion in detail on how the negotiations will proceed and how the Committee will function. The Committee will agree to ground rules for committee operation, will approve a facilitator, and discuss how best to address the principal issues (*i.e.,* which issues to address first, and a tentative schedule for consideration of the rest of the issues). The Committee will then begin to address those issues.

Subsequent meetings of the Committee will be held approximately monthly until all issues are resolved, allowing for members to report to and confer with their respective interest groups between meetings. We anticipate approximately six meetings, with each meeting lasting for 2 to 3 days. If more meetings are required in order to resolve fractious issues, or to avoid slipping the target date, additional face-to-face meetings may be scheduled (up to a total of two per month), or detailed discussions on specific issues may be handled with conference telephone calls among identified subgroups of the Committee. The next key action is the submission of a preliminary committee report on the Committee's progress towards achieving consensus and the likelihood of achieving such a consensus by July 2011.

If the preliminary report indicates that consensus is likely by July 1, 2011, HRSA would then help the Committee develop appropriate regulatory wording to implement the Committee's decisions. The Committee would submit a final report to the Secretary, including the draft version of the interim final rule (as required by the legislation). The target date for the final report would be July 1, 2011. Actual publication would follow Departmental and Office of Management and Budget (OMB) review.

If the preliminary committee report indicates a need for some additional time to achieve consensus, with corresponding postponement of the target date, the Secretary may grant a reasonable amount of additional time (such as 60 days). If the preliminary report indicates that the Committee has failed to make significant progress toward consensus and is unlikely to do so by the target date, the Secretary may terminate the activities of the Committee, and the Committee may submit to the Secretary a report specifying any areas of consensus and including any other information, recommendations or materials that the Committee considers appropriate. The Secretary will pursue publication of an interim-final rule by the target date, taking into account any areas of consensus, recommendations, and materials provided by the Committee.

V. Formation of the Negotiated Committee

A. Procedure for Establishing an Advisory Committee

An agency of the Federal government is required to comply with the requirements of FACA when it establishes or uses a group that includes non-federal members as a source of advice. Under FACA, an advisory committee becomes established only after approval of an agreed-upon charter. We have prepared a draft charter and initiated the requisite consultation process. Following review of public comments on this Notice and upon successful completion of the approved charter, we will form the Committee and begin negotiations.

B. Participants

The total number of individuals who will be asked to participate in this effort as NR Committee members is estimated to be about 20, and should not exceed 25. (A number larger than this would make it extremely difficult to conduct effective negotiations.) Each member will be asked to designate an Alternate in case the member is unable to attend one or more meetings, or wishes to share the responsibility with a close associate. (Alternates may attend any meeting with the Lead member, but in general the Lead member will be expected to do most of the talking when both are present.)

One purpose of this Notice is to determine whether the proposed rule might significantly affect additional interests not adequately represented by the list of proposed participants included above. Each potentially affected organization or group of individuals does not necessarily need its own representative, since groups of organizations can work together to see that their collective interests are adequately represented. (See groupings of interest groups suggested above.) However, each identifiably separate interest must be adequately represented. Moreover, HRSA must be satisfied that the group as a whole reflects a proper balance and mix of the various interests.

C. Requests for Additional Representation

Persons who wish to apply for membership on the Committee may submit an application or nomination, which shall include the following:

(1) The name of the applicant or nominee and a description of the interests such person shall represent;

(2) Evidence that the applicant or nominee is authorized to represent parties related to the interests the person proposes to represent;

(3) A written commitment that the applicant or nominee shall actively participate in good faith in the development of the rule under consideration; and

(4) The reasons that the persons specified in the notice under Section III do not adequately represent the interests

of the person submitting the application or nomination.

If, in response to this notice, representatives of additional interest groups request membership or representation in the negotiating group, HRSA will determine whether that representative should be added to the NR Committee or simply asked to submit its comments and concerns to us and to another Committee member. HRSA will make that decision based on whether the interest group:

- Would be significantly affected by the rule; and
- Is or is not already adequately represented on the proposed NR Committee.

D. Establishing the Committee

After reviewing any public comments on this Notice and any requests for additional representation, HRSA will take the final steps required to form the Committee.

VI. Negotiation Procedures

If and when this NR Committee is formed, the following procedures and guidelines will apply, unless they are modified as a result of comments received on this notice or during the negotiating process.

A. Facilitator

HRSA will use a neutral facilitator. The facilitator will not be involved with advocating for substantive aspects of the regulation. The facilitator's role is to:

- Chair negotiating sessions, assuring equal opportunity among the various members to present their points of view;
- Help the negotiation process to run smoothly; and
- Help participants define and reach consensus.

B. Good Faith Negotiations

Participants must be willing to negotiate in good faith, and must be authorized to so negotiate by the leaders of the organizations/groups/interests they represent. This may best be accomplished by the selection of senior officials of the affected organizations or groups as participants, and/or by the selection of experienced individuals in such organizations/groups who have expertise in the issues subsumed by this rule and who have access to such senior officials, allowing them to obtain concurrence at each stage of the NR process. This applies to HRSA as well, and HRSA will appoint an appropriate representative, to represent HRSA/HHS when the committee is appointed. (Representatives of components of HRSA and CMS which use the MUP and HPSA designations will also be invited to attend the NR meetings as resources on how their programs relate to the designations, but the HRSA/HHS representative will be the spokesperson for HRSA and HHS interests in this NR effort and will meet with other HHS component representatives between NR Committee meetings to maximize coordination.)

C. Administrative Support

HRSA will supply logistical, administrative and management support. HRSA will also provide technical support to the Committee in gathering and analyzing appropriate indicator data, methodologies and other information relevant to the Committee's work, and conduct appropriate impact analyses, with contractual support from John Snow, Inc. (JSI).

D. Meetings

Meetings will typically be held in the DC metropolitan area or, if necessary, in another location, at the convenience of the Committee. HRSA will announce scheduled Committee meetings and agendas either in the **Federal Register** or on a committee Web site, yet to be established, whose location will be published in the **Federal Register**. Unless announced otherwise, meetings are open to the public.

E. Committee Procedures

Under the general guidance and direction of the facilitator, and subject to any applicable legal requirements, the members will establish at the first meeting the detailed procedures for committee meetings which they consider most appropriate.

F. Defining Consensus

The goal of the negotiating process is consensus. Under the Negotiated Rulemaking Act, consensus generally means that each interest group represented concurs in the result, unless the term is defined otherwise by the Committee. HRSA expects the participants to agree upon their working definition of this term at the first meeting.

G. Failure of Advisory Committee to Reach Consensus

Parties to the NR effort may withdraw at any time. If this happens, the remaining Committee members and HRSA will evaluate whether the Committee should continue.

If the Committee is unable to reach consensus, HRSA will proceed to develop a proposed/interim final rule on its own, as described above.

H. Record of Meetings

In accordance with FACA's requirements, minutes of all Committee meetings will be kept. The minutes will be placed on the Committee's Web site and a copy kept in the public rulemaking record.

Dated: May 6, 2010.

Mary Wakefield,

Administrator, Health Resources and Services Administration.

Dated: May 6, 2010.

Kathleen Sebelius,

Secretary.

[FR Doc. 2010–11214 Filed 5–7–10; 11:15 am]

BILLING CODE 4165–15–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[PS Docket No. 10–93; FCC 10–63]

Cyber Security Certification Program

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document seeks comment on whether the Commission should establish a voluntary program under which participating communications service providers would be certified by the FCC or a yet to be determined third party entity for their adherence to a set of cyber security objectives and/or practices. The Commission also seeks comment on other actions it should take, if any, to improve cyber security and to improve education on cyber security issues. The Commission's goals in this proceeding are to increase the security of the nation's broadband infrastructure, promote a culture of more vigilant cyber security among participants in the market for communications services, and offer end users more complete information about their communication service providers' cyber security practices.

DATES: Comments are due on or before July 12, 2010 and reply comments are due on or before September 8, 2010.

ADDRESSES: You many submit comments, identified by PS Docket No. 10–93 and/or rulemaking FCC 10–63, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Federal Communications Commission's Web Site: http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.

• *Mail:* Parties who choose to file by paper can submit filings by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW., Room TW–A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW., Washington, DC 20554. Parties who choose to file by paper must file an original and four copies of each filing. Include docket number PS Docket No. 10–93 and/or rulemaking FCC 10–63 in the subject line of the message.

• *People with disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, *etc.*) by e-mail: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, *see* the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Jeffery Goldthorp, Chief, Communications Systems Analysis Division, Public Safety and Homeland Security Bureau, at 202–418–1096.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Inquiry (NOI) in PS Docket No. 10–93, FCC 10–63, adopted and released on April 21, 2010. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. It is also available on the Commission's Web site at *http://www.fcc.gov/headlines.html.* This document may also be purchased from the Commission's duplicating contractor Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone (800) 378–3160 or (202) 488–5300, facsimile (202) 488–5563, or via e-mail at *fcc@bcpiweb.com.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Summary of the Notice of Inquiry

Background

This NOI seeks comment on whether the Commission should establish a voluntary program under which participating communications service providers would be certified by the FCC or a yet to be determined third party entity for their adherence to a set of cyber security objectives and/or practices. The Commission seeks comment on the components of such a program, if any, and whether such a program would create business incentives for providers of communications services to sustain a high level of cyber security culture and practice. The Commission's goals in this proceeding are to: (1) Increase the security of the nation's broadband infrastructure; (2) promote a culture of more vigilant cyber security among participants in the market for communications services; and (3) offer end users more complete information about their communication service providers' cyber security practices. The Commission seeks comment on whether the program described herein would meet these goals. The Commission also seeks comment on other actions it should take, if any, to improve cyber security and to improve education on cyber security issues.

In today's interconnected world, an increasingly greater amount of the nation's daily business depends on our rapidly growing broadband communications infrastructure. Banking, investment and commercial interests routinely rely on the durability and security of IP-based networks to move capital and to track goods and services around the globe. To put this development in perspective, while our nation's total GDP was just over $14T last year, two banks in New York move over $7T per day in transactions. Moreover, our medical and educational establishments increasingly rely on robust broadband communications networks to reach distant patients and students in real time. Further, all levels of government, from the national to the local level, similarly depend on our communications networks to provide services, serve the public, collect information and maintain security. Such services require the instantaneous, secure movement of vast amounts of data.

The security of the core communications infrastructure—the plumbing of cyberspace—is believed to be robust. Yet recent trends suggest that the networks and the platforms on which Internet users rely are becoming increasingly susceptible to operator error and malicious cyber attack. For example, the Conficker botnet could be used to exploit vulnerabilities in underlying Internet routing technologies or other Internet mechanisms, thereby undermining the integrity of the Internet. There are also documented instances of distributed denial of service attacks on the Domain Name System infrastructure, a core Internet mechanism. Further, there recently has been an exponential growth in malware being reported. PandaLabs reports that in 2009 it detected more new malware than in any of the previous twenty years. It also reports that in 2009, the total number of individual malware samples in its database reached 40 million, and that it received 55,000 daily samples in its laboratory, with this figure rise in the most recent months. Unfortunately this growth also happens at a time when enterprises are spending less on security. Nearly half (47%) of all enterprises studied in the 2009 Global State of Information Security Study reported that they are actually reducing their budgets for information security initiatives. In addition, a 2008 Data Breach Investigation Report concluded that 87% of cyber breaches could have been avoided if reasonable security controls had been in place.

Given society's increasing dependence on broadband communications services and given trends suggesting our nation's increased susceptibility to operator error and malicious cyber attack, Federal entities, frequently in cooperation with the private sector, have been actively engaged in efforts to secure cyberspace. For example, the National Institute of Standards and Technology (NIST) has reached out to, and is using, private sector expertise to identify where barriers exist to information security standards development. The Federal Bureau of Investigation (FBI) has taken on a cyber mission that includes stopping those behind the most serious computer intrusions and the spread of malicious code, and the FBI together with Department of Justice lead the national effort to investigate and prosecute cybercrime. Moreover, the Department of Homeland Security's (DHS's) National Cyber Security Division has taken on the responsibility of seeking to protect the cyber security

of various critical sectors of the economy and government.

The Commission also has been part of Federal efforts to secure cyberspace, and already has taken a series of steps given its statutory duty to make available "a rapid, efficient, Nation-wide and world-wide wire and radio communication service with adequate facilities * * * for the purpose of the national defense [and] for the purpose of promoting safety of life and property through the use of wire and radio communication." 47 U.S.C. 151. First, the Commission was among the Federal agencies that contributed to the White House 60–Day Cyberspace Policy Review. This 60-day interagency document traced out a strategic framework to ensure that U.S. Government cyber security initiatives are appropriately integrated, resourced and coordinated with Congress and the private sector. Further, as his first act following confirmation, Chairman Julius Genachowski asked the Commission's Public Safety and Homeland Security Bureau (PSHSB or the Bureau) for an analysis and briefing within thirty days of his appointment on the FCC's preparedness for a major public emergency, including its preparation for, and response to, cyber emergencies.

In its report, PSHSB noted that while the Commission had taken some actions to address cyber security, it recommended that the Commission take steps to expand its role in this important area. The Bureau observed that one means by which the Commission has sought to motivate industry to adopt effective cyber security measures has been through the former Network Reliability and Interoperability Council (NRIC). In December 2004, NRIC began issuing an extensive set of best practices for securing computers and other software-controlled network equipment, which are referred to as cyber security best practices.

The Commission does not know whether there is wide-spread adherence to NRIC's cyber security best practices in the industry, or whether, if adopted, these best practices would be equally effective under all circumstances or for all broadband providers. The Commission believes that large organizations and commercial entities in particular are interested in the cyber security practices of their communications service providers, but notes that these customers of communications services have no effective way of knowing what the cyber security practices of competing providers may be. The lack of such information likely removes at least one significant incentive for providers fully to implement the NRIC best practices, in that they do not risk losing customers to networks with better security practices. The reduced incentive for heightened cyber security likely is compounded because a particular provider may not be motivated to exceed the security level of other interconnected network operators. Additionally, it appears that the sheer number of NRIC best practices may make it difficult for providers to prioritize them when determining how to invest their resources to improve network security. Moreover, the Commission's review of the best practices indicates that, in certain cases, they may provide too little specific guidance for network operators seeking to ensure that their operations meet objectively measurable cyber security criteria.

In its comprehensive *Broadband Notice of Inquiry* (NOI), 24 FCC Rcd 4342, the Commission posited a particular method of motivating broadband providers to adopt a cyber security culture. In the *Broadband NOI,* the Commission sought comment on the extent to which the Broadband Plan should address the cyber security issue, and if so, what steps the plan should take to secure the nation's most vulnerable broadband facilities and data transfers from cyber threats, such as espionage, disruption, and denial of service attacks. Specifically, the *Broadband NOI* asked whether the Commission should adopt a process whereby communications providers can certify their compliance with specific standards and best practices.

To ensure that end users are fully protected from attacks that affect or occur over communications infrastructure, the recently released *National Broadband Plan* (NBP) recommended that the Commission initiate a proceeding to establish a voluntary cyber security certification regime that creates market incentives for communications service providers to upgrade the cyber security measures they apply to their networks. In making this recommendation, the NBP stated that a voluntary cyber security certification program could promote a culture of more vigilant network security among market participants, increase the security of the nation's communications infrastructure and offer end users more complete information about their providers' cyber security practices. The NBP further recommended that the Commission examine additional voluntary incentives that could improve cyber security and improve education about cyber security issues, as well as inquire about the international aspects of a certification program. This NOI represents an initial and necessary step to implementing these recommendations and enhancing the cyber security of our Nation's communications systems.

Discussion

Legal Authority

The proposed certification program would further the Commission's core purposes as set forth in section 1 of the Communications Act: (1) The establishment of "a rapid, efficient, Nation-wide and world-wide wire and radio communication service with adequate facilities," (2) "the national defense," and (3) "promoting safety of life and property through the use of wire and radio communication." 47 U.S.C. 151. The Commission seeks comment on the strongest sources of authority to create the proposed certification program, if any, and asks commenters to address whether different sources of authority would be required with regard to program participation by different types of communications providers.

For example, the Commission seeks comment on whether the proposed certification program would fall within specific grants of authority in Title II and Title III. In addition, the Commission seeks comment on whether it could, if necessary, exercise ancillary authority to create a voluntary certification program. In particular, the Commission seeks comment on the scope of the Commission's ancillary authority, if any, to implement the proposed program in light of the recent decision of the United States Court of Appeals for the District of Columbia Circuit in *Comcast Corporation* v. *FCC.*

A Market-Based Incentives Program To Encourage Industry Cyber Security Practices

As noted above, the Commission seeks comment on whether the FCC should establish a voluntary incentives-based certification program in which participating communications service providers will receive network security assessments by approved, private-sector auditors who will examine those provider's adherence to stringent cyber security practices that have been developed, through consensus, by a broad-based public-private sector partnership. Those providers whose networks successfully complete the assessment may then market their networks as complying with stringent FCC network security requirements.

The Commission seeks comment on the benefits, advantages, disadvantages and costs of this program. For example, in proposing this program, the Commission hopes to create a

significant incentive for all providers to increase the security of their systems and improve their cyber security practices. Would the program envisioned meet this goal? Would such a program create an economic incentive that will lead service providers to implement best practices? Would it create incentives for small communications service providers? Would it create disadvantages for smaller communications service providers or present barriers to new entrants? If it does create such disadvantages and/or barriers, what can be done to mitigate such effects, if anything? What about those serving rural areas and/or tribal lands? The Commission also seeks comment on whether the public awareness of cyber security practices that could result from a cyber security certification program would contribute to broader implementation by industry.

Would an FCC cyber security certification be an important factor in service provider selection by major customers, including consumers, businesses and all levels of government? From an end user perspective, would the program the Commission envisions, with its focus on market-based incentives and consensus-based criteria, raise any concerns regarding the value of the program? If so, what actions could the Commission take, if any, to address those concerns, should it decide to move forward with establishing this program?

The Commission anticipates that a communications provider's participation in the certification program discussed herein would be voluntary, but that by agreeing to participate, such communications providers would be bound by the program's rules. The Commission seeks comment on this approach. Would the advantages of a voluntary cyber security certification program outweigh any disadvantages of a voluntary program, *i.e.,* that by its nature, it is not mandatory. Would a mandatory cyber security certification program better achieve the Commission's overall goals?

To offset the administrative costs associated with the voluntary certification program, should the Commission collect fees from those communications service providers that decide to participate? If so, how should such fees be determined and collected? Would the resultant costs outweigh the program's value to participants?

Scope of Participation

The Commission seeks comment on the scope of the certification program. Should the program, if implemented, be open to all communications service providers or should it be limited to certain types of providers? If the latter, which ones? Should it be focused on Internet Service Providers? The Commission observes that a program open to a more diverse set of entities may require the use of certification criteria that are so broad as to reduce the value of the certification program in the eyes of end-users and communications providers alike. Is there merit to this observation? Why or why not? Would restricting the applicants to Internet Service Providers permit a more focused, meaningful set of certification criteria? Should the Commission develop multiple sets of sector-specific certification criteria? The Commission anticipates that participation in this program, if established, would be limited to entities providing communications services within the United States and/or companies that own or operate communications assets in the United States, including non-U.S. entities that are authorized to do so. The Commission seeks comment on this approach.

General Network Cyber Security Objectives

Under the program envisioned, the Commission would establish general cyber security objectives that would serve as the starting point for the program. These objectives would serve as the overarching policy goals that would then form the basis for the criteria on which participating communications service providers would be assessed. The Commission seeks comment on whether general security objectives could serve as a sufficient basis for the cyber security certification program on which it seeks comment today. Can a set of general security objectives, by highlighting significant cyber security threat areas, serve as a guide by which communications providers can develop and implement specific, assessable cyber security policies and practices? The Commission seeks comment on the following four possible security objectives that it proposes as the starting point of the security regime: (1) Secure equipment management; (2) updating software; (3) intrusion prevention and detection; and (4) intrusion analysis and response. Are these sufficient as the initial set? Should there be more? Fewer? Commenters are encouraged to be specific on this issue.

Secure equipment management. The Commission recognizes that communications networks often rely on the ability to manage network equipment remotely and automatically; these capabilities can provide significant operational benefits. However, this remote management capability can also expose networks to significant risks of unauthorized access and systemic destruction. The Commission believes that good security practice directs network operators to install and maintain security management practices that cover all remotely managed equipment and to ensure, as fully as possible given current technologies, against damage or unauthorized access to network equipment.

Updating software. Keeping system software up to date is essential to continued security of the network, as new vulnerabilities regularly come to light after network operators have placed software in operation in their networks. Accordingly, proper network-security practices require comprehensive version management and the prompt installation of software updates that effectively address level and severity of the threat that a particular vulnerability poses.

Intrusion prevention and detection. Despite the best equipment management and patching practices, communications networks, by their very nature, will remain susceptible to intrusion and/or attack. Therefore, a necessary component of any security regime will be procedures to ensure timely and appropriate intrusion prevention, detection, and response. The Commission expects that these procedures will be calibrated to most quickly detect and respond to those network intrusions that, by virtue of their location, pose the greatest threat to the continued reliable and secure operation of the affected network.

Intrusion analysis and response. Physical damage or disruption of network components, whether the product is of natural or man-made events, poses another significant threat to our communications networks. Accordingly, proper network-security practices dictate that network operators be prepared to quickly recognize and respond in the event that network components sustain physical damage or experience degraded operating efficiency. This would include having appropriate redundancies built into the network and having adequate repair and replacement plans, as well as spare equipment and software, for network components likely to sustain physical damage.

Role for the Private Sector

Additionally, the Commission seeks comment on the role for the private sector that the Commission envisions in

this network-security regime. Should the private-sector bodies involved in this certification program have extensive responsibilities in this program, or should the Commission retain primary responsibility for the maintenance and administration of the proposed program? Given that the vast majority of U.S. communications infrastructure is privately controlled, once general cyber security objectives have been established could a certification authority—a private-sector body composed of major industry stake holders—responsibly take over the task of developing and maintaining the applicable security criteria? In particular, the Commission seeks comment on whether various private-sector entities (or the Commission) should: (1) Be responsible for developing, maintaining and improving the list of network cyber security criteria; (2) have responsibility for accrediting the auditors who will conduct security assessments of communications service providers; (3) establish the assessment procedures and practices to guide those assessments; and (4) maintain a database of the communications services providers that have passed the assessments and are therefore entitled to market their services as meeting the FCC's cyber security certification requirements. Which entity should actually grant certifications for the cyber security program? Should it be the Commission, and if not, what should be the characteristics of the entity that would best perform this function? Additionally, the Commission seeks comment on whether the auditors should also be private-sector entities. If so, in order to prevent conflicts of interest, should the Commission prohibit the program's auditors from being affiliated, or having other relationships, with any of the entities with responsibility for the various other aspects of the certification program or entities that are participating in the program?

The Commission seeks comment on whether significant private-sector involvement of this sort would serve the security goals of this program and thereby serve the public interest. While the Commission suggests that it may have the responsibility to establish or review the general security objectives and to serve as a final route of appeal when necessary, the Commission does not believe that it has the substantial resources needed to participate in the daily operation of the proposed cyber security certification program. On the other hand, the Commission believes that the private sector does have the resources necessary to keep such a program functioning quickly and efficiently. The Commission seeks comment on this issue. Furthermore, the Commission believes that manufacturers, users and communications providers have the most current knowledge of virtually every aspect of network technology. Accordingly, the Commission seeks comment on whether such private sector representatives would be able to contribute their up-to-date knowledge to the program in a way that would allow the program to be most effective in keeping pace with technological developments and in responding effectively to developing threats to the communications infrastructure. Would industry participants be concerned about their ability to share proprietary information in this way? How could the Commission alleviate these concerns, if at all, including through any structural safeguards? The Commission believes that this approach builds on its traditional approach to network reliability and security: the Commission has recognized industry's operational experience and personnel resources, and has applied them through mechanisms like the NRIC, MSRC, and most recently CSRIC. The Commission notes that it has previously charged the private sector with similar broad authority in the Part 68 mandatory certification regime governing the attachment of network terminal equipment. The Commission seeks comment on the feasibility and benefits of, and other relevant issues arising from, having the cyber security regime rely in this manner on the private sector, rather than primarily on Commission resources. The Commission also seeks comment on whether there exist any private entities that could perform the functions enumerated above. If so, who are they? If not, how could the Commission facilitate creation of such bodies, if at all?

A certification program along the lines contemplated could very well require a significant level of administrative activity. Keeping this in mind, should the Commission establish a certification administrative entity? If so, should the entity acting as the "administrator" be required, as part of its role, to establish and maintain a database of certificated networks/providers? More generally, what are the types of activities that should be performed by the program administrator?

Although the Commission anticipates that the certification regime it envisions would be primarily administered by the private sector, the Commission seeks comment on whether it should retain the ability to guide the development of the program through its continued review of the general security objectives. Additionally, the Commission seeks comment on whether as part of its oversight authority, it should be available as a final avenue of appeal for certain decisions by the certification authority, the auditors and the other entities involved in the program. Does the public interest require that the Commission maintain a greater level of scrutiny or control with respect to the activities of particular entities? If so, the Commission seeks comment on what particular scrutiny or control, if any, would best protect the public interest. For example, would it unnecessarily delay the functioning of the certification authority—and its ability to respond to new network security threats—for the Commission to formally seek public comment on certification criteria that the authority may develop in the future? Alternatively, would the Commission's ability to set the general network security objectives and adjudicate appeals from action of the certification authority, if such ability exists, permit the Commission adequately to protect the public interest by influencing the operation and direction of the cyber security regime?

Finally, it is possible that similar certification-related programs have already been implemented in the private sector. Are there existing industry-sponsored initiatives which seek to improve security and reliability of networks by certification, applying industry-established standards? If so, please comment on each initiative's scope, organization and participation. Comments are also requested on whether it would be beneficial and appropriate to utilize any relevant standards established by such groups in the Commission's cyber security certification program. Should the efforts of the Commission in the area of cyber security, if any, to establish a certification process for services providers be aligned with existing cyber security efforts either commercial or government, domestic or international? If so, which organizations should be considered and which specific points of alignment are relevant?

Security Criteria

As noted above, the Commission envisions that participating communications service providers would be assessed based on a stringent set of criteria. The Commission seeks comment on the overall framework for the certification criteria. What role, if

any, should a standards development body play in establishing the criteria to determine if an applicant to the certification program is "certification worthy," and if such a role is appropriate, which entity should be responsible for such development? Is it possible to assess different management and operational models with a single set of generic criteria that measure an organization's commitment to providing cyber security? Why or why not? Alternatively, should the set of criteria vary based on the specific nature of the applicant's business? The Commission observes that this latter method might better measure the extent to which relevant cyber security measures are applied at a particular entity, how could assessments based on different sets of criteria be compared?

The Commission seeks comment on possible criteria by which participating network operators would be assessed. The Commission believes that the assessment of any level of security must be based on objectively verifiable criteria. This assumes some kind of objectively accepted method of observing the network, for example, through direct examination by the Commission, reports by network providers and/or examination of the network by third parties. The Commission seeks comment on this view.

The Commission also seeks comment on how to ensure that any criteria adopted keeps up with not only current but also evolving threats and technology. To obtain certification, should the Commission require a showing that certain defense-in-depth steps or measures have been taken, ones that are reasonably available and can deter/prevent certain types of hacking and other security breaches of broadband Internet services? For example, one existing cyber threat, "MAC spoofing," is a technique whereby cyber hackers can remotely change an assigned Media Access Control address of a network device to a different one, allowing the cyber intruder to bypass access control lists on servers or routers, either "hiding" a computer on a network or allowing it to impersonate another computer. This technique can be not only harmful to the end user, but it can threaten the ability of the service provider's network to function as designed and to be available when required. Before a service provider applicant is granted a certificate, should the applicant be required to demonstrate particular best practices or other steps that have been taken to avert MAC spoofing, enhance detection of it, and take effective corrective action once detected?

As Americans increasingly rely on broadband technology and IP-enabled services in their everyday lives, they will want greater transparency from service providers. More specifically, consumers will want to be able to compare and judge the quality and robustness not only of the IP-enabled services provided by various providers, but also of the providers' cyber security programs, and related data (*e.g.* number of outages, number of security breaches, *etc.*) that may affect them. If greater transparency is expected from service providers, the providers would have incentive to improve their performance, and consumers would have access to important information unrelated to price, which to date has been difficult for them to obtain. Comments are requested on how the criteria could be structured to reward greater transparency among service providers so that consumers are able to obtain important types of data needed to guide their decisions on provider selection and on the extent to which they can reasonably rely on the security of their IP-enabled services.

Alternatively, would a program based on the sorts of general cyber security objectives described above be effective? Could these general cyber security objectives serve as the basis of a case by case inquiry to measure the specific cyber security practices of individual communications providers? Assuming that it would be possible to arrive at cyber security criteria based on a mutually agreed upon set of general objectives, the Commission seeks comment on whether such security objectives could serve as the basis for a set of specific network cyber security criteria against which it would be possible to objectively measure the network-security practices of communications service providers. If so, could NRIC or CSRIC best practices serve as the criteria for a cyber security certification program? If not could the Commission establish a set of cyber security criteria?

The Commission seeks comment on the procedure for updating the certification criteria or objectives. Should a single certification authority have ongoing responsibility for keeping the certification criteria in step with new developments in technology? Could it constantly apply the industry's evolving knowledge of how best to combat the most recent security threats? Whether such authority resides in an independent entity or the Commission, it will therefore be necessary to update the certification criteria on a regular basis. The Commission seeks comment on how this should occur.

Structure of Security Regime

Membership. Given the central importance of the criteria to the continuing success of a cyber security certification program, it is important for the entity developing them to have access to as broad of a range of knowledge and experience in the relevant fields as possible. If a certification authority is established, the Commission believes that it should be fairly balanced in terms of the points of view and industry segments that sit on it. Accordingly, the Commission seeks comment on whether a certification authority should be open to all segments of the potentially affected industries, including incumbent and competitive wireline carriers; wireless and satellite providers; cable service providers; undersea cable operators, internet service providers (both facility and non-facility based); and providers of VOIP services. The Commission seeks comment on whether any other potentially interested groups or entities should also be involved.

The Commission recognizes that a body representing so many diverse interests runs the risk of growing too large to be able to function effectively. Accordingly, the Commission seeks comment on how to ensure that a certification authority can be limited to a workable size without having the unintended result of arbitrarily restricting the participation of interests that should be involved in the authority's activities. The Commission also seeks comment on the applicability to the certification authority of the membership criteria set out in International Standard ISO/IEC 17011(E), particularly sections 4.2 (Structure) and 4.3 (Impartiality).

Assuming a certification authority possessed the significant degree of autonomy on which the Commission seeks comment, would it be necessary for the Commission to prescribe other rules regarding membership, such as procedures for admitting new members or time limits on the service of particular entities and individuals?

Operating Procedures. Having charge, as it would, of the centerpiece of the cyber security regime, a certification authority would have the potential for significant impact—both positive and negative—on numerous entities in the communications industry. Accordingly, the Commission seeks comment on whether it would be necessary for the authority to reach its decisions through a process that appropriately preserves the rights of all affected parties. For

example, the American National Standards Institute (ANSI) has developed procedures to assist decision-making by consensus. In particular in the *Part 68 Order,* the Commission discussed the benefits of the Organization Method and the Standards Committee Method, both of which provide procedures to help ensure equal participation by entities participating in decision-making in large, diverse bodies. These ANSI procedures offer an array of due process protections. The Commission seeks comment on whether these decision-making requirements and/or any others should apply to the operations of the certification authority:

a. The right of any person (organization, company, government agency, individual, *etc.*) with a direct and material interest to participate by expressing an opinion and its basis, having that position considered, and appealing if adversely affected.

b. No undue financial barriers to participation, no conditions upon participation based on organization membership, and no unreasonable requirements for technical qualifications, *etc.*

c. A requirement that the standards development process include a balance of interests and that it not be dominated by any single interest category.

d. A requirement to actively seek and fully consider relevant, representative user views including individuals and organizations.

e. A requirement that written procedures govern the methods used for standards development and will be available to any interested person.

f. A requirement that the written procedures contain an identifiable, realistic, and readily available appeals mechanism for the impartial adjudication of substantive and procedural complaints regarding any action or inaction.

g. Notification of standards activity shall be announced in suitable media; comment periods are specified.

h. A requirement that prompt consideration be given to the written views and objections of all participants; a prompt effort shall be made to resolve all objections; each objector shall be informed in detail of the appeals process and how to proceed if the objector so desires.

i. International standards shall be taken into consideration.

j. The principle that it is generally not acceptable to include proper names or trademarks of specific companies in a standard, but a patented item may be used in a term if technical reasons justify this approach.

The Commission also seeks comment on whether ANSI accreditation procedures should formally apply to the certification authority. If so, should it be the Organization Method or the Standards Committee Method that applies?

As noted above, the Commission seeks comment on whether a cyber security certification authority and the entities serving on it be prohibited from serving as auditors under the program. Would such a restriction help reduce the potential for conflicts of interest or claims of undue influence in the process? The Commission seeks comment on this aspect of the proposal.

Auditor Accreditation. As set out above, stringent, objective assessments of individual providers would compose an important part of the cyber security certification program on which the Commission seeks comment herein. Accordingly, should an independent auditor accreditation body, composed of private-sector entities with relevant expertise, be responsible for establishing the requirements that auditors must meet to be accredited to conduct cyber security assessments under the regime proposed today? Should the Commission delegate the precise details about the structure of the accreditation process to an accreditation body? The Commission anticipates, however, that the accreditation process will involve the advance publication of specific standards for the auditors involved in the program and an application and approval process through which auditors may seek inclusion on the list of those entities that have received official approval to conduct network security assessments. The Commission seeks comment on the foregoing aspects of the program. Should the Commission impose requirements on the auditor accreditation process to ensure competence, integrity and objectivity in the accreditation of auditors? If not, why should the Commission choose not to impose such requirements? In addition, should the Commission impose these requirements for auditor qualification in the application or approval process? Should it require that a certain number of auditors be accredited before the assessment or accreditation process may begin? Additionally, the Commission seeks comment on whether the auditor accreditation body should be required to meet the requirements and conditions of International Standard ISO/IEC 17011:2004(E) to the extent that it serves as an accreditation body for compliance auditors in this program.

Given the narrow, specialized focus of the auditor accreditation body, the Commission expects that it will be appropriate for membership to differ substantially from that of the certification authority discussed above (both in the entities that are represented in each, as well as the individuals who would be involved in each activity). More generally, the Commission seeks comment on the appropriate composition of this body. What entities or industry segments should be represented on it? Should the Commission limit the body's size, given the relatively narrow focus of its work? As with the certification authority, the Commission proposes that members of the accreditation body and their affiliates be prohibited from serving as auditors in the cyber security program. Should the Commission place any other limitations on the membership of the accreditation body?

The Commission seeks comment on whether the accreditation body should follow the consensus decision-making model discussed above in connection with the certification authority. The Commission seeks comment on whether it is necessary for it to provide any additional guidance on the operating procedures for the auditor accreditation body.

Development of Assessment Standards. It would, of course, be necessary to develop assessment standards to guide the auditors' review of the cyber security measures of participating providers. As indicated above, the Commission seeks comment about whether the network-security criteria will be definitive and objectively measurable. The Commission has sought comment on whether it is feasible to establish such criteria, either on an objective, generally applicable basis, or on a case by case basis by using general cyber security objectives. Either way, the auditors likely will need additional guidance about how to apply the security criteria to particular providers. What role, if any, should a standards body play in this process? Should certain criteria only be applicable to specific types of providers? Should assessment standards set out which criteria apply to which types of providers? Additionally, the Commission seeks comment on whether it would be necessary to establish: (1) What portion of the applicable assessment criteria a provider must pass in order to successfully complete the assessment; (2) what percentage of a provider's operations the auditors must examine for compliance with applicable security criteria; (3) whether any level of self-certification by providers will be permitted on any of the assessment criteria; and (4) whether a particular assessment will be an "examination

engagement" or an "agreed upon procedures audit."

If the certification program specifies only general security criteria, it may be necessary for the applicant to define in greater detail the specific security measures that would satisfy those general criteria. In such circumstances, a two-step process may be necessary: First, the certification authority would review and approve the applicant's proposed specific criteria, to ensure that they truly satisfy the general security criteria; and second, it would review and approve the applicant's satisfaction of those criteria. The Commission seeks comment on such an approach. Are there ways to minimize the need for applicants to self-define specific security criteria? Could the examination function of the certification entity consist mainly of approving the applicant's internal audit? Would this be a more efficient, less burdensome approach? The Commission believes that an objectives-based certification would give the certifying entity significant discretion to determine whether an applicant had satisfied a particular objective. Should there be some level of oversight to this discretion, either by an applicant appeal or by Commission review? The Commission seeks comment on these questions.

Should the auditor accreditation body also develop these assessment standards, or should they be developed by a separate entity? If it is appropriate to constitute a separate entity for this task, the Commission seeks comment on the appropriate composition of such a body. Again, in light of the narrow focus of such a body, the Commission expects that this body likely would have a more limited membership than the proposed certification authority. Should the group developing assessment standards be required to involve members of the professional auditing community in some of these decisions, and, if so, how?

Should the Commission prohibit the members of the assessment standards body and their affiliates from serving as auditors in the network security program? Should the Commission set additional limitations on the membership or operations of such a group? Should it direct the group to operate according to the consensus model discussed above in connection with the certification authority?

Should the Commission seek public comment on proposed assessment criteria before they go into effect? Should the Commission exercise some other form of control or guidance over the development of the assessment criteria? As with the security criteria, the Commission also seeks comment on how frequently and through what mechanism the assessment procedures should be updated.

Maintaining Assessment Results; Conferring Security Certificate. The final aspect of the network security program that the Commission proposes involves keeping records of successful assessment results. It appears that a database administrative entity may not need to possess the detailed results of the security assessment in order to perform its job of maintaining a publicly available database, but it also appears that both the audit plan for a particular communications service provider and the detailed results of an audit might well need to be preserved and made available to the Commission upon request. To that end, who should be responsible for keeping the detailed records? Who besides the Commission should be allowed access to such records? Upon the successful completion of a security assessment, should the auditor and the network operator jointly communicate the assessment results to an appropriate entity? Would the appropriate authority's receipt of this NOI be the event that entitled the communications service provider to begin marketing its services as having received the FCC's network-security certification? Under this approach, would it be necessary for the Commission to receive notification of, or to confirm, the assessment results? Rather, should some private entity be responsible for creating and maintaining a publicly available database of the communications service providers that have met the applicable network security criteria by virtue of a successful assessment? The Commission seeks comment on this structure of the network security program, the retention of assessment results, the frequency with which entities must be recertified that have successfully completed the assessment certification process, and any requirements for upgrading security. For example, should recertification require upgrading of security based on products that are used in the market place? Should the certification process require that updates be applied before the onset of the next certification cycle? The Commission seeks comment on whether it should designate some entity, such as a standards development body, to perform this function or whether it should be done by the certification authority or some member thereof, if anything.

Should the Commission seek to develop a process to track the effectiveness of the certification process with regard to improvements in cyber security realized, the cost to implement, and other factors that would seek to quantify the overall effectiveness of the program? If so, what factors should be considered, if any?

Appeals to the Commission

Although the Commission has sought comment on a cyber security certification program as being largely a private sector process, it also seeks comment on whether public interest considerations would support giving participating parties the right to appeal adverse decisions to the Commission. For example, should parties be able to bring to the attention of the Commission instances in which they feel the certification authority has been either too strict or too lax in defining the security criteria? Should they be permitted to challenge assessment procedures; the accreditation of auditors; and the final result of an assessment? Should an aggrieved party be required initially to present its appeal to, and obtain a decision from, the certification authority, or other relevant program entity, before applying to the Commission for review? Should appeals to program authorities be subject to some relatively short deadline? Similarly, should appeals to the Commission be permitted only if filed within a limited period of time after the appeal decision of the relevant security program authority? The Commission seeks comment on this aspect of the proposed program and the time periods that would be appropriate.

Security Certificate

Several additional questions arise in connection with the security certificate that would be conferred on providers that have successfully completed an assessment under the cyber security certification program. First, what should be the duration of the certificate? The Commission recognizes that communications technology and threats to cyber security are constantly evolving. Accordingly, it is reluctant to adopt a regime in which the certificate lasts for too long. Such an arrangement might reduce a provider's incentive to stay abreast of the latest industry developments. On the other hand, the Commission acknowledges that too short of a certification period (and the attendant repeat assessment obligation) might depress participation in this voluntary program. In attempting to balance these competing considerations, how long should the security certification last, after which a communications service provider would be required to pass another assessment?

The Commission seeks comment on this issue.

A related issue on which the Commission seeks comment is the appropriate renewal process for the security certification. The Commission seeks comment on whether the initial assessment of a provider's network security practices will be relatively extensive. The Commission seeks further comment on whether the assessment preceding renewal of a security certification should be more truncated. Alternatively, should a provider be permitted a greater level of self-certification in connection with a certificate renewal? Is the question of certificate renewal procedures one that the Commission should leave to the certification authority or the assessment standards body, or should the Commission, if anything, set certain threshold requirements on which the appropriate program authority can build later?

The Commission also seeks comment on the permissible uses by providers of the security certification. As discussed above, the Commission envisions that the program, if implemented, would permit communications service providers to distinguish their services in the marketplace by advertising them as compliant with FCC-sanctioned security requirements. Is it necessary or appropriate to place limits on the manner in which providers that have received a certificate may use it? Is doing so consistent with applicable legal, including Constitutional, constraints on the Commission's action?

The Commission seeks comment on what form the evidence of the security certificate should take. The Commission presently expects that it will develop an appropriate logo or emblem, analogous to that used for Part 15 devices, which a provider would display to indicate that it had received the security certification. Should an emblem of this sort be accompanied by short, stock text describing the security certification? If so, the Commission seeks comment on the appropriate phrasing.

Enforcement Matters

The Commission seeks comment on whether any Commission enforcement process should accompany the cyber security certification process. For example, would it be necessary for the Commission, if anything, to have in place special procedures to address the situation if a provider incorrectly claims to have received the security certificate? Or, would it be sufficient for the certification authority and/or the Commission, if anything, to publish a statement correcting the provider's incorrect statement? In addition, the Commission seeks comment as to what enforcement process should be followed, if any, and what action, if any, should be taken for attempted misuse or actual misuse of the security certification or seal. How should applicants be treated who apply for certifications under false pretenses? What action, if any, should be taken if a communications service provider were to hold itself out to the public as having such a certification without being properly certified?

The Commission expects that it would be unnecessary for it to have a separate enforcement process for the auditors in a cyber security certification program. Rather, the Commission expects that an auditor dissatisfied with a decision of the certification authority—presumably a decision to exclude the auditor from participation in the security certification program—would simply petition the Commission like any other dissatisfied party. The Commission seeks comment on this question. Is it necessary for the Commission to create any other mechanisms relating to dispute resolution specific to this program?

Should the Commission, or a private sector entity, be responsible for deciding to revoke, suspend, or reinstate a revoked security certificate? If a certificate is suspended, how long should suspension last? If a certificate is revoked, how long should the service provider be required to wait before the Commission allows that provider to re-apply for certification? Given that certifications may last for a particular duration and may possibly be renewed, several questions arise. Should a procedure be established to revoke or suspend a security certificate before its expiration date and, if so, what should the process entail? Should the Commission consider, if anything, revoking or suspending a security certificate for repeated network outages for violation(s) of the program's best practices/standards? What kinds of record-keeping or other requirements, if any, should be imposed on certificate holders in order to make the determination that a certificate should be revoked or suspended? The Commission seeks comment on these questions and on other actions it can take in this area.

Domestic and International Coordination

The Commission recognizes that increasingly, broadband networks used by U.S. ISPs are connected to many other networks, including the electric grid and the financial sector. These connections exist within the United States as well as between the United States and other countries. The Commission seeks comment on cyber security efforts underway for these interconnected networks that could inform the certification program, as well as ways the Commission might wish to coordinate, if at all, the development of its certification program, if any, with firms and agencies related to these networks. The Commission also recognizes that work on the subject of cyber security is currently underway in various countries and in international organizations such as the International Telecommunications Union (ITU) and Organisation of Economic Cooperation and Development (OECD). The Commission invites comment on how those work efforts could inform the FCC's certification program, if at all, and how the Commission could share the expertise gained from this program with other countries and international organizations, if at all.

Other Cyber Security Incentives

Apart from the issue of a certification program, the Commission seeks comment on other actions, including voluntary incentives the Commission can take to improve cyber security, if any. Are there effective and efficient methods that the Commission should consider, if any, that could ensure the cyber security of commercial broadband networks as they relate to national purposes such as public safety, consumers, healthcare, education, energy, government and security? Commenters suggesting ideas should provide details of their suggestions, including the benefits, advantages, disadvantages and costs. The Commission is interested not only in actions it can take on its own, but also ideas that the Commission might recommend to its Federal partners or to Congress, if any. The Commission also seeks comment on how to improve education on cyber security issues. What actions, if any, can the Commission take to better educate end users, including consumers, businesses and government agencies about cyber security? Are there, for example, educational and/or outreach activities in which the Commission, either alone or with other stakeholders (*e.g.,* Federal agencies, state and local governments, private industry) should engage to assist individuals in protecting their personal computers and other devices? How can the Commission better educate the industry about best practices and other methods to enhance cyber security in their communications networks and systems, if at all?

The Commission further notes that cyber threats to network end users also threaten the abilities of the service provider's network to function as designed and to be available when required. Such threats include, for example, the proliferation of botnets and from "MAC spoofing," a technique whereby cyber hackers remotely change an assigned Media Access Control address of a network device to a different one, allowing the bypassing of access control lists on servers or routers, either "hiding" a computer on a network or allowing it to impersonate another computer. Therefore, the Commission seeks comment on steps that service providers should take, if any, to help detect and respond to threats to end users that take place *on or through* the service provider's network, and the extent to which best practices in this area would enhance detection and maximize effectiveness of response.

Procedural Matters

Ex Parte Presentations. This matter will be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. *See* 47 CFR 1.1200 & 1.1206. Although a Notice of Inquiry proceeding is generally exempt from the *ex parte* rules, the Commission finds that the public interest is best served by treating this critical cyber security matter as a "permit-but-disclose" proceeding. *See* 47 CFR 1.1200(a), 1.1204(b)(1). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented is generally required. Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

Comment Filing Procedures. Comments may be filed using: (1) The Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998). Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/* or the Federal eRulemaking Portal: *http://www.regulations.gov.* Parties who choose to file by paper must file an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW., Room TW–A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW., Washington, DC 20554.

Ordering Clause

Accordingly, it is ordered that, pursuant to sections 1, 4(i), 4(j), 4(o) and 7(b), 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i)–(j) & (o), 157(b) and 403, this Notice of Inquiry is adopted.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2010–11162 Filed 5–10–10; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[PS Docket No. 10–92; FCC 10–62]

Effects on Broadband Communications Networks of Damage To or Failure of Network Equipment or Severe Overload

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Consistent with the recommendations of the National Broadband Plan, the Federal Communications Commission (Commission or FCC) adopted this Notice of Inquiry to seek comment on the present state of survivability in broadband communications networks and to explore potential measures to reduce network vulnerability to failures in network equipment or severe overload conditions, such as would occur in natural disasters, pandemics, and other disasters or events that would restrain our ability to communicate. The Commission seeks comment broadly on the ability of existing networks to withstand localized or distributed physical damage, including whether there is adequate network redundancy and the extent of survivability of physical enclosures in which network elements are located, and severe overloads.

DATES: Comments are due on or before June 25, 2010 and reply comments are due on or before July 26, 2010.

ADDRESSES: Comments and reply comments may be filed using: (1) The Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.

Comments and reply comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/* or the Federal eRulemaking Portal: *http://www.regulations.gov.*

Parties who choose to file by paper can submit filings by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW., Room TW–A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.

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Parties wishing to file materials with a claim of confidentiality should follow the procedures set forth in § 0.459 of the Commission's rules. Confidential submissions may not be filed via ECFS but rather should be filed with the Secretary's Office following the procedures set forth in 47 CFR 0.459. Redacted versions of confidential submissions may be filed via ECFS.

FOR FURTHER INFORMATION CONTACT: John Healy, Communications Systems Analysis Division, Public Safety and Homeland Security Bureau at 202–418–2448 or Jeffery Goldthorp, Chief, Communications Systems Analysis

Division, Public Safety and Homeland Security Bureau at 202–418–1096.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Inquiry NOI in PS Docket No. 10–92, FCC 10–62, adopted and released on April 21, 2010. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone (800) 378–3160 or (202) 488–5300, facsimile (202) 488–5563, or via e-mail at *fcc@bcpiweb.com.* It is also available on the Commission's Web site at *http://www.fcc.gov.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Synopsis of the Notice of Inquiry

The American Recovery and Reinvestment Act of 2009 (hereinafter "ARRA") directed the Commission to prepare a National Broadband Plan ("NBP" or "Plan") and report that plan to Congress. In particular, ARRA required the Commission to explore ways in which broadband infrastructure and services can "advance consumer welfare * * * public safety and homeland security * * * and other national purposes."

In response to a number of public notices issued as part of the NBP proceeding, the Commission received a wealth of commentary on the rapidly increasing importance of wireline and wireless broadband communications networks to consumers, businesses, emergency responders, and government agencies. A number of these comments focused on the importance of broadband survivability. Based on these comments and independent research conducted by Commission staff, the NBP laid out numerous proposals to ensure that our nation's critical broadband infrastructure can serve the current and future needs of our citizens in a consistent and reliable fashion.

Consistent with the recommendations of the NBP, the Commission adopted this Notice of Inquiry to enhance its understanding of the present state of survivability in broadband communications networks and to explore potential measures to reduce network vulnerability to failures in network equipment or severe overload conditions, such as would occur in natural disasters, pandemics, and other disasters or events that would restrain our ability to communicate. The Commission seeks comment broadly on the ability of existing networks to withstand localized or distributed physical damage, including whether there is adequate network redundancy and the extent of survivability of physical enclosures in which network elements are located, and severe overloads.

Reliance on broadband communications networks is increasing across all elements of our society and all sectors of our economy. For example, IP-based telephony services have penetrated into the consumer and enterprise markets at a breakneck pace, in many cases without the end-users even knowing that a major technology change has occurred. People are no longer tied to a single public-switched telephone network (PSTN), but communicate through a wide range of interconnected networks (*e.g.,* cable networks, fiber networks, local exchange carriers, licensed wireless broadband communications networks and unlicensed wireless internet service providers). As Americans increasingly rely on broadband communications networks for voice, video, data, and other communications services, the reliability and survivability of broadband communications networks becomes an even more critical factor in the safety, security, and well-being of the American people.

The FCC realizes that the increasing use of broadband communications networks for telecommunications-type services has blurred the distinction between the PSTN and IP-based broadband communications networks. Consequently, the Commission believes it important that it better understand the implications that this migration will have on the communications survivability of our voice and broadband communications networks.

Consumers, businesses, and government agencies increasingly rely on broadband communications networks to supply voice, video, and data service to fixed and mobile sites. For example, comments received in the National Broadband Plan proceeding indicate levels of broadband adoption ranging from 47% for rural residences to 79% for non-rural businesses. The network infrastructure required to support these diverse needs is extensive and complicated. In some instances long-term collaboration between telecommunications providers and other major enterprises has led to the development of robust networks with purpose-built survivability features. The Commission is concerned, however, that these features may not adequately ensure the survivability of all types of broadband service throughout the country, including in lesser developed or sparsely populated areas.

Broadband core networks are generally presumed to be quite survivable. Survivability is generally weaker in segments of communications networks closer to the network edge, however. In light of the ever-growing centrality of broadband communications it is imperative that we understand the resilience and survivability of our national broadband infrastructure. The Commission seeks comment, analysis, and information on the present state of broadband network survivability to three broad classes of harm: (1) Physical damage (whether due to malevolent acts, accidents, or *force majeure*), (2) inadequate redundancy, and (3) severe network overload. The Commission also seeks comment as specifically described below.

Enhancing our understanding of the state of survivability in broadband communications networks and exploring potential measures to reduce network vulnerabilities furthers the Commission's core purposes as set forth in section 1 of the Communications Act: (1) The establishment of "a rapid, efficient, Nation-wide and world-wide wire and radio communication service with adequate facilities," (2) "the national defense," and (3) "promoting safety of life and property through the use of wire and radio communication." The Commission seeks comment on the strongest sources of authority to act in this regard should it choose to do so, and asks commenters to address whether different sources of authority would be required with regard to different types of communications providers.

For example, the Commission seeks comment on whether it has authority under Title II and Title III to adopt specific measures to reduce network vulnerabilities should it choose to do so. In addition, the Commission seeks comment on whether the Commission could, if necessary, exercise ancillary authority to reduce network vulnerabilities, should the Commission choose to do so. In particular, the Commission seeks comment on the scope of its ancillary authority with regard to the matters described in this NOI in light of the recent decision of the United States Court of Appeals for the District of Columbia Circuit in *Comcast Corporation* v. *FCC.*

The Commission seeks comment on the survivability features and risks presented by the physical architecture of current broadband communications networks. What are the major single points of failure in broadband architectures (for example, edge router, gateway router, transport links, cell sites, and VoIP servers)? What are the impacts of failure these points? What measures do communications providers take to minimize the presence of single points of failure in broadband architectures? Under what conditions might these measures not be followed? What operational awareness do broadband service providers have on these dependencies? For example is the state of transport link diversity generally known and tracked by a broadband service provider? Do service providers account vulnerability of assets to specific threats? Is the incidence of single points of failure greater or lesser for small service providers and/or network operators? What special provisions are made to ensure the survivability of network services to critical response agencies like public safety answering points (PSAPs)? What provisions are made to ensure the survivability of cell sites relied on by first responders? Should traffic to critical response agencies or for critical services be prioritized? What other aspects of physical architecture create vulnerabilities in broadband communications networks? Besides single points of failure, are there dual failures that could impact a large number of users for an extended period of time? What should be the FCC's role in reducing single points of failure in broadband communications networks? What should the FCC's role be in increasing the level of redundancy in broadband communications networks taking into consideration the tradeoffs between potential regulatory burdens and the benefits of increased survivability?

In addition to network architecture, the Commission seeks comment on the survivability of physical facilities in which network elements are located. At the outset, the Commission notes that the Network Reliability and Interoperability Council (NRIC) adopted a set of best practices for communications physical security. What are the most effective and widely deployed NRIC physical security best practices? What policies are typically put in place to ensure adherence to relevant NRIC physical security best practices? How are decisions made about when not to apply NRIC best practices? Is the present level of protection adequate, and, if so, by what measure? If not, what else should be done and how should this be accomplished? In addition, what other structural, mechanical, environmental or electrical standards are utilized in the construction of facilities that house broadband network elements? What should the FCC's role be in encouraging the implementation of security best practices?

The Commission also seeks comment on the risks posed by network facility co-location. For example, does the co-location of network hardware in "carrier hotels" or "SuperNodes" represent a significant vulnerability of networks to physical attack or natural disaster? How widespread is this practice? What steps have been taken to ensure redundancy and diversity of physical network links to and from these facilities? Are these redundancies adequate at the metro, national, and international scales? Are security standards at these facilities adequate and uniformly enforced? What should the FCC's role be in the utilization of security standards for co-located network hardware? Finally, are the network elements housed in such facilities commonly protected by redundant elements in physically separated locations and will adequate power be available in an emergency? If not, how widespread is the lack of redundancy? What should the FCC's role be in increasing the level of redundancy for co-located network elements?

Redundancy is used in communications networks to improve survivability. Redundancy failures occur when a network is unable to route traffic over an alternate link when the primary or most desirable link is down. In the public-switched telephone network (PSTN), for example, switches, routers, and multiplexers often protect against service interruption due to one or more physical link failures by intelligently re-routing traffic around the failed link although calls that are in progress may be lost. Traditional telecommunications networks use monitoring and alarms to verify redundancy. Occasionally the re-routing fails to occur because the monitoring equipment does not recognize the physical link failure or because the re-routing equipment fails to execute the re-route. In addition, the cause of the initial link failure may also affect the redundant link, resulting in its failure. The Commission is concerned that the level of redundancy and the effectiveness of that redundancy in routing around failures may be inadequate in broadband communications networks. The Commission is also concerned that the quality of service (QoS) for the rerouted traffic is adequate.

The Commission therefore seeks comment on the risk of physical link failures along with the resulting risk of redundancy failures in broadband communications networks. For example, to what extent are core and edge network links protected with "dark" backup links? Are there instances where backup circuit paths occupy the same physical link as a primary circuit path? If so, how prevalent is this practice and what information, systems, or procedures might help to eliminate it? How best can the FCC help to prevent or resolve such problems? To what extent is switching and routing capacity in broadband communications networks protected by redundant systems or reserve switching capacity? Does good business practice dictate some minimum level of reserve switching capacity for a given network? If so, how is that capacity derived? Are the protection mechanisms themselves in broadband communications networks reliable? Are there failure mechanisms that will affect both the primary path and the back-up path? Finally, how can the FCC enhance the chances that redundancy works in broadband communications networks without unduly burdening network operators?

Large-scale events such as pandemics or bioterror attacks may cause dramatic changes in broadband usage patterns as traffic that is ordinarily confined within enterprise or academic networks or passed between enterprise-grade access networks suddenly shifts onto residential-access networks. If residential access networks are unprepared or insufficiently resourced for such changes, the resulting network congestion could threaten the orderly functioning of our economy and prevent citizens from accessing critical public safety services such as 911 call centers. What can be learned from recent events that, while not catastrophic, resulted in a surge of telecommuting (*e.g.,* the recent heavy snowstorms in the Mid-Atlantic States)?

In order to better understand the risks associated with sudden shifts of network traffic during pandemics and similar events, the Commission seeks comment on the ability of broadband access networks (*i.e.,* cable, DSL, fiber-to-the-home, etc.) to maintain effective operation during severe network congestion or overload. For example, is the capacity of residential access networks sufficient to handle sudden surges in use? To what degree? To the extent that network capacity is insufficient or networks are

"oversubscribed," what methods and procedures are in place to handle these overloads and to rapidly apply network resources to where they are needed? What are the limits to these network management techniques? For example, is there a need for ways to prioritize broadband traffic during emergencies? Are some network segments or geographic areas more vulnerable than others? The Commission also seeks detailed data on past instances: When outbreaks of influenza have closed schools in a given area, what changes were observed in residential access network traffic, and how did these changes affect the networks? Should the FCC collect data on network usage during such events?

As our broadband infrastructure continues to grow and mature, the Commission is committed to ensuring that it stands ready to support the myriad uses dreamed up by American innovators and enterprises. This Notice of Inquiry is a critical first step toward understanding survivability of our broadband communications networks to all types of failures and severe traffic overloads. The Commission looks forward to collaborating with consumers, businesses, and network operators to improve and secure our broadband infrastructure for the future.

Accordingly, *it is ordered that,* pursuant to sections 1, 4(i), 4(j), 4(o) and 7(b) of the Communications Act of 1934, 47 U.S.C. 151, 154(i)–(j) & (o), and 157(b) (2006), this Notice of Inquiry is adopted.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2010–11159 Filed 5–10–10; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 40

[Docket OST–2008–0088]

RIN OST 2105–AE01

Procedures for Transportation Workplace Drug and Alcohol Testing Programs

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Transportation is proposing only to extend the date for the mandatory use of our recently updated Alcohol Testing Form (ATF) to January 1, 2011. The revised ATF went into effect on February 25, 2010 with a mandatory use date of August 1, 2010. After publishing the February 25 revisions, we learned that vendors and users of the ATF will not be able to deplete their current supply of ATFs by August 1, 2010. Therefore, in order to assist the transportation industries and their service agents in their efforts to be economically efficient and more environmentally "green," we are seeking public comment to extend the mandatory use date to January 1, 2011.

DATES: Comments to the notice of proposed rulemaking should be submitted by May 26, 2010. Late-filed comments will be considered to the extent practicable.

ADDRESSES: To ensure that you do not duplicate your docket submissions, please submit them by only one of the following means:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave., SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001;
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Ave., SE., between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

Instructions: You must include the agency name and docket number DOT–OST—or the Regulatory Identification Number (RIN) for the rulemaking at the beginning of your comments. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: For program issues, Bohdan Baczara, Office of Drug and Alcohol Policy and Compliance, 1200 New Jersey Avenue, SE., Washington, DC 20590; (202) 366–3784 (voice), (202) 366–3897 (fax), or *bohdan.baczara@dot.gov* (e-mail).

SUPPLEMENTARY INFORMATION:

Background and Purpose

On February 25, 2010, the Department published a final rule [75 FR 8528] which updated the Alcohol Testing Form (ATF). The Department anticipated that employers and alcohol testing technicians may currently have a large supply of old ATFs and to avoid unnecessarily wasting these forms, the Department permitted the use of the old ATF until August 1, 2010. Employers were authorized to begin using the updated ATF immediately.

Since the final rule was published, the Department became aware that some vendors of the ATF might not be able to deplete their current supply of the ATFs before the August 1, 2010 implementation date. In light of this new information and so as not to have the industry waste forms, the Department is proposing to extend the implementation date to January 1, 2011. The Department seeks your comments only about this new implementation date.

Regulatory Analyses and Notices

The statutory authority for this proposed rule derives from the Omnibus Transportation Employee Testing Act of 1991 (49 U.S.C. 102, 301, 322, 5331, 20140, 31306, and 45101 *et seq.*) and the Department of Transportation Act (49 U.S.C. 322).

This proposed rule is a non-significant rule both for purposes of Executive Order 12886 and the Department of Transportation's Regulatory Policies and Procedures. The Department certifies that it will not have a significant economic effect on a substantial number of small entities, for purposes of the Regulatory Flexibility Act. The Department makes these statements on the basis that by extending the implementation date of the new form, this rule will not impose any significant costs on anyone. The costs of the underlying Part 40 final rule were analyzed in connection with its issuance in December 2000. Therefore, it has not been necessary for the Department to conduct a regulatory evaluation or Regulatory Flexibility Analysis for this proposed rule. The alcohol testing form complies with the Paperwork Reduction Act. It has no Federalism impacts that would warrant a Federalism assessment.

List of Subjects in 49 CFR Part 40

Administrative practice and procedures, Alcohol abuse, Alcohol testing, Drug abuse, Drug testing, Laboratories, Reporting and recordkeeping requirements, Safety, Transportation.

Issued April 28, 2010, at Washington DC.

Jim L. Swart,

Director.

For reasons discussed in the preamble, the Department of Transportation proposes to amend 49 CFR part 40, Code of Federal Regulations, as follows:

PART 40—PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS

1. The authority citation for 49 CFR part 40 continues to read as follows:

Authority: 49 U.S.C. 102, 301, 322, 5331, 20140, 31306, and 45101 *et seq.*

2. In Appendix G to Part 40—Alcohol Testing Form, the paragraph is being revised by removing the text "August 1, 2010" and replacing it with "January 1, 2011".

[FR Doc. 2010–10488 Filed 5–10–10; 8:45 am]

BILLING CODE 4910–9X–P

Notices

Federal Register
Vol. 75, No. 90
Tuesday, May 11, 2010

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.

EXECUTIVE OFFICE OF THE PRESIDENT

National Commission on Fiscal Responsibility and Reform

Notice of Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the National Commission on Fiscal Responsibility and Reform, authorized by Executive Order 13531, dated February 18, 2010, announces the following meetings for the remainder of calendar 2010:

Time and Date:

Wednesday, May 26, 9 a.m.–11:30 p.m. EDT.
Wednesday, June 30, 9:30 a.m.–12:30 p.m. EDT.
Wednesday, July 28, 9:30 a.m.–12:30 p.m. EDT.
Wednesday, September 29, 9:30 a.m.–12:30 p.m. EDT.
Wednesday, November 10, 9:30 a.m.–12:30 p.m. EST.
Wednesday, December 1, 9:30 a.m.–12:30 p.m. EST.

Place: The meetings will be held in Washington, DC at locations to be determined and announced. The meeting address will be made publicly available approximately two weeks prior to each meeting on the Commission's Web site at *http://www.fiscalcommission.gov.*

Public Access: The meetings will be open to the public, but seating will be limited by the space available. If you would like to attend the next scheduled meeting of the Commission, please RSVP to the Designated Federal Officer (DFO), Bruce Reed, at *commission@fc.eop.gov.* Registrations will be accepted until the space has reached capacity.

Purpose: This notice announces the monthly meetings of the National Commission on Fiscal Responsibility and Reform (Commission). At these meetings the Commission will discuss the Nation's long-term fiscal challenges. Additionally, the Commission will receive updates from its three subcommittees: Mandatory Spending Working Group, Discretionary Spending Working Group, and Tax Reform Working Group. A more complete agenda and any meeting materials will be made publicly available prior to each meeting at *http://www.fiscalcommission.gov.* Also, each meeting will be available via simultaneous webcast at *http://www.whitehouse.gov/live.*

Contact Person for Additional Information: Please contact Bruce Reed for any additional information about a specific meeting at *commission@fc.eop.gov.*

Public Comment: If you would like to submit written comments for distribution prior to the meeting, your comments should be received by the Commission no later than 10 days prior to the meeting concerned. The preferred written comment format is MS Word submitted to *commission@fc.eop.gov.*

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, please inform the DFO at *commission@fc.eop.gov* as soon as possible.

Dated: May 5, 2010.

Bruce Reed,

Executive Director of the Commission.

[FR Doc. 2010–11213 Filed 5–10–10; 8:45 am]

BILLING CODE 3160–01–P

DEPARTMENT OF AGRICULTURE

Center for Nutrition Policy and Promotion

Agency Information Collection Activities; Current Collection: Comment Request—Innovations for Healthy Kids Challenge To Promote the Open Government Initiative; Correction

AGENCY: Center for Nutrition Policy and Promotion, USDA.

ACTION: Notice; correction.

SUMMARY: The Department of Agriculture, Center for Nutrition Policy and Promotion published a document in the **Federal Register** on April 28, 2010, concerning requests for comments on the Innovations for Healthy Kids Challenge to Promote the Open Government Initiative. The document contained an incorrect Web address.

FOR FURTHER INFORMATION CONTACT: Donna Johnson-Bailey at 703–305–3300.

Correction

In the **Federal Register** of April 28, 2010, in FR/Vol. 75, No. 81 on page 22357, the third column, correct the Web site to read: *http://www.appsforhealthykids.com/.*

Dated: May 4, 2010.

Robert Post,

Acting Executive Director, Center for Nutrition Policy and Promotion.

[FR Doc. 2010–11055 Filed 5–10–10; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Funds Availability; Inviting Applications for the Quality Samples Program

Announcement Type: New.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.605.

SUMMARY: The Commodity Credit Corporation (CCC) announces it is inviting proposals for the 2011 Quality Samples Program (QSP). The intended effect of this notice is to solicit applications from eligible applicants and award funds in October 2010. QSP is administered by personnel of the Foreign Agricultural Service (FAS).

DATES: All applications must be received by 5 p.m. Eastern Daylight Time, June 11, 2010. Applications received after this date will be considered only if funds are still available.

FOR FURTHER INFORMATION CONTACT: Entities wishing to apply for funding assistance should contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, Portals Office Building, Suite 400, 1250 Maryland Avenue, SW., Washington, DC 20024, or by phone: (202) 720–4327, or by fax: (202) 720–9361, or by e-mail: *podadmin@fas.usda.gov.* Information is also available on the FAS Web site at *http://www.fas.usda.gov/mos/programs/QSP.asp.*

SUPPLEMENTARY INFORMATION:

I. Funding Opportunity Description

Authority: QSP is authorized under Section 5(f) of the CCC Charter Act, 15 U.S.C. 714c(f).

Purpose: QSP is designed to encourage the development and expansion of export markets for U.S. agricultural commodities by assisting U.S. entities in providing commodity samples to potential foreign importers to promote a better understanding and appreciation for the high quality of U.S. agricultural commodities.

QSP participants will be responsible for procuring (or arranging for the procurement of) commodity samples, exporting the samples, and providing the technical assistance necessary to facilitate successful use of the samples by importers. Participants that are funded under this announcement may seek reimbursement from QSP for the sample purchase price, the cost of transporting the samples domestically to the port of export, and then to the foreign port or point of entry. Transportation costs from the foreign port or point of entry to the final destination will not be eligible for reimbursement. CCC will not reimburse the costs incidental to purchasing and transporting samples, for example, inspection or documentation fees. Although providing technical assistance is required for all projects, QSP will not reimburse the costs of providing technical assistance. A QSP participant will be reimbursed after CCC reviews its reimbursement claim and determines that the claim is complete.

General Scope of QSP Projects: QSP projects are the activities undertaken by a QSP participant to provide an appropriate sample of a U.S. agricultural commodity to a foreign importer, or a group of foreign importers, in a given market. The purpose of the project is to provide information to an appropriate target audience regarding the attributes, characteristics, and proper use of the U.S. commodity. A QSP project addresses a single market/commodity combination.

As a general matter, QSP projects should conform to the following guidelines:

- Projects should benefit the represented U.S. industry and not a specific company or brand;
- Projects should develop a new market for a U.S. product, promote a new U.S. product, or promote a new use for a U.S. product, rather than promote the substitution of one established U.S. product for another;
- Sample commodities provided under a QSP project must be in sufficient supply and available on a commercial basis;
- The QSP project must either subject the commodity sample to further processing or substantial transformation in the importing country, or the sample must be used in technical seminars designed to demonstrate to an appropriate target audience the proper preparation or use of the sample in the creation of an end product;
- Samples provided in a QSP project shall not be directly used as part of a retail promotion or supplied directly to consumers. However, the end product, that is, the product resulting from further processing, substantial transformation, or a technical seminar, may be provided to end-use consumers to demonstrate to importers consumer preference for that end product; and
- Samples shall be in quantities less than a typical commercial sale and limited to the amount sufficient to achieve the project goal (*e.g.,* not more than a full commercial mill run in the destination country).

QSP projects shall target foreign importers and audiences who:

- Have not previously purchased the U.S. commodity that will be transported under QSP;
- Are unfamiliar with the variety, quality attribute, or end-use characteristic of the U.S. commodity;
- Have been unsuccessful in previous attempts to import, process, and market the U.S. commodity (*e.g.,* because of improper specification, blending, formulation, sanitary, or phytosanitary issues);
- Are interested in testing or demonstrating the benefits of the U.S. commodity; or
- Need technical assistance in processing or using the U.S. commodity.

II. Award Information

Under this announcement, the number of projects per participant will not be limited. However, individual projects will be limited to $75,000 of QSP reimbursement. Projects comprised of technical preparation seminars, that is, projects that do not include further processing or substantial transformation, will be limited to $15,000 of QSP reimbursement as these projects require smaller samples. Financial assistance will be made available on a reimbursement basis only; cash advances will not be made available to any QSP participant.

All proposals will be reviewed against the evaluation criteria contained herein and funds will be awarded on a competitive basis. Funding for successful proposals will be provided through specific agreements between the applicant and CCC. These agreements will incorporate the proposal as approved by FAS. FAS must approve in advance any subsequent changes to the project.

III. Eligibility Information

1. Eligible Applicants: Any United States private or Government entity with a demonstrated role or interest in exporting U.S. agricultural commodities may apply to the program. Government organizations consist of Federal, State, and local agencies. Private organizations include non-profit trade associations, universities, agricultural cooperatives, state regional trade groups (SRTGs), and profit-making entities.

2. Cost Sharing: FAS considers the applicant's willingness to contribute resources, including cash, goods, and services of the U.S. industry and foreign third parties, when determining which proposals are approved for funding.

IV. Application and Submission Information

1. *Address to Request Application Package:* Organizations are strongly encouraged to submit their QSP applications to the FAS through the Uniform Export Strategy (UES) application Internet Web site. The UES allows applicants to submit a single consolidated and strategically coordinated proposal that incorporates requests for funding and recommendations for virtually all of the FAS marketing programs, financial assistance programs, and market access programs. The suggested UES format encourages applicants to examine the constraints or barriers to trade that they face, identify activities that would help overcome such impediments, consider the entire pool of complementary marketing tools and program resources, and establish realistic export goals.

Applicants planning to use the Internet-based system must contact the FAS/Program Operations Division to obtain Web site access information. The Internet-based application may be found at the following URL address: *https://www.fas.usda.gov/ues/webapp/.*

Although the FAS highly recommends applying via the Internet-based application as this format virtually eliminates paperwork and expedites the FAS processing and review cycle, applicants also have the option of submitting an electronic version of their application to FAS at *podadmin@fas.usda.gov*.

2. Content and Form of Application Submission: To be considered for QSP, an applicant must submit to FAS information detailed in this notice. Additionally, in accordance with the

Office of Management and Budget's policy directive regarding the need to identify entities that are receiving government awards, all applicants must submit a Dun and Bradstreet Data Universal Numbering System (DUNS) number. An applicant may request a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at (866) 705–5711.

Incomplete applications and applications that do not otherwise conform to this announcement will not be accepted for review.

FAS recommends that proposals contain, at a minimum, the following:

(a) Organizational information, including:

- Organization's name, address, Chief Executive Officer (or designee), Federal Tax Identification Number (TIN), and DUNS number;
- Type of organization;
- Name, telephone number, fax number, and e-mail address of the primary contact person;
- A description of the organization and its membership;
- A description of the organization's prior export promotion experience; and
- A description of the organization's experience in implementing an appropriate trade/technical assistance component;

(b) Market information, including:

- An assessment of the market;
- A long-term strategy in the market; and
- U.S. export value/volume and market share (historic and goals) for 2004–2010;

(c) Project information, including:

- A brief project title;
- Amount of funding requested;
- A brief description of the specific market development trade constraint or opportunity to be addressed by the project, performance measures for the years 2011–2013 which will be used to measure the effectiveness of the project, a benchmark performance measure for 2009, the viability of long term sales to this market, the goals of the project, and the expected benefits to the represented industry;
- A description of the activities planned to address the constraint or opportunity, including how the sample will be used in the end-use performance trial, the attributes of the sample to be demonstrated and its end-use benefit, and details of the trade/technical servicing component (including who will provide and who will fund this component);
- A sample description (*i.e.,* commodity, quantity, quality, type, and grade), including a justification for selecting a sample with such characteristics (this justification should explain in detail why the project could not be effective with a smaller sample);
- An itemized list of all estimated costs associated with the project for which reimbursement will be sought;
- Beginning and end dates for the proposed project; and
- The importer's role in the project regarding handling and processing the commodity sample;

(d) Information indicating all funding sources and amounts to be contributed by each entity that will supplement implementation of the proposed project. This may include the organization that submitted the proposal, private industry entities, host governments, foreign third parties, CCC, FAS, or other Federal agencies. Contributed resources may include cash, goods or services.

3. Submission Dates and Times: All applications must be received by 5 p.m. Eastern Daylight Time, June 11, 2010. Applications received after this date will be considered only if funds are still available.

4. Funding Restrictions: Proposals that request more than $75,000 of CCC funding for individual projects will not be considered. Projects comprised of technical preparation seminars will be limited to $15,000 in QSP funding. CCC will not reimburse expenditures made prior to approval of a proposal or unreasonable expenditures.

V. Application Review Information

1. Criteria and Review Process: Following is a description of the FAS process for reviewing applications and the criteria for allocating available QSP funds.

FAS will use the following criteria in evaluating proposals:

- The ability of the organization to provide an experienced staff with the requisite technical and trade experience to execute the proposal;
- The extent to which the proposal is targeted to a market in which the United States is generally competitive;
- The potential for expanding commercial sales in the proposed market;
- The nature of the specific market constraint or opportunity involved and how well it is addressed by the proposal;
- The extent to which the importer's contribution in terms of handling and processing enhances the potential outcome of the project;
- The amount of reimbursement requested and the organization's willingness to contribute resources, including cash, goods and services of the U.S. industry, and foreign third parties; and
- How well the proposed technical assistance component assures that performance trials will effectively demonstrate the intended end-use benefit.

Proposals will be evaluated by the applicable FAS Commodity Branches in the Cooperator Programs Division. The Commodity Branches will review each proposal against the factors described above. The purpose of this review is to identify meritorious proposals, recommend an appropriate funding level for each proposal based upon these factors, and submit proposals and funding recommendations to the Deputy Administrator, Office of Trade Programs.

2. Anticipated Announcement Date: Announcements of funding decisions for QSP are anticipated during October 2010.

VI. Award Administration Information

1. *Award Notices:* FAS will notify each applicant in writing of the final disposition of its application. FAS will send an approval letter and agreement to each approved applicant. The approval letter and agreement will specify the terms and conditions applicable to the project, including the levels of QSP funding, and any cost-share contribution requirements.

2. Administrative and National Policy Requirements: The agreements will incorporate the details of each project as approved by FAS. Each agreement will identify terms and conditions pursuant to which CCC will reimburse certain costs of each project. Agreements will also outline the responsibilities of the participant, including, but not limited to, procurement (or arranging for procurement) of the commodity sample at a fair market price, arranging for transportation of the commodity sample within the time limit specified in the agreement (organizations should endeavor to ship commodities within six months of effective date of agreement), compliance with cargo preference requirements (shipment on United States flag vessels, as required), compliance with the Fly America Act requirements (shipment on United States air carriers, as required), timely and effective implementation of technical assistance, and submission of a written evaluation report within 90 days of expiration of the agreement.

QSP projects are subject to review and verification by the FAS Compliance, Security and Emergency Planning Division. Upon request, a QSP participant shall provide to CCC the original documents that support the participant's reimbursement claims. CCC may deny a claim for

reimbursement if the claim is not supported by adequate documentation.

3. *Reporting:* A written evaluation report must be submitted within 90 days of the expiration of each participant's QSP agreement. Evaluation reports should address all performance measures that were presented in the proposal.

VII. Agency Contact(s)

For additional information and assistance, contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture, Portals Office Building, Suite 400, 1250 Maryland Avenue, SW., Washington, DC 20024, or by phone: (202) 720–4327, or by fax: (202) 720–9361, or by e-mail: *podadmin@fas.usda.gov.*

Signed at Washington, DC, on May 4, 2010.

John D. Brewer,

Administrator, Foreign Agricultural Service, and Vice President, Commodity Credit Corporation.

[FR Doc. 2010–11144 Filed 5–10–10; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Funds Availability: Inviting Applications for the Emerging Markets Program

Announcement Type: New.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.603.

SUMMARY: The Commodity Credit Corporation (CCC) announces that it is inviting proposals for the 2011 Emerging Markets Program (EMP). The intended effect of this notice is to solicit applications from the private sector and from government agencies for FY 2011. The EMP is administered by personnel of the Foreign Agricultural Service (FAS).

DATES: All proposals must be received by 5 p.m. Eastern Daylight Time, June 11, 2010. Applications received after this time will be considered only if funds are still available.

FOR FURTHER INFORMATION CONTACT: Entities wishing to apply for funding assistance should contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, Portals Office Building, Suite 400, 1250 Maryland Avenue, SW., Washington, DC 20024, or by phone: (202) 720–4327, or by fax: (202) 720–9361, or by e-mail: *podadmin@fas.usda.gov.* Information is also available on the Foreign Agricultural Service Web site at *http://www.fas.usda.gov/mos/em-markets/em-markets.asp.*

SUPPLEMENTARY INFORMATION:

I. Funding Opportunity Description

Authority: The EMP is authorized by section 1542(d)(1) of the Food, Agriculture, Conservation and Trade Act of 1990 (The Act), as amended. The EMP regulations appear at 7 CFR part 1486.

1. Purpose. The EMP assists U.S. entities in developing, maintaining, or expanding exports of U.S. agricultural commodities and products by funding activities that improve emerging markets' food and rural business systems, including reducing potential trade barriers in such markets. The EMP is intended primarily to support export market development efforts of the private sector, but EMP resources may also be used to assist public organizations.

All U.S. agricultural commodities, except tobacco, are eligible for consideration. Agricultural product(s) should be comprised of at least 50 percent U.S. origin content by weight, exclusive of added water, to be eligible for funding. Proposals that seek support for multiple commodities are also eligible. EMP funding may only be used to develop, maintain, or expand emerging markets for U.S. agricultural commodities and products through generic activities. EMP funding may not be used to support the export of another country's products to the United States, or to promote the development of a foreign economy as a primary objective. Funding provided for government participation may only be used to support the activities of government officials expert in assessing the food and rural business systems of other countries.

2. Appropriate Activities. All EMP projects must fall into at least one of the following four categories:

(a) Assistance to U.S. individuals expert in assessing the food and rural business systems of other countries. This type of EMP project must include all three of the following:

- Conduct an assessment of the food and rural business system needs of an emerging market;
- Make recommendations on measures necessary to enhance the effectiveness of these systems; and
- Identify opportunities and projects to enhance the effectiveness of the emerging market's food and rural business systems.

(b) To be eligible, such proposals must clearly demonstrate that experts are primarily agricultural consultants, farmers, government officials, and other persons from the private sector, and that they have expertise in assessing the food and rural business systems of other countries.

(c) Assistance to enable individuals from emerging markets to travel to the United States so that these individuals can, for the purpose of enhancing the food and rural business systems in their countries, become familiar with U.S. technology and agribusiness and rural enterprise operations by consulting with food and rural business system experts in the United States.

(d) Assistance to enable U.S. agricultural producers and other individuals knowledgeable in agricultural and agribusiness matters to travel to emerging markets to assist in transferring their knowledge and expertise to entities in emerging markets. Such travel must be to emerging markets. Travel to developed markets is not eligible under the program even if the traveler's targeted market is an emerging market.

(e) Technical assistance to implement the recommendations, projects, and/or opportunities identified by assistance under (1) above. Technical assistance that does not implement the recommendations, projects, and/or opportunities identified by assistance under (1) above is not eligible under the EMP.

Proposals that do not fall into one or more of the four categories above, regardless of previous guidance provided regarding the EMP, are not eligible for consideration under the program.

EMP funds may not be used to support normal operating costs of individual organizations, nor as a source to recover pre-award costs or prior expenses from previous or ongoing projects. Proposals that counter national strategies or duplicate activities planned or already underway by U.S. non-profit agricultural commodity or trade associations ("cooperators") will not be considered. Other ineligible expenditures include: branded product promotions (in-store, restaurant advertising, labeling, *etc.*); advertising, administrative, and operational expenses for trade shows; Web site development; equipment purchases; and the preparation and printing of brochures, flyers, and posters (except in connection with specific technical assistance activities such as training seminars.). For a more complete description of ineligible expenditures, please refer to the EMP regulations.

3. Eligible Markets. The Act defines an emerging market as any country that the Secretary of Agriculture determines:

(a) Is taking steps toward developing a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

(b) Has the potential to provide a viable and significant market for U.S. agricultural commodities or products of U.S. agricultural commodities.

Because EMP funds are limited and the range of potential emerging market countries is worldwide, consideration will be given only to proposals that target countries or regional groups with per capita income of less than $11,905 (the current ceiling on upper middle income economies as determined by the World Bank [World Development Indicators; July 2009, *http://siteresources.worldbank.org/DATASTATISTICS/Resources/CLASS.XLS*] and populations of greater than 1 million.

Income limits and their calculation can change from year to year with the result that a given country may qualify under the legislative and administrative criteria 1 year but not the next. Therefore, CCC has not established a fixed list of emerging market countries.

A few countries technically qualify as emerging markets but may require a separate determination before funding can be considered because of political sensitivities.

II. Award Information

In general, all qualified proposals received before the application deadline will compete for EMP funding. Priority consideration will be given to proposals that directly support or address at least one of the goals and objectives in the USDA and FAS Strategic Plans. The applicants' willingness to contribute resources, including cash, goods and services will be a critical factor in determining which proposals are funded under the EMP. Proposals will also be judged on the potential benefits to the industry represented by the applicant and the degree to which the proposal demonstrates industry support.

The limited funds and the range of eligible emerging markets worldwide generally preclude CCC from approving large budgets for individual projects. While there is no minimum or maximum amount set for EMP-funded projects, most projects are funded at a level of less than $500,000 and for a duration of approximately 1 year. Private entities may submit multi-year proposals requesting higher levels of funding that may be considered in the context of a detailed strategic implementation plan. Funding in such cases is generally limited to 3 years and provided 1 year at a time with commitments beyond the first year subject to interim evaluations and funding availability. Government entities are not eligible for multi-year funding.

Funding for successful proposals will be provided through specific agreements. The CCC, through FAS, will be kept informed of the implementation of approved projects through the requirement to provide interim progress reports and final performance reports. Changes in the original project timelines and adjustments within project budgets must be approved in advance by FAS.

Note: EMP funds awarded to government agencies must be expended or otherwise obligated by close of business, September 30, 2011.

III. Eligibility and Qualification Information

1. Eligible Applicants: Any United States private or government entity, e.g., universities, non-profit trade associations, agricultural cooperatives, state regional trade groups (SRTG), profit-making entities, and consulting businesses, with a demonstrated role or interest in exports of U.S. agricultural commodities or products may apply to the program. Proposals from research and consulting organizations will be considered if they provide evidence of substantial participation by and financial support from the U.S. industry. For-profit entities are also eligible but may not use program funds to conduct private business, promote private self-interests, supplement the costs of normal sales activities or promote their own products or services beyond specific uses approved by CCC in a given project.

U.S. market development cooperators and SRTGs may seek funding to address priority, market specific issues and to undertake activities not suitable for funding under other CCC marketing programs, *e.g.,* the Foreign Market Development Cooperator (Cooperator) Program and the Market Access Program (MAP). Foreign organizations, whether government or private, may participate as third parties in activities carried out by U.S. organizations, but are not eligible for funding assistance from the program.

2. Cost Sharing: No private sector proposal will be considered without the element of cost-share from the applicant and/or U.S. partners. The EMP is intended to complement, not supplant, the efforts of the U.S. private sector. There is no minimum or maximum amount of cost-share, though the range in recent successful proposals has been between 35 and 75 percent. The degree of commitment to a proposed project, represented by the amount and type of private funding, is one factor used in determining which proposals will be approved for funding. Cost-share may be actual cash invested or professional time of staff assigned to the project. Proposals for which private industry is willing to commit cash, rather than in-kind contributions such as staff resources, will be given priority consideration.

Cost-sharing is not required for proposals from government agencies, but is mandatory for all other eligible entities, even when they may be party to a joint proposal with a government agency. Contributions from USDA or other government agencies or programs may not be counted toward the stated cost-share requirement of other applicants. Similarly, contributions from foreign (non-U.S.) organizations may not be counted toward the cost-share requirement, but may be counted in the total cost of the project.

3. Other: Proposals should include a justification for funding assistance from the program—an explanation as to what specifically could not be accomplished without Federal funding assistance and why the participating organization(s) would be unlikely to carry out the project without such assistance. Applicants may submit more than one proposal.

IV. Application and Submission Information

1. Address to Request Application Package: EMP applicants have the opportunity to utilize the Unified Export Strategy (UES) application process, an online system that provides a means for interested applicants to submit a consolidated and strategically coordinated single proposal that incorporates funding requests for any or all of the market development programs administered by FAS.

Applicants are strongly encouraged to submit their application to FAS through the UES application Internet Web site. The Internet-based format reduces paperwork and expedites the FAS processing and review cycle. Applicants planning to use the on-line UES system must contact the Program Operations Division to obtain site access information. The Internet-based application is located at the following URL address: *https://www.fas.usda.gov/ues/webapp/.*

Although FAS highly recommends applying via the Internet-based application as this format virtually eliminates paperwork and expedites the FAS processing and review cycle, applicants also have the option of

submitting an electronic version to FAS at *podadmin@fas.usda.gov.*

2. Content and Form of Application Submission: To be considered for the EMP, an applicant must submit to the FAS information required by the EMP regulations at 7 CFR part 1486. EMP regulations and additional information are available at the following URL address: *http://www.fas.usda.gov/mos/em-markets/em-markets.asp.*

In addition, in accordance with the Office of Management and Budget's issuance of a final policy (68 FR 38402) regarding the need to identify entities that are receiving government awards, all applicants must submit a Dun and Bradstreet Data Universal Numbering System (DUNS) number. An applicant may request a DUNS number at no cost by calling the dedicated toll-free DUNS number request line on 1–866–705–5711.

Applications should be no longer than ten (10) pages and include the following information:

(a) Date of proposal;

(b) Name of organization submitting proposal;

(c) Organization address, telephone and fax numbers;

(d) Tax ID number;

(e) DUNS number;

(f) Primary contact person;

(g) Full title of proposal;

(h) Target market(s);

(i) Current conditions in the target market(s) affecting the intended commodity or product;

(j) Description of problem(s), *i.e.,* constraint(s), to be addressed by the project, such as the need to assess and enhance food and rural business systems of the emerging market, lack of awareness by foreign officials of U.S. technology and business practices, impediments (infrastructure, financing, regulatory or other non-tariff barriers) to the effectiveness of emerging market's food and rural business systems previously identified by an EMP project that are to be addressed by the applicant, *etc.;*

(k) Project objectives;

(l) Performance measures: Benchmarks for quantifying progress in meeting the objectives;

(m) Rationale: Explanation of the underlying reasons for the project proposal and its approach, the anticipated benefits, and any additional pertinent analysis;

(n) Clear demonstration that successful implementation will benefit an emerging market's food and rural business system and/or reduce potential trade barriers, and will benefit a particular industry as a whole, not just the applicant(s);

(o) Explanation as to what specifically could not be accomplished without Federal funding assistance and why the participating organization(s) would be unlikely to carry out the project without such assistance;

(p) Specific description of activity/activities to be undertaken;

(q) Timeline(s) for implementation of activity, including start and end dates;

(r) Information on whether similar activities are or have previously been funded with USDA resources in target country or countries (*e.g.,* under MAP and/or Cooperator programs); and

(s) Detailed line item activity budget:

—Cost items should be allocated separately to each participating organization; and

—Expense items constituting a proposed activity's overall budget (*e.g.,* salaries, travel expenses, consultant fees, administrative costs, *etc.*), with a line item cost for each, should be listed, clearly indicating:

(1) Which items are to be covered by EMP funding;

(2) Which by the participating U.S. organization(s); and

(3) Which by foreign third parties (if applicable).

Cost items for individual consultant fees should show calculation of daily rate and number of days. Cost items for travel expenses should show number of trips, destinations, cost, and objective for each trip.

Qualifications of applicant(s) should be included as an attachment.

3. Funding Restrictions: Certain types of expenses are not eligible for reimbursement by the program, and there are limits on other categories of expenses such as indirect overhead charges, travel expenses, and consulting fees. CCC will also not reimburse unreasonable expenditures or expenditures made prior to approval of a proposal. Full details of the funding restrictions are available in the EMP regulations.

4. Submission Dates and Times: All Internet-based applications must be properly submitted by 5 p.m. Eastern Daylight Time, June 11, 2010.

All applications submitted by e-mail must be received by 5 p.m. Eastern Daylight Time, June 11, 2010, at *podadmin@fas.usda.gov.*

Applications received after this time will be considered only if funds are still available.

V. Application Review Information

1. Criteria: Key criteria used in judging proposals include, among others:

—The objective of the activities is to develop, maintain, or expand markets for United States agricultural exports by improving the effectiveness of the food and rural business systems in emerging markets.

Appropriateness of the activities for the targeted market(s) and the extent to which the project identifies market barriers, *e.g.,* a fundamental deficiency in the market's food and rural business systems, and/or a recent change in those systems;

—Potential of the project to expand U.S. market share and increase U.S. exports or sales;

—Quality of the project's performance measures, and the degree to which they relate to the objectives, deliverables, and proposed approach and activities;

—Justification for Federal funding;

—Overall cost of the project and the amount of funding provided by the applicant and any partners; and

—Evidence that the organization has the knowledge, expertise, ability, and resources to successfully implement the project, including timeliness and quality of reporting on past EMP activities.

Please see 7 CFR part 1486 for additional evaluation criteria.

2. Review and Selection Process: All applications undergo a multi-phase review within FAS, by appropriate FAS field offices, and, as needed, by the private sector Advisory Committee on Emerging Markets to determine the qualifications, quality, appropriateness of projects, and reasonableness of project budgets.

VI. Award Administration Information

1. Award Notices: FAS will notify each applicant in writing of the final disposition of its application. FAS will send an approval letter and project agreement to each approved applicant. The approval letter and agreement will specify the terms and conditions applicable to the project, including the levels of EMP funding and cost-share contribution requirements.

2. Administrative and National Policy Requirements: Interested parties should review the EMP regulations, which are available at the following URL address: *http://www.fas.usda.gov/mos/em-markets/em-markets.asp.*

3. Reporting. Quarterly progress reports for all programs 1 year or longer in duration are required. Projects of less than 1 year generally require a mid-term progress report. Final performance reports are due 90 days after completion of each project. Content requirements for both types of reports are contained in the Project Agreement. Final financial reports are also due 90 days after

completion of each project as attachments to the final reports. Please see 7 CFR part 1486 for additional reporting requirements.

VII. Agency Contact(s)

For additional information and assistance, contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture, Portals Office Building, Suite 400, 1250 Maryland Avenue, SW., Washington, DC 20024, or by phone: (202) 720–4327, or by fax: (202) 720–9361, or by e-mail: *podadmin@fas.usda.gov.*

Signed at Washington, DC, on May 4, 2010.

John D. Brewer,

Administrator, Foreign Agricultural Service and Vice President, Commodity Credit Corporation.

[FR Doc. 2010–11146 Filed 5–10–10; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Funds Availability: Inviting Applications for the Foreign Market Development Cooperator Program

Announcement Type: New.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.600.

SUMMARY: The Commodity Credit Corporation (CCC) announces that it is inviting proposals for the 2011 Foreign Market Development Cooperator (Cooperator) program. The intended effect of this notice is to solicit applications from eligible applicants and award funds in October 2010. The Cooperator program is administered by personnel of the Foreign Agricultural Service (FAS).

DATES: All applications must be received by 5 p.m. Eastern Daylight Time, June 11, 2010. Applications received after this date will not be considered.

FOR FURTHER INFORMATION CONTACT: Entities wishing to apply for funding assistance should contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, Portals Office Building, Suite 400, 1250 Maryland Avenue, SW., Washington, DC 20024, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by e-mail:* podadmin@fas.usda.gov. Information is also available on the FAS Web site at *http://www.fas.usda.gov/mos/programs/fmdprogram.asp.*

SUPPLEMENTARY INFORMATION:

I. Funding Opportunity Description

Authority: The Cooperator program is authorized by title VII of the Agricultural Trade Act of 1978, as amended. Cooperator program regulations appear at 7 CFR part 1484.

Purpose: The Cooperator program is designed to create, expand, and maintain foreign markets for U.S. agricultural commodities and products through cost-share assistance. Financial assistance under the Cooperator program will be made available on a competitive basis and applications will be reviewed against the evaluation criteria contained herein. All U.S. agricultural commodities, except tobacco, are eligible for consideration.

The FAS allocates funds in a manner that effectively supports the strategic decision-making initiatives of the Government Performance and Results Act (GPRA) of 1993 and the USDA's Food and Agricultural Policy (FAP). In deciding whether a proposed project will contribute to the effective creation, expansion, or maintenance of foreign markets, the FAS considers whether the applicant provides a clear, long-term agricultural trade strategy, and a program effectiveness time line against which results can be measured at specific intervals using quantifiable product or country goals. The FAS also considers the extent to which a proposed project targets markets with the greatest growth potential. These factors are part of the FAS resource allocation strategy to fund applicants who can demonstrate performance and address the objectives of the GPRA and FAP.

II. Award Information

Under the Cooperator program, the FAS enters into agreements with eligible nonprofit U.S. trade organizations to share the cost of certain overseas marketing and promotion activities. Funding priority is given to organizations that have the broadest possible producer representation of the commodity being promoted and that are nationwide in membership and scope. Cooperators may receive assistance only for generic activities that do not involve promotions targeted directly to consumers. The program generally operates on a reimbursement basis.

III. Eligibility Information

1. *Eligible Applicants:* To participate in the Cooperator program, an applicant must be a nonprofit U.S. agricultural trade organization.

2. *Cost Sharing:* To participate in the Cooperator program, an applicant must agree to contribute resources to its proposed promotional activities. The Cooperator program is intended to supplement, not supplant, the efforts of the U.S. private sector. The contribution must be at least 50 percent of the value of resources provided by CCC for activities conducted under the project agreement.

The degree of commitment of an applicant to the promotional strategies contained in its application, as represented by the agreed cost share contributions specified therein, is considered by the FAS when determining which applications will be approved for funding. Cost-share may be actual cash invested or in-kind contributions, such as professional staff time spent on design and execution of activities. The Cooperator program regulations, in sections 1484.50 and 1484.51, provide detailed discussion of eligible and ineligible cost-share contributions.

3. *Other:* Applications should include a justification for funding assistance from the program—an explanation as to what specifically could not be accomplished without federal funding assistance and why participating organization(s) are unlikely to carry out the project without such assistance.

IV. Application and Submission Information

1. *Address to Request Application Package:* Organizations are encouraged to submit their FMD applications to the FAS through the Unified Export Strategy (UES) application Internet Web site. The UES allows applicants to submit a single consolidated and strategically coordinated proposal that incorporates requests for funding and recommendations for virtually all of the FAS marketing programs, financial assistance programs, and market access programs. The suggested UES format encourages applicants to examine the constraints or barriers to trade that they face, identify activities that would help overcome such impediments, consider the entire pool of complementary marketing tools and program resources, and establish realistic export goals.

Applicants planning to use the Internet-based system must contact the FAS/Program Operations Division to obtain site access information. The Internet-based application may be found at the following URL address: *https://www.fas.usda.gov/ues/webapp/.*

The FAS highly recommends applying via the Internet-based application as this format virtually eliminates paperwork and expedites the FAS processing and review cycle. However, applicants also have the option of submitting an electronic

version of their application to FAS at *podadmin@fas.usda.gov.*

2. *Content and Form of Application Submission:* To be considered for the Cooperator program, an applicant must submit to the FAS information required by the Cooperator program regulations in section 1484.20. In addition, in accordance with the Office of Management and Budget's policy (68 FR 38402 (June 27, 2003)) regarding the need to identify entities that are receiving government awards, all applicants must submit a Dun and Bradstreet Data Universal Numbering System (DUNS) number. An applicant may request a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1–866–705–5711.

Incomplete applications and applications that do not otherwise conform to this announcement will not be accepted for review.

The FAS administers various other agricultural export assistance programs, including the Market Access Program (MAP), the Emerging Markets Program, the Quality Samples Program, and the Technical Assistance for Specialty Crops Program. Any organization that is not interested in applying for the Cooperator program but would like to request assistance through one of the other programs mentioned should contact the Program Operations Division.

3. *Submission Dates and Times:* All applications must be received by 5 p.m. Eastern Daylight Time, June 11, 2010. All Cooperator program applicants, regardless of the method of submitting an application, also must submit by the application deadline, an original signed certification statement as specified in 7 CFR section 1484.20(a)(14) to the following address: Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture at: Portals Office Building, Suite 400, 1250 Maryland Avenue, SW., Washington, DC 20024. Applications or certifications received after this date will not be considered.

4. *Funding Restrictions:* Certain types of expenses are not eligible for reimbursement by the program, and there are limits on other categories of expenses. CCC also will not reimburse unreasonable expenditures or expenditures made prior to approval. Full details are available in the Cooperator program regulations in sections 1484.54 and 1484.55.

V. Application Review Information

1. *Criteria and Review Process:* Following is a description of the FAS process for reviewing applications and the criteria for allocating available Cooperator program funds.

(1) Phase 1—Sufficiency Review and FAS Divisional Review

Applications received by the closing date will be reviewed by the FAS to determine the eligibility of the applicants and the completeness of the applications. These requirements appear at sections 1484.14 and 1484.20 of the Cooperator program regulations. Applications that meet the requirements then will be further evaluated by the appropriate Commodity Branch in the FAS' Cooperator Programs Division. The Commodity Branch will review each application against the criteria listed in sections 1484.21 and 1484.22 of the Cooperator program regulations. The purpose of this review is to identify meritorious proposals and to recommend an appropriate funding level for each application based upon these criteria.

(2) Phase 2—Competitive Review

Meritorious applications then will be passed on to the Office of the Deputy Administrator, Office of Trade Programs, for the purpose of allocating available funds among the applicants. Applicants will compete for funds on the basis of the following allocation criteria (the number in parentheses represents a percentage weight factor):

(a) Contribution Level (40)

- The applicant's 6-year average share (2006–2011) of all contributions (contributions may include cash and goods and services provided by U.S. entities in support of foreign market development activities) compared to;
- The applicant's 6-year average share (2006–2011) of all Cooperator marketing plan expenditures.

(b) Past Export Performance (20)

- The 6-year average share (2005–2010) of the value of exports promoted by the applicant compared to;
- The applicant's 6-year average share (2005–2010) of all Cooperator marketing plan expenditures plus a 6-year average share (2005–2010) of MAP expenditures, if any.

(c) Past Demand Expansion Performance (20)

- The 6-year average share (2005–2010) of the total value of world trade of the commodities promoted by the applicant compared to;
- The applicant's 6-year average share (2005–2010) of all Cooperator marketing plan expenditures plus a 6-year average share (2005–2010) of MAP expenditures, if any.

(d) Future Demand Expansion Goals (10)

- The projected total dollar value of world trade of the commodities being promoted by the applicant for the year 2016 compared to;
- The applicant's requested funding level.

(e) Accuracy of Past Demand Expansion Projections (10)

- The actual dollar value share of world trade of the commodities being promoted by the applicant for the year 2009 compared to;
- The applicant's past projected share of world trade of the commodities being promoted by the applicant for the year 2009, as specified in the 2006 Cooperator program application.

The Commodity Branches' recommended funding levels for each applicant are converted to percentages of the total Cooperator program funds available and then multiplied by each weight factor to determine the amount of funds allocated to each applicant.

2. *Anticipated Announcement Date:* Announcements of funding decisions for the Cooperator program are anticipated during October 2010.

VI. Award Administration Information

1. *Award Notices:* The FAS will notify each applicant in writing of the final disposition of its application. The FAS will send an approval letter and project agreement to each approved applicant. The approval letter and project agreement will specify the terms and conditions applicable to the project, including the levels of Cooperator program funding, and cost-share contribution requirements.

2. *Administrative and National Policy Requirements:* Interested parties should review the Cooperator program regulations, which are available at the following URL address: *http://www.fas.usda.gov/mos/programs/fmdprogram.asp* . Hard copies may be obtained by contacting the Program Operations Division.

3. *Reporting:* The FAS requires various reports and evaluations from Cooperators. Reporting requirements are detailed in the Cooperator program regulations in sections 1484.53, 1484.70, and 1484.72.

VII. Agency Contact(s)

For additional information and assistance, contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture.

Courier address: Portals Office Building, Suite 400, 1250 Maryland Avenue, SW., Washington, DC 20024, or by *phone:* (202) 720–4327, or by *fax:* (202) 720–9361, or by *e-mail: podadmin@fas.usda.gov.*

Signed at Washington, DC, on May 4, 2010.

John D. Brewer,

Administrator, Foreign Agricultural Service, and Vice President, Commodity Credit Corporation.

[FR Doc. 2010–11151 Filed 5–10–10; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Funds Availability: Inviting Applications for the Technical Assistance for Specialty Crops Program

Announcement Type: New.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.604.

SUMMARY: The Commodity Credit Corporation (CCC) announces that it is inviting proposals for the 2011 Technical Assistance for Specialty Crops (TASC) program. The intended effect of this notice is to solicit applications from the private sector and from government agencies for FY 2011 and award funds in October 2010. The TASC program is administered by personnel of the Foreign Agricultural Service (FAS).

DATES: *See* paragraph IV.3 below for a detailed description of relevant dates.

FOR FURTHER INFORMATION CONTACT: Entities wishing to apply for funding assistance should contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, Portals Office Building, Suite 400, 1250 Maryland Avenue, SW., Washington, DC 20024, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by e-mail: podadmin@fas.usda.gov.* Information is also available on the FAS Web site at *http://www.fas.usda.gov/mos/tasc/tasc.asp.*

SUPPLEMENTARY INFORMATION:

I. Funding Opportunity Description

Authority: The TASC program is authorized by section 3205 of Public Law 107–171. TASC regulations appear at 7 CFR part 1487.

Purpose: The TASC program is designed to assist U.S. organizations by providing funding for projects that address sanitary, phytosanitary, or related technical barriers that prohibit or threaten the export of U.S. specialty crops. U.S. specialty crops, for the purpose of the TASC program, are defined to include all cultivated plants, or the products thereof, produced in the United States, except wheat, feed grains, oilseeds, cotton, rice, peanuts, sugar, and tobacco.

As a general matter, TASC program projects should be designed to address the following criteria:

- Projects should address a sanitary, phytosanitary, or related technical barrier that prohibits or threatens the export of U.S. specialty crops;
- Projects should demonstrably benefit the represented industry rather than a specific company or brand; and
- Projects must address barriers to exports of commercially-available U.S. specialty crops for which barrier removal would predominantly benefit U.S. exports.

Examples of expenses that CCC may agree to reimburse under the TASC program include, but are not limited to: initial pre-clearance programs, export protocol and work plan support, seminars and workshops, study tours, field surveys, development of pest lists, pest and disease research, database development, reasonable logistical and administrative support, and travel and per diem expenses.

II. Award Information

In general, all qualified proposals received before the specified application deadlines will compete for funding. The limited funds and the range of barriers affecting the exports of U.S. specialty crops worldwide preclude CCC from approving large budgets for individual projects. Proposals requesting more than $500,000 in any given year will not be considered. Additionally, the maximum duration of an activity is five years.

Applicants may submit multiple proposals, and applicants with previously approved TASC proposals may apply for additional funding. The number of approved projects that a TASC participant can have underway at any given time is five. *Please see* 7 CFR part 1487 for additional restrictions.

FAS will consider providing either grant funds as direct assistance to U.S. organizations or technical assistance on behalf of U.S. organizations, provided that the organization submits timely and qualified proposals. FAS will review all proposals against the evaluation criteria contained in the program regulations.

Funding for successful proposals will be provided through specific agreements. These agreements will incorporate the proposal as approved by FAS. FAS must approve in advance any subsequent changes to the project. FAS or another Federal agency may be involved in the implementation of approved projects.

III. Eligibility Information

1. *Eligible Applicants:* Any U.S. organization, private or government, with a demonstrated role or interest in exporting U.S. agricultural commodities may apply to the program. Government organizations consist of Federal, State, and local agencies. Private organizations include non-profit trade associations, universities, agricultural cooperatives, state regional trade groups, and private companies.

Foreign organizations, whether government or private, may participate as third parties in activities carried out by U.S. organizations, but are not eligible for funding assistance from the program.

2. *Cost Sharing or Matching:* FAS considers the applicant's willingness to contribute resources, including cash, goods, and services of the U.S. industry and foreign third parties, when determining which proposals are approved for funding.

IV. Application and Submission Information

1. *Application through the Unified Export Strategy (UES):* Organizations are strongly encouraged to submit their applications to FAS through the UES application Internet website. Using the UES application process reduces paperwork and expedites FAS' processing and review cycle. Applicants planning to use the UES Internet-based system must contact FAS Program Operations Division to obtain site access information, including a user ID and password. The UES Internet-based application may be found at the following URL address: *https://www.fas.usda.gov/ues/webapp/.*

Although FAS highly recommends applying via the Internet-based UES application as this format virtually eliminates paperwork and expedites the FAS processing and review cycle. Applicants also have the option of submitting an electronic version to FAS at *podadmin@fas.usda.gov.*

2. *Content and Form of Application Submission:* All TASC proposals must contain complete information about the proposed projects as described in § 1487.5(b) of the TASC program regulations. In addition, in accordance with the Office of Management and Budget's policy directive (68 FR 38402 (June 27, 2003)) regarding the need to identify entities that are receiving government awards, all applicants must submit a Dun and Bradstreet Data Universal Numbering System (DUNS) number. An applicant may request a DUNS number at no cost by calling the dedicated toll-free DUNS number request line on 1–866–705–5711. Incomplete applications and applications that do not otherwise conform to this announcement will not be accepted for review.

3. *Submission Dates and Times:* TASC funding is limited, and in order to assure sufficient resources are available to meet unanticipated needs during the fiscal year, TASC proposals will, generally, only be evaluated on a semi-annual basis. That is:

- Proposals received prior to, but not later than, 5 p.m. Eastern Daylight Time, June 11, 2010, will be considered for funding with other proposals received by that date;
- Proposals not approved for funding during the review period will be reconsidered for funding after the review period only if the applicant specifically requests such reconsideration in writing, and only if funding remains available;
- Proposals received after 5 p.m. Eastern Daylight Time, June 11, 2010, will be considered for funding only if funding remains available.

Notwithstanding the foregoing, a proposal may be submitted for expedited consideration under the TASC Quick Response process if, in addition to meeting all requirements of the TASC program, a proposal clearly identifies a time-sensitive activity. In these cases, a proposal may be submitted at any time for an expedited evaluation.

FAS will track the time and date of receipt of all proposals.

4. *Funding Restrictions:* Although funded projects may take place in the United States or abroad all eligible projects must specifically address sanitary, phytosanitary, or technical barriers to the export of U.S. specialty crops.

Certain types of expenses are not eligible for reimbursement by the program, such as the costs of market research, advertising, or other promotional expenses, as set forth in the written program agreement between CCC and the participant. CCC will also not reimburse unreasonable expenditures or any expenditure made prior to approval of a proposal.

5. *Other Submission Requirements:* All Internet-based applications must be properly submitted by 5 p.m., Eastern Daylight Time, June 11, 2010, to be considered. All applications submitted by email must be received by 5 p.m. Eastern Daylight Time, June 11, 2010, at *podadmin@fas.usda.gov.*

V. Application Review Information

1. *Criteria:* FAS follows the evaluation criteria set forth in § 1487.6 of the TASC regulations.

2. *Review and Selection Process:* FAS will review proposals for eligibility and will evaluate each proposal against the criteria referred to above. The purpose of this review is to identify meritorious proposals, recommend an appropriate funding level for each proposal based upon these factors, and submit the proposals and funding recommendations to the Deputy Administrator, Office of Trade Programs. FAS may, when appropriate, request the assistance of other U.S. government subject area experts in evaluating the merits of a proposal.

VI. Award Administration Information

1. *Award Notices:* FAS will notify each applicant in writing of the final disposition of its application. FAS will send an approval letter and agreement to each approved applicant. The approval letter and agreement will specify the terms and conditions applicable to the project, including levels of funding, timelines for implementation, and written evaluation requirements.

2. *Administrative and National Policy Requirements:* The agreements will incorporate the details of each project as approved by FAS. Each agreement will identify terms and conditions pursuant to which CCC will reimburse certain costs of each project. Agreements will also outline the responsibilities of the participant. Interested parties should review the TASC program regulations found at 7 CFR part 1487 in addition to this announcement. TASC program regulations are available at the following URL address: *http:www.fas.usa.gov/mos/programs/TASC%201487%201–1–06.pdf.* Hard copies may be obtained by contacting the Program Operations Division at (202) 720–4327.

3. *Reporting:* TASC participants will be required to submit a written report(s), on not less than an annual basis, and a final report, each of which evaluates their TASC project using the performance measures presented in the approved proposal, as set forth in the written program agreement.

VII. Agency Contact

For additional information and assistance, contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture, Portals Office Building, Suite 400, 1250 Maryland Avenue, SW., Washington, DC 20024, or by *phone:* (202) 720–4327, or by *fax:* (202) 720–9361, or by *e-mail: podadmin@fas.usda.gov.*

Signed at Washington, DC, on May 4, 2010.

John D. Brewer,

Administrator, Foreign Agricultural Service, and Vice President, Commodity Credit Corporation.

[FR Doc. 2010–11150 Filed 5–10–10; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Funds Availability: Inviting Applications for the Market Access Program

Announcement Type: New.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.601.

SUMMARY: The Commodity Credit Corporation (CCC) announces that it is inviting proposals for the 2011 Market Access Program (MAP). The intended effect of this notice is to solicit applications from eligible applicants and award funds in October 2010. The MAP is administered by personnel of the Foreign Agricultural Service (FAS).

DATES: All applications must be received by 5 p.m. Eastern Daylight Time, June 11, 2010. Applications received after this date will not be considered.

FOR FURTHER INFORMATION CONTACT: Entities wishing to apply for funding assistance should contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, Portals Office Building, Suite 400, 1250 Maryland Avenue, SW., Washington, DC 20024, or by phone: (202) 720–4327, or by fax: (202) 720–9361, or by e-mail: *podadmin@fas.usda.gov.* Information is also available on the FAS Web site at *http://www.fas.usda.gov/mos/programs/map.asp.*

SUPPLEMENTARY INFORMATION:

I. Funding Opportunity Description

Authority: The MAP is authorized under Section 203 of the Agricultural Trade Act of 1978, as amended. MAP regulations appear at 7 CFR part 1485.

Purpose: The MAP is designed to create, expand, and maintain foreign markets for U.S. agricultural commodities and products through cost-share assistance. Financial assistance under the MAP will be made available on a competitive basis, and applications will be reviewed against the evaluation criteria contained herein and in the MAP regulations. All U.S. agricultural commodities, except tobacco, are eligible for consideration.

The FAS allocates funds in a manner that effectively supports the strategic

decision-making initiatives of the Government Performance and Results Act (GPRA) of 1993 and the USDA's Food and Agricultural Policy (FAP). In deciding whether a proposed project will contribute to the effective creation, expansion, or maintenance of foreign markets, the FAS considers whether the applicant provides a clear, long-term agricultural trade strategy and a program effectiveness time line against which results can be measured at specific intervals using quantifiable product or country goals. The FAS also considers the extent to which a proposed project targets markets with the greatest growth potential. These factors are part of the FAS resource allocation strategy to fund applicants who can demonstrate performance and address the objectives of the GPRA and FAP.

II. Award Information

Under the MAP, the CCC enters into agreements with eligible participants to share the cost of certain overseas marketing and promotion activities. MAP participants may receive assistance for generic or brand promotion activities. For generic activities, funding priority is given to organizations that have the broadest possible producer representation of the commodity being promoted and that are nationwide in membership and scope. Only non-profit U.S. agricultural trade organizations, nonprofit state regional trade groups (SRTGs), nonprofit U.S. agricultural cooperatives, and State agencies can participate directly in the brand program. The MAP generally operates on a reimbursement basis.

III. Eligibility Information

1. Eligible Applicants: To participate in the MAP, an applicant must be a nonprofit U.S. agricultural trade organization, a nonprofit SRTG, a nonprofit U.S. agricultural cooperative, or a State agency. A small-sized U.S. commercial entity may participate through a MAP participant.

2. Cost Sharing: To participate in the MAP, an applicant must agree to contribute resources to its proposed promotional activities. The MAP is intended to supplement, not supplant, the efforts of the U.S. private sector. In the case of generic promotion, the contribution must be at least 10 percent of the value of resources provided by CCC for such generic promotion. In the case of brand promotion, the contribution must be at least 50 percent of the total cost of such brand promotion.

The degree of commitment of an applicant to the promotional strategies contained in its application, as represented by the agreed cost share contributions specified therein, is considered by the FAS when determining which applications will be approved for funding. Cost-share may be actual cash invested or in-kind contributions, such as professional staff time spent on design and execution of activities. The MAP regulations, in section 1485.13(c), provide detailed discussion of eligible and ineligible cost-share contributions.

3. Other: Applications should include a justification for funding assistance from the program—an explanation as to what specifically could not be accomplished without federal funding assistance, and why participating organization(s) are unlikely to carry out the project without such assistance.

IV. Application and Submission Information

1. Address To Request Application Package: Organizations are encouraged to submit their MAP applications to FAS through the Unified Export Strategy (UES) application Internet Web site. The UES allows interested applicants to submit a single consolidated and strategically coordinated proposal that incorporates requests for funding and recommendations for virtually all of the FAS marketing programs, financial assistance programs, and market access programs. The suggested UES format encourages applicants to examine the constraints or barriers to trade that they face, identify activities that would help overcome such impediments, consider the entire pool of complementary marketing tools and program resources, and establish realistic export goals.

Applicants planning to use the Internet-based system must contact the FAS/Program Operations Division to obtain Web site access information. The Internet-based application may be found at the following URL address: *https://www.fas.usda.gov/ues/webapp/.*

The FAS highly recommends applying via the Internet-based application as this format virtually eliminates paperwork and expedites the FAS processing and review cycle. However, applicants also have the option of submitting an electronic version of their application to FAS at *podadmin@fas.usda.gov.*

2. Content and Form of Application Submission: To be considered for the MAP, an applicant must submit to the FAS information required by the MAP regulations in section 1485.13. In addition, in accordance with the Office of Management and Budget's policy (68 FR 38402 (June 27, 2003)) regarding the need to identify entities that are receiving government awards, all applicants must submit a Dun and Bradstreet Data Universal Numbering System (DUNS) number. An applicant may request a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1–866–705–5711.

Incomplete applications and applications that do not otherwise conform to this announcement will not be accepted for review.

The FAS administers various other agricultural export assistance programs including the Foreign Market Development Cooperator (Cooperator) program, the Emerging Markets Program, the Quality Samples Program, and the Technical Assistance for Specialty Crops program. Any organization that is not interested in applying for the MAP, but would like to request assistance through one of the other programs mentioned should contact the Program Operations Division.

3. Submission Dates and Times: All applications must be received by 5 p.m. Eastern Daylight Time, June 11, 2010. All MAP applicants, regardless of the method of submitting an application, must also submit by the application deadline, an original signed certification statement as specified in 7 CFR 1485.13(a)(2)(i)(G) at the following address: Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture at: Portals Office Building, Suite 400, 1250 Maryland Avenue, SW., Washington, DC 20024. Applications or certifications received after this date will not be considered.

4. Funding Restrictions: Certain types of expenses are not eligible for reimbursement by the program, and there are limits on other categories of expenses. CCC also will not reimburse unreasonable expenditures or expenditures made prior to approval. Full details are available in the MAP regulations in section 1485.16.

V. Application Review Information

1. Criteria and Review Process: Following is a description of the FAS process for reviewing applications and the criteria for allocating available MAP funds.

(1) Phase 1—Sufficiency Review and FAS Divisional Review:

Applications received by the closing date will be reviewed by the FAS to determine the eligibility of the applicants and the completeness of the applications. These requirements appear at sections 1485.12 and 1485.13 of the MAP regulations. Applications that meet the requirements then will be further evaluated by the appropriate

Commodity Branch in FAS' Cooperator Programs Division. The Commodity Branch will review each application against the criteria listed in section 1485.14 of the MAP regulations. The purpose of this review is to identify meritorious proposals and to recommend an appropriate funding level for each application based upon these criteria.

(2) Phase 2—Competitive Review:

Meritorious applications then will be passed on to the Office of the Deputy Administrator, Office of Trade Programs, for the purpose of allocating available funds among the applicants. Applicants will compete for funds on the basis of the following allocation criteria (the number in parentheses represents a percentage weight factor):

(a) Applicant's Contribution Level (40)

- The applicant's 4-year average share (2008–2011) of all contributions (cash and goods and services provided by U.S. entities in support of overseas marketing and promotion activities) compared to;
- The applicant's 4-year average share (2008–2011) of the funding level for all MAP participants.

(b) Past Performance (30)

- The 3-year average share (2007–2009) of the value of exports promoted by the applicant compared to;
- The applicant's 2-year average share (2009–2010) of the funding level for all MAP applicants plus, for those groups participating in the Cooperator program, the 2-year average share (2009–2010) of Cooperator marketing plan budgets.

(c) Projected Export Goals (15)

- The total dollar value of projected exports promoted by the applicant for 2011 compared to;
- The applicant's requested funding level;

(d) Accuracy of Past Projections (15)

- Actual exports for 2009 as reported in the 2011 MAP application compared to;
- Past projections of exports for 2009 as specified in the 2009 MAP application.

The Commodity Branches' recommended funding levels for each applicant are converted to percentages of the total MAP funds available and then multiplied by each weight factor as described above to determine the amount of funds allocated to each applicant.

2. Anticipated Announcement Date: Announcements of funding decisions for the MAP are anticipated during October 2010.

VI. Award Administration Information

1. Award Notices: The FAS will notify each applicant in writing of the final disposition of its application. The FAS will send an approval letter and program agreement to each approved applicant. The approval letter and program agreement will specify the terms and conditions applicable to the project, including the levels of MAP funding and cost-share contribution requirements.

2. Administrative and National Policy Requirements: Interested parties should review the MAP regulations, which are available at the following URL address: *http://www.fas.usda.gov/mos/programs/map.asp.* Hard copies may be obtained by contacting the Program Operations Division.

3. Reporting: The FAS requires various reports and evaluations from MAP participants. Reporting requirements are detailed in the MAP regulations in section 1485.20(b) and (c).

VII. Agency Contact(s)

For additional information and assistance, contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture at: Portals Office Building, Suite 400, 1250 Maryland Avenue, SW., Washington, DC 20024, or by phone: (202) 720–4327, or by fax: (202) 720–9361, or by e-mail: *podadmin@fas.usda.gov.*

Signed at Washington, DC, on May 4, 2010.

John D. Brewer,

Administrator, Foreign Agricultural Service, and Vice President, Commodity Credit Corporation.

[FR Doc. 2010–11148 Filed 5–10–10; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Proposed New Recreation Fee Site; Federal Lands Recreation Enhancement Act, (Title VIII, Pub. L. 108–447)

AGENCY: National Forests in Mississippi, Forest Service, USDA.

ACTION: Notice of proposed new recreation fee site.

SUMMARY: Chickasaw ATV Trail is located near Houston, MS. Currently, this trail is closed for reconstruction and is expected to open in November 2010. The site will contain 12 miles of reconstructed trail, an information board, toilet facility, and parking; and visitor security is provided. The Forest Service proposes to charge $10 per operator. A $60 annual pass will also be available for purchase by the public. This annual pass could be used for access to three other motorized trails in the National Forests in Mississippi and would be valid for 12 months. The fees listed are only proposed and will be determined upon further analysis and public comments. All funds received from these fees would be used for continued operation and maintenance of the facility and allow additional amenities to be added to enhance the recreational experience at the facility. Comparable recreational use fees are being proposed at other sites that provide similar recreational opportunities in Mississippi.

DATES: Comments will be accepted through November 1, 2010. Implementation of fees is proposed to take place in fiscal year 2011.

FOR FURTHER INFORMATION CONTACT: Jeff Gainey, Recreation Program Manager, 601–965–1617, National Forests in Mississippi, 100 West Capitol Street, Suite 1141, Jackson, MS 39269.

SUPPLEMENTARY INFORMATION: The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108–447) directed the Secretary of Agriculture to publish advance notice in the **Federal Register** whenever new recreation fee areas are established.

Dated: April 28, 2010.

Margrett L. Boley,

Forest Supervisor, National Forests in Mississippi.

[FR Doc. 2010–11041 Filed 5–10–10; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

Publication of OIG Updated Special Fraud Alert on Telemarketing by Durable Medical Equipment Suppliers

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Notice; correction.

SUMMARY: This document sets forth a correction to the OIG **Federal Register** notice published on January 10, 2010 (75 FR 2105), addressing our recently issued Updated Special Fraud Alert. Specifically, the Updated Special Fraud Alert addressed the statutory provision prohibiting durable medical equipment suppliers from making unsolicited telephone calls to Medicare beneficiaries regarding the furnishing of a covered item. An inadvertent error appeared on the heading line in section II of that document regarding the final issuance date of the notice. Accordingly, we are correcting that issuance date to

ensure technical correctness of that document.

FOR FURTHER INFORMATION CONTACT: James A. Cannatti III, Senior Counsel, Office of Counsel to the Inspector General, (202) 205–0007.

SUPPLEMENTARY INFORMATION: In our publication of the OIG Updated Special Fraud Alert on Telemarketing by Durable Medical Equipment Suppliers, an inadvertent error appeared on the heading for section II on page 2105 regarding the final issuance date of the Updated Special Fraud Alert. The heading incorrectly indicated the issuance date as November 2009. The correct issuance date of this Updated Special Fraud Alert should read as January 2010.

Dated: May 5, 2010.

Daniel R. Levinson,

Inspector General.

[FR Doc. 2010–11163 Filed 5–10–10; 8:45 am]

BILLING CODE 4152–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Florida Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Florida Advisory Committee (Committee) to the Commission will convene on Thursday, June 3, 2010, at 10 a.m. and adjourn at approximately 12 noon at Brevard Community College, Carver Administration Building 2, 1519 Clearlake Road, Cocoa, Florida. The purpose of the meeting is to discuss the Committee's report on school discipline and equal education opportunity for minority students.

The meeting is open to the public and members of the public are entitled to submit written comments. Comments must be received in the regional office by Friday, July 2, 2010. The address is Southern Regional Office, U.S. Commission on Civil Rights, 61 Forsyth St., SW., Suite 18T40, Atlanta, GA 30303. Persons wishing to e-mail their comments may do so to: *klee@usccr.gov.* Persons who desire additional information should contact Kalani Lee of the Southern Regional Office at (404) 562–7000 or 800–877–8339 for individuals who are deaf, hearing impaired, and/or have speech disabilities. Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Southern Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Southern Regional Office as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *http://www.usccr.gov,* or to contact the Southern Regional Office at the above e-mail or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated in Washington, DC, May 6, 2010.

Peter Minarik,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2010–11160 Filed 5–10–10; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Pacific Coast Groundfish Rationalization Social Study.

OMB Control Number: None.

Form Number(s): NA.

Type of Request: Regular submission.

Number of Respondents: 1,125.

Average Hours per Response: Surveys, 1 hour; unstructured interviews, 30 minutes; meetings, 1 hour.

Burden Hours: 1,104.

Needs and Uses: Historically, changes in fisheries management regulations have been shown to result in impacts to individuals within the fishery. An understanding of social impacts in fisheries—achieved through the collection of data on fishing communities, as well as on individuals who fish—is a requirement under several federal laws, such as described in the National Environmental Protection Act and the Magnuson Stevens Fishery Conservation Act (as amended 2007). The collection of this data not only helps to inform legal requirements for the existing management actions, but will inform future management actions requiring equivalent information.

Fisheries rationalization programs have an impact on those individuals participating in the affected fishery. The Pacific Fisheries Management Council is on track to implement a new rationalization program for the Pacific Coast Groundfish limited entry trawl fishery in January 2011. This research aims to study the individuals in the affected fishery both prior to and after the implementation of the rationalization program. The data collected will provide a baseline description of the industry as well as allow for analysis of changes the rationalization program may create for individuals in the fishery. The measurement of these changes will lead to a greater understanding of the social impacts the management measure may have on the individuals in the fishery. To achieve these goals it is critical to collect the necessary data prior to the implementation of the rationalization program for comparison to data collected after the management program has been implemented. This study will be inclusive of both a Phase 1 pre-implementation data collection effort, as well as a Phase 2, post-implementation data collection effort to achieve the stated objectives.

Affected Public: Business or other for-profit; individuals or households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov.*

Dated: May 6, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–11112 Filed 5–10–10; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Docket 47–2009]

Foreign–Trade Zone 121 - Albany, New York, Application for Expansion and Reorganization Under Alternative Site Framework, Amendment of Application

A request has been submitted to the Foreign–Trade Zones Board (the Board) by the Capital District Regional Planning Commission (CDRPC), grantee of FTZ 121, to amend its application to expand and reorganize FTZ 121 under the alternative site framework (ASF) adopted by the Board (74 FR 1170, 01/12/09; correction 74 FR 3987, 01/22/09).

CDRPC is now requesting to modify its application to combine previously proposed Sites 5 and 6 (with an expansion of the cumulative acreage by 163 acres) as follows: proposed Site 5, 1694 acres, Luther Forest–STEP, 10 Hermes Road, Malta, NY. The applicant proposes that Site 5 be subject to a seven-year "sunset" time limit, instead of the standard five-year "sunset" time limit that would otherwise apply to magnet sites under the ASF.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is June 10, 2010. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to June 25, 2010).

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign–Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the "Reading Room" section of the Board's website, which is accessible via www.trade.gov/ftz. For further information, contact Maureen Hinman at maureen.hinman@trade.gov or (202) 482–0627.

Dated: May 5, 2010.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2010–11167 Filed 5–10–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Docket 32–2010]

Foreign–Trade Zone 152 - Burns Harbor, Indiana, Application for Reorganization under Alternative Site Framework

An application has been submitted to the Foreign–Trade Zones (FTZ) Board (the Board) by the Ports of Indiana, grantee of Foreign–Trade Zone 152, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the Board (74 FR 1170, 1/12/09; correction 74 FR 3987, 1/22/09). The ASF is an option for grantees for the establishment or reorganization of general–purpose zones and can permit significantly greater flexibility in the designation of new "usage–driven" FTZ sites for operators/users located within a grantee's "service area" in the context of the Board's standard 2,000–acre activation limit for a general–purpose zone project. The application was submitted pursuant to the Foreign–Trade Zones Act, as amended (19 U.S.C. 81a–81u) and the regulations of the Board (15 CFR part 400). It was formally filed on May 4, 2010.

FTZ 152 was approved by the Board on December 9, 1988 (Board Order 393, 53 FR 52454, 12/28/88) and expanded on March 9, 1992 (Board Order 563, 57 FR 9103, 3/16/92) and September 16, 1993 (Board Order 654, 58 FR 50330, 9/27/93). The general–purpose zone currently consists of six sites in the Burns Harbor/Gary, Indiana area: *Site 1*: (533,288 sq. ft.) located at 201 Mississippi Street, within the Great Lakes Industrial Center, Gary (Lake County); *Site 2*: (441 acres) within the Port of Indiana/Burns International Harbor, Burns Harbor (Porter County); *Site 3*: (330 acres) within the Gary Regional Airport Complex located at 6001 West Industrial Highway, Gary (Lake County); *Site 4*: (50 acres) located at 700 Chase Street, Gary (Lake County) (expires 6/30/10); *Site 5*: (152,548 sq. ft.) located at 240 Waite Street, Gary (Lake County) (expires 9/1/10); and, *Site 6*: (277,455 sq. ft.) located at 425 W. 151st Street, East Chicago (Lake County), Indiana (expires 9/1/10). (An application is currently pending with the Board to include Sites 4 and 5 on a permanent basis and to reinstate 50 acres at Site 3 (Docket 56–2009)).

The grantee's proposed service area under the ASF would be Lake, Porter, La Porte, Newton, Jasper and Starke Counties, Indiana, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The proposed service area is within and adjacent to the Chicago Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize its existing zone project to include all of the existing sites as "magnet" sites. The ASF allows for the possible exemption of one magnet site from the "sunset" time limits that generally apply to sites under the ASF, and the applicant proposes that Site 2 be so exempted. No usage–driven sites are being requested at this time. Because the ASF only pertains to establishing or reorganizing a general–purpose zone, the application would have no impact on FTZ 152's authorized subzones.

In accordance with the Board's regulations, Claudia Hausler of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 12, 2010. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to July 26, 2010.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign–Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230–0002, and in the "Reading Room" section of the Board's website, which is accessible via www.trade.gov/ftz. For further information, contact Claudia Hausler at Claudia.Hausler@trade.gov or (202)482–1379.

Dated: May 4, 2010.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2010–11171 Filed 5–10–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–801]

Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Extension of Time Limit for Final Results of the Fifth New Shipper Review

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

DATES: *Effective Date:* May 11, 2010.

FOR FURTHER INFORMATION CONTACT: Javier Barrientos, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482–2243.

SUPPLEMENTARY INFORMATION:

Background

On January 19, 2010, the Department of Commerce ("Department") issued the preliminary results of the fifth new shipper review for the period August 1, 2008, through January 31, 2009. *See Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Preliminary Results of New Shipper Review*, 75 FR 4350 (January 29, 2010) ("*Preliminary Results*"). On February 12, 2010, the Department tolled administrative deadlines, including in the instant review, by one calendar week. *See* Tolling of Administrative Deadlines As a Result of the Government Closure during the Recent Snowstorm, dated February 12, 2010 ("Tolling Memo"). On February 16, 2010, the Department extended the deadlines for submission of surrogate value data, surrogate value rebuttal comments, case and rebuttal briefs. *See* Memorandum to the File, from Javier Barrientos, Senior Case Analyst, Certain Frozen Fish Fillets from the Socialist Republic of Vietnam, dated February 16, 2010. On March 4, 2010, the Department extended the deadlines for submission of case and rebuttal briefs. *See* Memorandum to the File, from Javier Barrientos, Senior Case Analyst, Certain Frozen Fish Fillets from the Socialist Republic of Vietnam, dated March 4, 2010. The final results are currently due on April 26, 2010 (inclusive of the seven day extension per the Tolling Memo).

Extension of Time Limits for Final Results

Section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended ("Act"), and 19 CFR 351.214(i)(1) require the Department to issue the final results in a new shipper review of an antidumping duty order 90 days after the date on which the preliminary results are issued. The Department may, however, extend the deadline for completion of the final results of a new shipper review to 150 days if it determines that the case is extraordinarily complicated. *See* section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i)(2).

The Department determines that this new shipper review involves extraordinarily complicated methodological issues and is extending the deadline because it needs more time to analyze additional data placed on the record following the *Preliminary Results*. This additional data presents a number of complex factual and legal questions with regard to issues of surrogate country selection and the surrogate value of whole fish. Thus, the Department requires additional time to analyze these data and address these circumstances in these reviews.

Accordingly, because the Department requires additional time to complete the final results, we are extending the time for the completion of the final results of this review by 30 days, from the date of the presently tolled due date of April 26, 2010, to May 26, 2010.

This notice is published in accordance with section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i)(2).

Dated: April 26, 2010.

Edward C. Yang,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–11165 Filed 5–10–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar from India: Partial Rescission of Antidumping Duty Administrative Review

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

EFFECTIVE DATE: May 11, 2010.

FOR FURTHER INFORMATION CONTACT: Seth Isenberg or Brandon Farlander, AD/CVD Operations, Office 1, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–0588 and (202) 482–0182, respectively.

SUPPLEMENTARY INFORMATION: On February 1, 2010, the Department issued a notice of opportunity to request an administrative review of this order for the period of review February 1, 2009, through January 31, 2010. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 75 FR 5037 (February 1, 2010). On February 24, 2010, Venus Wire Industries Pvt. Ltd. requested an administrative review of its entries that were subject to the antidumping duty order for this period. On February 26, 2010, the Department also received a request from domestic interested parties Carpenter Technology Corp.; Crucible Specialty Metals, a division of Crucible Materials Corp.; Electralloy Co., a G.O. Carlson, Inc. company; and Valbruna Slater Stainless, Inc. (collectively, "Petitioners"), for a review of Venus Wire Industries Pvt. Ltd., Facor Steels Ltd./Ferro Alloys Corporation, Ltd. ("Facor"), Mukand, Ltd. ("Mukand"), India Steel Works, Limited ("India Steel"), and their respective affiliates.

On March 30, 2010, the Department published the notice of initiation of this antidumping duty administrative review, covering Venus Wire Industries Pvt. Ltd/Precision Metals/Sieves Manufacturers (India) Private Limited, Facor, Mukand, and India Steel. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 75 FR 15679 (March 30, 2010).

On April 7, 2010, Petitioners withdrew their request for a review of India Steel.

Partial Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the party who requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. Because Petitioners withdrew their request for review of India Steel within the 90-day period and no other party requested a review of India Steel's entries, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review with respect to India Steel.

The Department intends to issue appropriate assessment instructions directly to the U.S. Customs and Border Protection ("CBP") 15 days after the publication of this notice. The Department will direct CBP to assess antidumping duties at the cash deposit rate in effect on the date of entry for entries of subject merchandise produced and/or exported by India Steel, during the period February 1, 2009, through January 31, 2010.

This notice is published in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: May 4, 2010.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–11168 Filed 5–10–10; 8:45 am]

BILLING CODE 3510–DS–S

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the "Corporation"), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, the Corporation is soliciting comments concerning its proposed collection request for the National Evaluation of School-Based Learn and Serve America Teacher Recruitment Process. The Teacher Recruitment Process will identify and recruit teachers for participation in the National Evaluation of School-Based Learn and Serve America. The sample of teachers for recruitment will be selected based on interviews with district administrators and school principals. Selection will be limited to teachers in schools that have implemented or are implementing Learn and Serve America funded service-learning programs. Teachers identified by administrators and principals as those that have implemented high quality service-learning projects will be asked to complete a Teacher Information Form, which will collect information on the types of courses in which teachers have and will implement service-learning projects and the extent to which past service-learning projects have incorporated standards for high quality service-learning. Participation in the information collection is voluntary and will not be used in grant funding decisions.

Copies of the information collection request can be obtained by contacting the office listed in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by July 12, 2010.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* Corporation for National and Community Service, Office of Research and Policy Development; Attention Kimberly Spring, Policy Analyst, Room 10906B; 1201 New York Avenue, NW., Washington, DC 20525.

(2) By hand delivery or by courier to the Corporation's mailroom at Room 8100 at the mail address given in paragraph (1) above, between 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

(3) *By fax to:* (202) 606–3464, Attention: Kimberly Spring, Policy Analyst.

(4) Electronically through the Corporation's e-mail address system: *kspring@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call (202) 606–3472 between 8:30 a.m. and 5 p.m. eastern time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Kimberly Spring, (202) 606–6629, or by e-mail at *kspring@cns.gov.*

SUPPLEMENTARY INFORMATION:

The Corporation is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submissions of responses).

Background:

The Corporation is implementing the National Evaluation of School-Based Learn and Serve America Program in response to the Edward M. Kennedy Serve America Act (H.R. 1288) legislative mandate to assess the impact of activities carried out under the Learn and Serve America Program. The Teacher Recruitment Process will be used to identify and recruit teachers to participate in the study. Teachers identified by administrators and principals from districts and schools that received Learn and Serve School-Based Formula grant funds as teachers that have implemented high quality service-learning projects will be asked to complete the survey. Survey response is voluntary. The information will be collected via in-person and telephone interviews.

Current Action:

This is a new information collection request. The Teacher Recruitment Process will collect information on the types of courses in which teachers have and will implement service-learning projects and the extent to which past service-learning projects have incorporated standards for high quality service-learning.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: National Evaluation of School-Based Learn and Serve America Program Teacher Recruitment Process.

OMB Number: None.

Agency Number: None.

Affected Public: Public school district administrators, principals, and teachers.

Total Respondents: 545.

Frequency: Once.

Average Time per Response: 1.3 hours.

Estimated Total Burden Hours: 702.5 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: May 4, 2010.

Nathan Dietz,

Research Associate/Statistician, Office of Research and Policy Development.

[FR Doc. 2010–11066 Filed 5–10–10; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2010–OS–0063]

Privacy Act of 1974; System of Records

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Defense Intelligence Agency is proposing to amend a system in its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on June 10, 2010 unless comments are received that would result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Theresa Lowery at (202) 231–1193.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the Defense Intelligence Agency, DAN 1–C, 200 MacDill Blvd., Washington, DC 20340–0001.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports.

Dated: May 5, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

LDIA 0011

SYSTEM NAME:

Student Information Files (October 13, 2009; 74 FR 52464)

CHANGES:

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington DC 20340–5100.

Individual should provide their full name, current address and telephone number."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340–5100.

Individual should provide their full name, current address and telephone number."

* * * * *

LDIA 0011

SYSTEM NAME:

Student Information Files.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former students of the National Defense Intelligence College.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth and Social Security Number (SSN), address, telephone number; information pertaining to personnel, past, present and projected assignments, educational background, academic/fitness reports, letters of course completion, rosters, grades and academic transcripts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

DoD Instruction 3305.01, Section 2161 of Title 10, United States Code, American Association of Collegiate Registrars and Admissions Officer publication Retention of Records Guide for Retention and Disposal of Student Records, Middle States Commission on Higher Education Association Characteristics of Excellence in Higher Education: Requirements of Affiliation and Standards of Accreditation, and E.O. 9397 (SSN), as amended.

PURPOSE(S):

This information is collected to provide data for managing the student population at the Defense College and for historical documentation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD "Blanket Routine Uses" set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

By last name.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information. Electronic records are maintained on a classified and password protected system.

RETENTION AND DISPOSAL:

Registration cards are held 2 years and then retired to the Washington National Records Center. They are destroyed when 25 years old.

SYSTEM MANAGER(S) AND ADDRESS:

President, National Defense Intelligence College, ATTN: MC, Washington, DC 20340–5100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340–5100.

Individuals should provide their full name, current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340–5100.

Individuals should provide their full name, current address and telephone number.

CONTESTING RECORD PROCEDURES:

DIAs rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Instruction 5400.001.

RECORD SOURCE CATEGORIES:

Individual, military service component, educational institutions, previous employees and other Federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2010–11035 Filed 5–10–10; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2010–OS–0064]

U.S. Court of Appeals for the Armed Forces Proposed Rules Changes

ACTION: Notice of proposed change to the Rules of Practice and Procedure of the United States Court of Appeals for the Armed Forces.

SUMMARY: This notice announces the following proposed change to Rule 30A(a) of the Rules of Practice and Procedure, United States Court of Appeals for the Armed Forces.

DATES: Comments on the proposed change must be received within 30 days of the date of this notice.

ADDRESSES: You may submit comments, identified by docket number and title by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, OSD Mailroom 3C843, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://regulations.gov* as they are received without change, including personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: William A. DeCicco, Clerk of the Court, telephone (202) 761–1448.

Dated: May 5, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Rule 30A(a)

Rule 30A(a) currently reads:

(a) General. The Court will normally not consider any facts outside of the record established at the trial and the Court of Criminal Appeals.

The proposed change to Rule 30A(a) would read:

(a) General. The Court will normally not consider any facts outside of the record established at the trial and the Court of Criminal Appeals. Requests to consider factual material that is not contained in the record shall be presented by a motion to supplement the record filed pursuant to Rule 30. The motion shall include statements explaining why the matter was not raised previously at trial or before the Court of Criminal Appeals and why it is appropriate to be considered for the first time in this Court. Motions filed pursuant to this Rule will be granted only for good cause shown.

Comment: The proposed change establishes a procedure for properly presenting a request to the Court to consider evidence that is not in the record. The rule requires a party to explain in a motion why the Court may consider the evidence although it was not considered previously and is not part of the record. The rule also contains a standard for granting motions under the rule.

[FR Doc. 2010–11036 Filed 5–10–10; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–367]

Application To Export Electric Energy; EDF Trading North America, LLC

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: EDF Trading North America, LLC (EDF) has applied for authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests, or requests to intervene must be submitted on or before June 10, 2010.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–586–8008).

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence (Program Office) 202–586–5260 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the FPA (16 U.S.C. 824a(e)).

On April 27, 2010, DOE received an application from EDF for authority to transmit electric energy from the United States to Canada as a power marketer using existing international transmission facilities for five years. EDF does not own any electric transmission facilities nor does it hold a franchised service area.

The electric energy that EDF proposes to export to Canada would be surplus energy purchased from electric utilities, Federal power marketing agencies and other entities within the United States. The existing international transmission facilities to be utilized by EDF have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to become a party to these proceedings or to be heard by filing comments or protests to this application should file a petition to intervene, comment, or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE on or before the date listed above.

Comments on the EDF application to export electric energy to Canada should be clearly marked with Docket No. EA–367. Additional copies are to be filed directly with Eric Dennison, General Counsel, EDF Trading North America, LLC, 4700 W. Sam Houston Parkway, N., Suite 250, Houston, TX 77041 and David J. Levine, McDermott Will &

Emery LLP, 600 13th Street, NW., Washington, DC 20005. A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://www.oe.energy.gov/permits_pending.htm,* or by e-mailing Odessa Hopkins at *Odessa.hopkins@hq.doe.gov.*

Issued in Washington, DC, on May 5, 2010.

Anthony J. Como,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2010–11131 Filed 5–10–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Implementing the National Broadband Plan by Empowering Consumers and the Smart Grid: Data Access, Third Party Use, and Privacy

AGENCY: Department of Energy.

ACTION: Request for Information.

SUMMARY: The Department of Energy (DOE) is seeking comments and information from interested parties to assist DOE in understanding current and potential practices and policies for the states and other entities [1] to empower consumers (and perhaps others) through access to detailed energy information in electronic form—including real-time information from smart meters, historical consumption data, and pricing and billing information. This request for information (RFI) asks interested parties, including industry, consumer groups and State governments, to report on State efforts to enact Smart Grid privacy and data collection policies. This RFI also seeks input regarding individual utility practices and policies regarding data access and collection; third party access to detailed energy information; and the role of the consumer in balancing the benefits of access and privacy. Finally, this RFI seeks comment on what policies and practices should guide policymakers in determining who can access consumers' energy information and under what conditions.

DATES: Comments must be postmarked by no later than July 12, 2010. Reply comments must be postmarked by no later than July 26, 2010.

ADDRESSES: *You may submit comments, identified by "NBP RFI: Data Access," by any of the following methods:*

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

E-mail: broadband@hq.doe.gov. Include "NBP RFI: Data Access" in the subject line of the message.

Mail: U.S. Department of Energy, Office of the General Counsel, 1000 Independence Avenue, SW., Room 6A245, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Maureen C. McLaughlin, Senior Legal Advisor to the General Counsel (202) 586–5281; *broadband@hq.doe.gov.*

For Media Inquires you may contact Jen Stutsman at 202–586–4940.

SUPPLEMENTARY INFORMATION:

Introduction

The promise [2] of the Smart Grid is enormous and includes improved reliability, flexibility and power quality, reduction in peak demand, reduction in transmission congestion costs, environmental benefits gained by increased asset utilization, increased security, increased energy efficiency and increased durability and ease of repair in response to attacks or natural disasters. But the Smart Grid also presents new challenges. In particular, many of its benefits could be reduced or delayed and avoidable harms caused unless the Smart Grid adequately respects consumers' reasonable—and often widely differing—expectations of privacy, expectations that could be compromised if detailed household energy consumption data is made too readily available, too inaccessible, or incorrectly anonymized. The Smart Grid is also likely to create a far more interactive relationship between utilities and consumers that will raise new questions about how to ensure that detailed energy data is properly collected, reported, managed, shared and disclosed in ways that are both lawful and adequately transparent to consumers.[3]

This RFI seeks to collect information and open a dialogue about the challenges inherent in empowering consumers, utilities, and third parties to realize the many potential benefits of the Smart Grid, while protecting reasonable consumer expectations of privacy and security, and ease-of-access and providing the flexibility to manage both.

In the context of the Smart Grid, privacy and access are not so much conflicting goals as they are complementary goods: the value of the Smart Grid to consumers, utilities, and third parties depends upon its capacity to encourage and accommodate unpredicted innovations while making usage data reasonably available to those who should have it and respecting consumers' reasonable interests in choosing how to balance the benefits of access against the protection of personal privacy and security. Only solutions that accommodate all of these critical values will maximize the value of the Smart Grid to consumers, utilities, third-party service providers and innovators, and State and Federal governments.

Background

In early 2009, Congress directed the Federal Communications Commission ("FCC") to create the recently released National Broadband Plan ("NBP").[4] As Congress instructed, the NBP makes recommendations to various government entities, including Executive Branch agencies like DOE. In particular, the NBP recommended that DOE should consider consumer data accessibility policies when evaluating Smart Grid grant applications, report on states' progress toward enacting consumer data accessibility policies, and develop best-practices guidance for the states.[5] More generally, the NBP's recommendations seek to modernize the electric grid with broadband by increasing reliability and efficiency, to unleash energy innovation in homes and buildings by making energy-usage data readily accessible to consumers, and to improve the energy efficiency and environmental impact of the Information and Communication Technologies (ICT) sector by integrating broadband into the developing Smart Grid.

These new recommendations recognize and build upon DOE's years

[1] *e.g.* municipalities, public power entities and electric cooperatives.

[2] A smart meter is a good example of an enabling Smart Grid technology that can empower both utilities and consumers to extract value from two-way communications and real-time access to usage data. Smart meters play an important role in the success of the Smart Grid because they can generate an array of useful data including historical energy consumption data, real-time data, and price-and-demand-response data.

[3] Dep't of Energy, *What the Smart Grid Means to Americans,* 2, 23 (Aug. 31, 2009), *available at http://www.oe.energy.gov/DocumentsandMedia/ConsumerAdvocates.pdf.*

[4] Fed. Commc'n Comm'n, *Connecting America: The National Broadband Plan, http://www.broadband.gov/plan/* (last visited Apr. 26, 2010).

[5] *Id.*

of ongoing efforts to assess, implement and deploy Smart Grid technologies. These ongoing efforts implement existing legislation intended to encourage the use of such technologies to attain greater energy independence and security.

The Energy Independence and Security Act (EISA) of 2007 established "modernization of the nation's electricity transmission and distribution system" as a U.S. policy goal.[6] Among other things, EISA directed DOE to establish a Smart Grid Task Force whose responsibilities include developing widely accepted smart-grid standards and protocols.[7] EISA also directed the National Institute of Standards and Technologies (NIST) to develop a framework of standards and protocols to ensure interoperability and security for the Smart Grid.[8] Once the Federal Energy Regulatory Commission (FERC) concludes that NIST has developed "sufficient consensus," EISA then directs FERC to "institute a rulemaking proceeding to adopt such standards and protocols as may be necessary to insure smart-grid functionality and interoperability in interstate transmission of electric power, and regional and wholesale electricity markets." [9] On July 16, 2009, FERC issued a Policy Statement on Smart Grid Policy, which acknowledged that EISA does not make any such standards mandatory and gave FERC no new authority to enforce such standards.[10] For more than two years, DOE–NIST–FERC coordination on these standards has been ongoing through the Federal Smart Grid Task Force, the EISA-mandated group that involves agencies from across the Federal government.[11]

Section 1307 of EISA also amended section 111(d) of the Public Utilities Regulatory Policy Act (PURPA) by adding two paragraphs regarding the Smart Grid, paragraphs 18 and 19 in 16 U.S.C. 2621(d).[12] As amended, PURPA requires states and other entities to decide whether to adopt a policy requiring its electric utilities to show why they did not invest in qualified smart grid technologies before investing in non-advanced grid technologies.[13] In addition, states and other entities must consider imposing requirements for information disclosure to customers and others regarding price, usage, intervals and projection, sources and customer access to their own electric consumption information at any time through the Internet or other means elected by the utility for Smart Grid applications. EISA requires that states and other entities make such decisions no later than 2 years after December 19, 2007.[14]

DOE's Preliminary Review of Some Ongoing Federal and State Efforts to Implement the Smart Grid-Related Obligations Imposed by EISA and PURPA

To advance its ongoing policies and programs, to implement certain recommendations in the NBP, and to focus this RFI, DOE initiated an informal, high-level review of the status of ongoing Federal, State, and private efforts to implement the Smart Grid related provisions of EISA and PURPA. Even this informal review reveals some of the important issues arising as Federal, State and private entities have begun developing, deploying, and implementing Smart Grid technologies. The following summary is intended to highlight a few of these issues.

Various entities are consulting an array of guidelines and principles when framing their approaches to access-and-privacy issues. For example, to further coordinate development of a framework to achieve interoperability of Smart Grid devices and systems, including protocols and model standards for information management, NIST released Draft Interagency Report 7628 (Feb. 2010)—Smart Grid Cyber Security: Strategy and Requirements.[15] This Draft NISTIR was developed by members of the Smart Grid Interoperability Panel-Cyber Security Working Group (SGIP–CSWG).[16] The Draft Report focuses on security and privacy, two areas that will be important to the success of Smart-Grid development, deployment and implementation.[17]

The SGIP–CSWG Privacy Sub-group conducted a high-level privacy impact assessment (PIA) for the consumer-to-utility portion of the Smart Grid and considered the privacy impacts and risks throughout the entire Smart Grid structure. While the evolving Smart Grid will provide enormous societal benefits including better asset utilization and grid reliability, it will also present potential privacy risks. The ability to access, analyze and respond to much more precise and detailed data from all levels of the electric grid is one of the major benefits of the Smart Grid, but those benefits could be lost or substantially delayed unless consumers recognize that Smart Grid technologies also respect their reasonable expectations of privacy and data security, particularly when usage data and data extrapolations can be associated with individual consumers or locations.[18] The PIA also noted that State utility commissions currently lack formal privacy policies or standards related to the Smart Grid, and that comprehensive and consistent definitions of privacy-affecting information with respect to the Smart Grid typically do not exist at State or Federal regulatory levels, or within the utility industry.[19]

As a result of the assessment, the Privacy Sub-group developed a preliminary set of privacy principles using the following sets of widely accepted privacy principles: The OECD Privacy Principles, the Generally Accepted Privacy Principles (GAPP), and principles from the international information security standard ISO/IEC 27001. The Sub-group considered these to be very general privacy principles designed to be applicable across a broad range of industries; they are not mandatory requirements.[20] These privacy principles are: Management and accountability; notice and purpose; choice and consent; collection and scope; use and retention; individual access; disclosure and limiting use; security and safeguards; accuracy and quality; and, openness, monitoring, and challenging compliance.[21]

Another potential framework for considering privacy and consumer security issues is the Fair Information Practice Principles (FIPPs) adopted by the U.S. Department of Homeland Security (DHS).[22] The FIPPs form the basis of the Department's privacy compliance policies and procedures governing the use of personally identifiable information (PII). These

[6] 42 U.S.C. 17381 (2010).

[7] *Id.* Section 17383.

[8] *Id.* Section 17385(a).

[9] *Id.*

[10] Smart Grid Policy Statement, 128 F.E.R.C. ¶ 61,337, at 61,060–359 (Jul. 16, 2009).

[11] *Cyber Security: Before the S. Comm. On Energy and Natural Resources,* 111th Cong. 1 (May 7, 2009) (Statement of Patricia Hoffman, Acting Assistant Secretary, Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy).

[12] Public Utilities Regulatory Policy Act of 1978, 16 U.S.C. 2621(d) (2010).

[13] *Id.* Section 2621(c)(16).

[14] *Id.* Section *2622*(b)(6).

[15] Cybersecurity Coordination Task Group, *Smart Grid Cyber Security Strategy and Requirements,* Draft NIST Report 7628 (Feb. 2010), available at *http://csrc.nist.gov/publications/drafts/nistir-7628/draft-nistir-7628_2nd-public-draft.pdf.*

[16] *Id.* at 3.

[17] *Id.* at 1.

[18] *Id.* at 8.

[19] *Id.* at 103.

[20] *Id.* at 104.

[21] *Id.* at 104–109.

[22] Cal. Pub. Util. Comm'n, *Order Instituting Rulemaking to Consider Smart Grid Technologies Pursuant to Federal Legislation and on the Commission's Own Motion to Actively Guide Policy in California's Development of a Smart Grid System,* Pub. Util. No. 08–12–009 (Dec. 18, 2009), available at *http://docs.cpuc.ca.gov/published/FINAL_DECISION/95608.htm.*

principles are: Transparency, Individual Participation, Purpose Specification, Data Minimization, Use Limitation, Data Quality and Integrity, Security, and Accountability and Auditing.[23]

The FIPPs are a widely accepted framework that implement the core provisions of the Privacy Act of 1974 and are mirrored in the laws of many U.S. states, as well as the laws of many foreign nations and international organizations.[24]

While Federal entities have been analyzing the privacy and security implications of the Smart Grid, State public utilities commissions have been conducting their own inquiries and rulemakings on consumer access to energy-usage data. For example, on December 29, 2009, the California Public Utilities Commission issued Decision 09–12–046, Decision Adopting Policies and Findings Pursuant to the Smart Grid Policies. [25]

The decision adopts policies for the three major investor-owned public utilities (SCE, PG&E, and SDG&E) on consumer access to usage and price information that will be available through California's Smart Grid infrastructure; these include a policy goal that SCE, PG&E, and SDG&E provide consumers with access to electricity price information by the end of 2010. The decision also requires that SCE, PG&E, and SDG&E provide consumers and third parties approved by consumers with collected usage data by the end of 2010, as well as requiring that SCE, PG&E and SDG&E provide those customers with smart meters and authorized third parties with access to usage data on a near real-time basis by the end of 2011.[26] The Commission held a separate workshop on March 19, 2010 to consider the best methods for providing access to electricity prices and usage data, due to the high level of interest in the proceeding.

In 2007, The Public Utility Commission of Texas adopted, among other things, a new rule that addressed the importance of balancing the interests of customers, Retail Electric Providers (REPs), and electric utilities, with respect to advanced metering. Texas consumers own all meter data, including data from advanced meters and meter information networks.[27] In March 2010, CenterPoint Energy and other Texas Utilities launched a Smart Meter Texas common portal and data repository to give consumers with smart meters more control over their electricity use. Consumers with installed smart meters can now view their electric usage history down to 15-minute intervals on the Internet. The Web portal was developed and is operated by IBM Corp.[28]

Pennsylvania enacted legislation requiring electric distribution companies with over 100,000 customers to file smart-meter-technology procurement and installation plans for approval by the Public Utility Commission.[29] The Pennsylvania Public Utilities Commission staff drafted a proposal for implementing Act 129 plans, including nondiscriminatory access to information by third parties.[30]

Finally, in 2000, the National Association of Regulatory Utility Commissioners (NARUC) adopted a resolution urging the adoption of general privacy principles for State commissions when assessing the privacy implications of third-party use of utility-customer information.[31] However, it does not appear that many State utility commissions have completed their assessments of access-and-privacy issues related to the Smart Grid.

All of these examples illustrate both common themes and variations in the approaches that numerous entities are taking to address the privacy and security issues inherent in the development, deployment, and implementation of Smart Grid technologies. As a result, DOE is publishing this RFI to seek broader public and private input on the privacy and security issues inherent in the development, deployment, and implementation of Smart Grid technologies. We seek comment on these specific approaches as well as information on additional approaches that are not listed here.

Request for Information

Smart Grid technologies should ensure that both states and consumers retain the flexibility to strike a range of reasonable compromises between the benefits of data collection and access, and the protection of personal privacy. As the California Public Utilities Commission noted in their December 2009 Decision, the availability of information on usage and prices in a consistent format can lead to energy management solutions that at this time we can only begin to imagine.[32]

Balancing these important interests remains an important challenge for Smart Grid development, deployment, and implementation processes. In this RFI, DOE thus seeks input on how to best achieve this desire to foster flexibility, innovation, and consumer privacy and choice.

In addition, DOE also seeks to promote the development of Smart Grid technologies in ways that accommodate both its important national and local implications. The Smart Grid will play a critical role in achieving national priorities like enabling new ways to enhance energy efficiency, enhancing national competitiveness, improving national security by increasing our energy independence, and developing sustainable, long-term energy strategies that protect our environment and economy. But flexibility to experiment is also one of the critical benefits arising from our dual system of Federal-State sovereignty. Federal law already recognizes that Smart Grid technologies implicate traditional State interests in autonomy, utilities-regulation and privacy-management. DOE thus seeks guidance on how to best balance the complementary private and public interests implicated by Smart Grid technologies.

Finally, this request for information seeks to survey whether and how the states are implementing these obligations; whether implementation efforts support the conclusion that the requirements set out in PURPA meet the current and potential needs of utilities, consumers, and third parties; what efforts are being made to implement these requirements; and whether patterns, common practices or consensuses emerge from analysis of

[23] Department of Homeland Security, *Privacy Policy Guidance Memorandum* 2008–01 (2008), *available at http://www.dhs.gov/xlibrary/assets/privacy/privacy_policyguide_2008–01.pdf.*

[24] *Id.* at 2.

[25] *Order Instituting Rulemaking to Consider Smart Grid Technologies Pursuant to Federal Legislation and on the Commission's Own Motion to Actively Guide Policy in California's Development of a Smart Grid System, http://docs.cpuc.ca.gov/published/FINAL_DECISION/95608.htm.*

[26] *Id.* at 3.

[27] Tex. Util. Code Ann. § 39.107(b) (Vernon Supp. 2009).

[28] Houston Business Journal, *CenterPoint, state launch Smart Meter portal,* March 22, 2010, *available* at *http://houston.bizjournals.com/houston/stories/2010/03/22/daily28.html.*

[29] Act 2008–129, 66 Pa. C.S. § 2807(f) (Nov. 14, 2008).

[30] Lisa Schwartz*, State Policies on Smart Grid,* (2009), *available at http://www.raponline.org/docs/RAP_Schwartz_StatePolicyonSmartGrid_2009_05_13.pdf.*

[31] National Association Of Regulatory Utility Commissioners, *Resolution Urging the Adoption of General Privacy Principles For State Commission Use in Considering the Privacy implications of the Use of Utility Customer Information, available at http://www.naruc.org/Resolutions/privacy_principles.pdf.*

[32] *Order Instituting Rulemaking to Consider Smart Grid Technologies Pursuant to Federal Legislation and on the Commission's Own Motion to Actively Guide Policy in California's Development of a Smart Grid System, http://docs.cpuc.ca.gov/published/FINAL_DECISION/95608.htm* at 4.1.2.

existing implementations of these requirements.

List of Questions for Commenters

The following list of questions represents a preliminary attempt to identify and respond to the issues that have been raised in a variety of public and private forums, including but limited to: DOE's historic investment in Smart Grid technology through the Smart Grid Investment Grants and the Smart Grid Demonstrations projects; Smart Grid Forum blog initiated by the Office of Science and Technology policy titled "Consumer Interface with the Smart Grid [33]"; and the National Broadband Plan regarding the Smart Grid and issues of data access and collection, third party access to detailed energy information, and privacy. This list is to assist in the formulation of comments and is not intended to restrict the issues that might be addressed in the comments.

In addressing these questions or others, commenters must also recognize that this RFI is intended to assist and inform DOE's efforts to address the aspects of these questions that most directly implicate the duties and responsibilities assigned by law to DOE and the Secretary of Energy. This qualification is important because the global concept of a Smart Grid inevitably implicates the jurisdiction and expertise of many other Federal agencies as evidenced in the composition of the Federal Smart Grid Task Force, not to mention Federal law enforcement agencies, and others. DOE fully intends to respect the jurisdiction and expertise of these and other Federal entities. Consequently, comments directed to matters deemed more relevant to the jurisdiction and expertise of other Federal entities will provide little assistance relevant to this RFI.

(1) Who owns energy consumption data?

(2) Who should be entitled to privacy protections relating to energy information?

(3) What, if any, privacy practices should be implemented in protecting energy information?

(4) Should consumers be able to opt in/opt out of smart meter deployment or have control over what information is shared with utilites or third parties?

(5) What mechanisms should be made available to consumers to report concerns or problems with the smart meters?

(6) How do policies and practices address the needs of different communities, especially low-income rate payers or consumers with low literacy or limited access to broadband technologies?

(7) Which, if any, international, Federal, or State data-privacy standards are most relevant to Smart-Grid development, deployment, and implementation?

(8) Which of the potentially relevant data privacy standards are best suited to provide a framework that will provide opportunities to experiment, rewards for successful innovators, and flexible protections that can accommodate widely varying reasonable consumer expectations?

(9) Because access and privacy are complementary goods, consumers are likely to have widely varying preferences about how closely they want to control and monitor third-party access to their energy information: what mechanisms exist that would empower consumers to make a range of reasonable choices when balancing the potential benefits and detriments of both privacy and access?

(10) What security architecture provisions should be built into Smart Grid technologies to protect consumer privacy?

(11) How can DOE best implement its mission and duties in the Smart Grid while respecting the jurisdiction and expertise of other Federal entities, states and localities?

(12) When, and through what mechanisms, should authorized agents of Federal, State, or local governments gain access to energy consumption data?

(13) What third parties, if any, should have access to energy information? How should interested third-parties be able to gain access to energy consumption data, and what standards, guidelines, or practices might best assist third parties in handling and protecting this data?

(14) What forms of energy information should consumers or third parties have access to?

(15) What types of personal energy information should consumers have access to in real-time, or near real-time?

(16) What steps have the states taken to implement Smart Grid privacy, data collection, and third party use of information policies?

(17) What steps have investor owned utilities, municipalities, public power entities, and electric cooperatives taken to implement Smart Grid privacy, data collection and third party use of information policies?

(18) Should DOE consider consumer data accessibility policies when evaluating future Smart Grid grant applications?

[33] TMCnet, Consumer Interface with the Smart Grid, *http://sip-trunking.tmcnet.com/news/2010/02/09/4613238.htm (last visited Apr. 27, 2010)*

Issued in Washington, DC on May 5, 2010.

Scott Blake Harris,

General Counsel.

[FR Doc. 2010–11127 Filed 5–10–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Implementing the National Broadband Plan by Studying the Communications Requirements of Electric Utilities To Inform Federal Smart Grid Policy

AGENCY: Department of Energy.

ACTION: Request for information (RFI).

SUMMARY: The Department of Energy (DOE) is seeking comments and information from interested parties to assist DOE in understanding the communications requirements of utilities, including, but not limited to, the requirements of the Smart Grid. This RFI also seeks to collect information about electricity infrastructure's current and projected communications requirements, as well as the types of networks and communications services that may be used for grid modernization. Specifically, DOE seeks information on what types of communications capabilities that the utilities think that they will need and what type of communications capabilities that the communications carriers think that they can provide.

DATES: Comments must be postmarked by no later than July 12, 2010. Reply comments must be postmarked by no later than July 26, 2010.

ADDRESSES: You may submit comments, identified by "NBP RFI: Communications Requirements," by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

E-mail: broadband@hq.doe.gov. Include "NBP RFI: Communications Requirements" in the subject line of the message.

Mail: U.S. Department of Energy, Office of the General Counsel, 1000 Independence Avenue, SW., Room 6A245, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Maureen C. McLaughlin, Senior Legal Advisor to the General Counsel (202) 586–5281; *broadband@hq.doe.gov.*

For Media Inquiries you may contact Jen Stutsman at 202–586–4940.

SUPPLEMENTARY INFORMATION:

Background

In early 2009, Congress directed the Federal Communications Commission (FCC) to create the recently released

National Broadband Plan (NBP).[1] As Congress instructed, the NBP makes recommendations to various government entities, including Executive Branch agencies like DOE. In particular, the NBP recommended that DOE, in collaboration with the FCC, should conduct a thorough study of the communications requirements of electric utilities, including, but not limited to, the requirements of the Smart Grid.[2] As the National Broadband Plan correctly notes, understanding the evolving communications requirements of electric utilities and other energy infrastructure entities will help in developing informed Smart Grid policies for the nation. Therefore, DOE seeks to collect information about current and projected communications requirements in sustaining and modernizing the grid, as well as the types of networks and communications services that may be used. Specifically, DOE seeks information on what types of communications capabilities that the utilities think that they will need and what type of communications capabilities that the communications carriers think that they can provide.

A Smart Grid uses information and communications technologies to improve the reliability, availability, and efficiency of the electric system. In Smart Grid projects today, these technologies are being applied to electric grid applications, involving devices at the consumer level through the transmission level, to make our electric system more responsive and more flexible.

The potential promises[3] of the Smart Grid include, improved reliability and power quality, reduction in peak demand, reduction in transmission congestion costs, the potential for increased energy efficiency, environmental benefits gained by increased asset utilization, increased security, ability to accommodate more renewable energy and increased durability and ease of repair in response to attacks or natural disasters.

But in order to provide these, and other, benefits that the Smart Grid can offer, utilities and other participants in the nation's electricity infrastructure need to employ adequate communications technologies that serve their needs from both a critical infrastructure and business standpoint. This RFI thus focuses on enhancing DOE's understanding of both what these needs are and how they might best be met.

This RFI seeks to create a dialogue that will help DOE study the communications requirements of electric utilities in order to better inform Federal Smart Grid policy.

The Smart Grid will have many new applications for consumers, retailers, utilities, and others, and it will be composed of several vast, developing, and interrelated systems. The communications requirements of these systems will be a critical component of both the Smart Grid and the other technologies that will evolve and change how electricity is produced, consumed, conserved and distributed. Moreover, just as there is no "one-size-fits-all" utility solution, illustrated by investor-owned, municipally-owned, and rural electric cooperatives—we also cannot expect any "one-size-fits-all" communications solution to accommodate all reasonable Smart Grid implementations and applications.

One of the key technology areas of the Smart Grid is integrated two-way communications, which make the Smart Grid a dynamic, interactive, real-time infrastructure. An open architecture creates a plug-and-play environment that securely networks grid components and operators, enabling them to talk, listen and interact.[4]

Request for information: DOE seeks information about current and projected communications needs for the Smart Grid from electric utilities, regional transmission operators and other interested parties, as well as the types of networks and communications services they use.

DOE recognizes that many communications and networking technologies can be used in Smart Grid applications, including, but not limited to: fiber optic; microwave; copper lines; satellite; broadband wireless; unlicensed wireless mesh; licensed point-to-point and point-to-multipoint, low latency wireless; Power Line Carrier and Broadband over Power Line; Internet; and, wired broadband. These and other networking technologies can be used by a variety of Smart Grid applications, including, but not limited to: Home Area Networks (HAN); Phasor Measurements and wide area situational awareness; Substation SCADA; Distributed Generation Monitoring and Control; Protective Relaying; Demand Response and Pricing; and Plug-in Electric Vehicles.

DOE also recognizes that while it may be possible to estimate the current required communications needs of the entities now deploying the Smart Grid, it may be unrealistic to precisely quantify their future communications needs, as the Smart Grid is not fully developed and its future requirements or applications may dramatically increase or change. Nevertheless, even unavoidable uncertainty should not deter either DOE, utilities or other interested parties from assessing both current communications needs and the best-available estimates of whether or how they may evolve.

For example, certain Smart Grid and demand response applications have been deployed by utilities for many years.[5] These applications use a variety of communications technologies, and these technologies may vary from implementation to implementation. These technologies have traditionally involved private networks. Utilities have cited higher rates of survivability following a natural disaster,[6] the ability to maintain service throughout a utility's service territory,[7] the lack of priority of services when outages occur,[8] and the cost of service[9] as reasons why commercial services cannot adequately replace private networks.

While it appears from comments filed with the FCC that many commenting utilities want to use private, non-commercial networking options, some utilities have also commented that dedicated utility spectrum may be beneficial, but perhaps not essential to continue current Smart Grid deployments like backhaul for meters in an AMI system.[10] One commenter

[1] Fed. Commc'n Comm'n, *The National Broadband Plan: Connecting America, http://www.broadband.gov* (last visited Apr. 26, 2010).

[2] *Id.* at Recommendation 12.6.

[3] A smart meter is a good example of an enabling Smart Grid technology that can empower both utilities and consumers to extract value from two-way communications and real-time access to usage data. Smart meters play an important role in the success of the Smart Grid because they can generate an array of useful data including historical energy consumption data, real-time data, convey pricing and control information, and enable a variety of demand response approaches to reduce peak load.

[4] Dep't of Energy, *What the Smart Grid Means to You and the People You Serve* (Aug. 31, 2009), *available at http://www.oe.energy.gov/DocumentsandMedia/Utilities.pdf.*

[5] Fed. Energy Regulatory Comm'n, *Assessment of Demand Response and Advanced Metering,* 8, 65 (Dec. 2008), *available at http://www.ferc.gov/legal/staff-reports/12–08-demand-response.pdf.*

[6] United Telecomm. Council, *Hurricanes of 2005: Performance of Gulf Coast Critical Infrastructure Communications Networks,* 2, 24 (Nov. 2006).

[7] S. Co. Serv. Inc., *Comments—National Broadband Plan Public Notice #2,* GN Docket No. 09–47, 09–51, and 09–137, 15, 21 (Oct. 2 2009).

[8] Util. Telecomm. Council, *Comments—National Broadband Plan Public Notice #2,* GN Docket No. 09–47, 09–51, and 09–137, 11, 24 (Oct. 2 2009).

[9] Sempra Energy Util., *Comments regarding the Implementation of Smart Grid Technology,* GN Docket No. 09–47, 09–51, and 09–137, 13, 22 (Oct. 2 2009).

[10] Util. Telecomm. Council, Comments in response to the National Broadband Plan Public

Continued

expressed the need for greater industry collaboration to build a better case for dedicated spectrum.[11]

Utilities have also expressed a need for dedicated spectrum for fast power restoration in an emergency or natural disaster, reliable service, and for protection from a cyber attack on the electric grid.[12] DOE thus seeks to better understand this need for dedicated spectrum; what compels the need for additional spectrum in addition to the increased amount of data that utilities are expected to handle as the deployment of Smart Grid applications multiplies.

List of Questions

The following list of questions represents a preliminary attempt to identify and respond to the issues that have been raised in the National Broadband Plan regarding the Smart Grid and DOE, as outlined in the summary of this Inquiry. This list of questions does not represent a determination of the final list of topics that should be addressed to best carry out the recommendations of the Plan. Rather, this list is intended only to assist in the formulation of comments—not to restrict the issues that might be addressed in the comments.

In addressing these questions or others, commenters must also recognize that this RFI is intended to assist and inform DOE's efforts to address the aspects of these questions that most directly implicate the duties and responsibilities assigned by law to DOE and the Secretary of Energy. This qualification is important because all interstate information technologies, including the Smart Grid, inevitably implicate the jurisdiction and expertise of the States and many other federal agencies—a few of the most obvious examples include federal law-enforcement agencies, the Department of Homeland Security, and the FCC. DOE fully intends to respect the jurisdiction and expertise of these and other governmental entities. Consequently, comments directed to matters deemed more relevant to the jurisdiction and expertise of other governmental entities will provide little assistance relevant to this RFI.

(1) What are the current and future communications needs of utilities, including for the deployment of new Smart Grid applications, and how are these needs being met?

(2) What are the basic requirements, such as security, bandwidth, reliability, coverage, latency, and backup, for smart grid communications and electric utility communications systems in general—today and tomorrow? How do these requirements impact the utilities' communication needs?

(3) What are other additional considerations (*e.g.* terrain, foliage, customer density and size of service territory)?

(4) What are the use cases for various smart grid applications and other communications needs?

(5) What are the technology options for smart grid and other utility communications?

(6) What are the recommendations for meeting current and future utility requirements, based on each use case, the technology options that are available, and other considerations?

(7) To what extent can existing commercial networks satisfy the utilities' communications needs?

(8) What, if any, improvements to the commercial networks can be made to satisfy the utilities' communications needs?

(9) As the Smart Grid grows and expands, how do the electric utilities foresee their communications requirements as growing and adapting along with the expansion of Smart Grid applications?

Issued in Washington, DC, on May 5, 2010.

Scott Blake Harris,

General Counsel.

[FR Doc. 2010–11129 Filed 5–10–10; 8:45 am]

BILLING CODE 6450–01–P

Notice #2, GN Docket No. 09–47, 09–51, and 09–137, 3, 24 (Oct. 2 2009); Nat'l Rural Elec. Coop. Ass'n, Comments in response to the National Broadband Plan Public Notice #2, GN Docket No. 09–47, 09–51, and 09–137, 12, 14 (Oct. 2 2009).

[11] S. Co. Serv., Comments in response to the National Broadband Plan Public Notice #2, GN Docket No. 09–47, 09–51, and 09–137, 15, 21 (Oct. 2 2009).

[12] Nat'l Ass'n of Regulatory Util. Comm'rs, Comments in response to the National Broadband Plan Public Notice #2, GN Docket No. 09–47, 09–51, and 09–137, 3, 11 (Oct. 2 2009).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12731–004]

Natural Currents Energy Services, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

April 30, 2010.

On March 2, 2010, and revised on April 7, 2010, Natural Currents Energy Services, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Angoon Kootznahoo—Killisnoo Tidal Energy Project, located in Kootznahoo Inlet on the western shore of Admiralty Island, near the City of Angoon in the Skagway-Hoonah-Angoon Census Area of southeastern Alaska. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would include two developments; a 200-kilowatt-(kW) development in Kootznahoo Inlet and a 200-kW-development at Killisnoo Island. Each development would consist of: (1) A moored test platform or dock, or underwater tethering device, pending evaluation of specific site conditions; (2) eight 25-kW Red Hawk in-stream turbine modules with a total generating capacity of 200 kW; (3) an approximately 650-foot-long, 480-volt underwater transmission line connecting the Red Hawk modules to an existing above-ground local distribution system; and (4) appurtenant facilities. The project would have a total installed capacity of 400 kW and an estimated average annual generation of 1,600 megawatt-hours.

Applicant Contact: Roger Bason, President, Natural Currents Energy Services, LLC, 24 Roxanne Boulevard, Highland, NY 12528; phone: (845) 691-4008.

FERC Contact: Jennifer Harper, (202) 502–6136.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov/docs-filing/ferconline.asp*) under the "eFiling" link. For a simpler method of submitting text only comments, click on "Quick Comment." For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov;* call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and eight copies to: Kimberly D.

Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–12731) in the docket number field to access the document. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–11108 Filed 5–10–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

May 3, 2010.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG10–37–000.

Applicants: TX Solar I LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of TX Solar I LLC.

Filed Date: 04/30/2010.

Accession Number: 20100430–5151.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER01–1699–010.

Applicants: Pilot Power Group, Inc.

Description: Pilot Power Group, Inc submits a request for Category 1 Seller Status Classification Pursuant to Order No. 697 etc.

Filed Date: 04/30/2010.

Accession Number: 20100430–0238.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–720–002.

Applicants: Northeastern Power Company.

Description: Northeastern Power Company's Refund Report.

Filed Date: 05/03/2010.

Accession Number: 20100503–5074.

Comment Date: 5 p.m. Eastern Time on Monday, May 24, 2010.

Docket Numbers: ER10–1127–001.

Applicants: Florida Power Corporation.

Description: Florida Power Corp submits correction to Amendment to the Cost-Based Sales Agreement with City of Mount Dora, FL.

Filed Date: 04/30/2010.

Accession Number: 20100430–0237.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1139–000.

Applicants: Ameren Energy Marketing Company.

Description: Ameren Energy Marketing Company submits tariff filing per 35.12: Ameren Energy Marketing Company Market Based Rate Schedule to be effective 4/30/2010.

Filed Date: 04/30/2010.

Accession Number: 20100430–5071.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1141–000.

Applicants: Ameren Energy Generating Company.

Description: Ameren Energy Generating Company submits tariff filing per 35.12: Ameren Energy Generating Company General Tariff to be effective 5/3/2010.

Filed Date: 04/30/2010.

Accession Number: 20100430–5099.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1142–000.

Applicants: FirstEnergy Generation Corp.

Description: FirstEnergy Generation Corp. submits tariff filing per 35.12: Market-Based Power Sales tariff to be effective 4/1/2010.

Filed Date: 04/30/2010.

Accession Number: 20100430–5109.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1143–000.

Applicants: PECO Energy Company.

Description: PECO Energy Company submits tariff filing per 35.12: PECO Energy Company MBR to be effective 4/30/2010.

Filed Date: 04/30/2010.

Accession Number: 20100430–5110.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1144–000.

Applicants: Exelon Generation Company, LLC.

Description: Exelon Generation Company, LLC submits tariff filing per 35.12: Exelon Generation, LLC Vol 1 to be effective 4/30/2010.

Filed Date: 04/30/2010.

Accession Number: 20100430–5111.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1145–000.

Applicants: Exelon Generation Company, LLC.

Description: Exelon Generation Company, LLC submits tariff filing per 35.12: Exelon Generation, LLC Vol 2 to be effective 4/30/2010.

Filed Date: 04/30/2010.

Accession Number: 20100430–5113.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1146–000.

Applicants: New England Power Pool.

Description: New England Power Pool Participants Committee submits transmittal letter along with counterpart signature pages of the NEPOOL Agreement, dated as of 9/1/71.

Filed Date: 04/30/2010.

Accession Number: 20100430–0254.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1147–000.

Applicants: PJM Interconnection, LLC.

Description: PJM Interconnection, LLC submits an executed interconnection service agreement entered into among PJM et al.

Filed Date: 04/30/2010.

Accession Number: 20100430–0255.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1149–000.

Applicants: Florida Power & Light Company.

Description: Florida Power and Light Company submits revised tariff sheets for their Open Access Transmission Tariff.

Filed Date: 04/30/2010.

Accession Number: 20100430–0224.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1151–000.

Applicants: AmerenEnergy Resources Generating Company.

Description: AmerenEnergy Resources Generating Company submits tariff filing per 35.12: AmerenEnergy Resources Generating Company General Tariff to be effective 5/3/2010.

Filed Date: 04/30/2010.

Accession Number: 20100430–5277.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1152–000.

Applicants: PJM Interconnection, LLC.

Description: Allegheny Power submits FERC Electric Tariff, Sixth Revised Volume No. 1.

Filed Date: 04/30/2010.

Accession Number: 20100430–0239.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1153–000.

Applicants: Consolidated Edison Company of New York.

Description: Consolidated Edison Co of New York, Inc submits an amendment to the Delivery Service Rate Schedule No. 96.

Filed Date: 04/30/2010.

Accession Number: 20100430–0244.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1154–000.

Applicants: Buy Energy Direct, LLC.

Description: Buy Energy Direct, LLC submits a Petition for Acceptance of Initial Rate Schedule, Waivers and Blanket Authority.

Filed Date: 04/30/2010.

Accession Number: 20100430–0243.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1155–000.

Applicants: PacifiCorp.

Description: PacifiCorp submits updated Exhibit 1 to First Revised Rate Schedule No. 302 etc.

Filed Date: 04/30/2010.

Accession Number: 20100430–0242.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1156–000.

Applicants: Conectiv Delmarva Generation, Inc.

Description: Conectiv Delmarva Generation, Inc submits the proposed FERC Electric Tariff, Original Volume No. 2.

Filed Date: 04/30/2010.

Accession Number: 20100430–0241.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1157–000.

Applicants: Duke Energy Carolinas, LLC.

Description: Duke Energy Carolinas, LLC submits Network Integration Transmission Service Agreements.

Filed Date: 04/30/2010.

Accession Number: 20100430–0240.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1158–000.

Applicants: PacifiCorp.

Description: PacifiCorp submits Interim Interconnection Agreement etc.

Filed Date: 04/30/2010.

Accession Number: 20100430–0245.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1159–000.

Applicants: San Diego Gas & Electric Company.

Description: San Diego Gas & Electric Company submits tariff filing per 35.12: San Diego Gas & Electric Company Transmission Owner Tariff Volume No. 11 to be effective 5/3/2010.

Filed Date: 05/03/2010.

Accession Number: 20100503–5005.

Comment Date: 5 p.m. Eastern Time on Monday, May 24, 2010.

Docket Numbers: ER10–1168–000.

Applicants: San Diego Gas & Electric Company.

Description: San Diego Gas & Electric Company submits tariff filing per 35.12: San Diego Gas & Electric Company Market Based Rate Tariff, Volume No. 10 to be effective 5/3/2010.

Filed Date: 05/03/2010.

Accession Number: 20100503–5006.

Comment Date: 5 p.m. Eastern Time on Monday, May 24, 2010.

Docket Numbers: ER10–1169–000.

Applicants: San Diego Gas & Electric Company.

Description: San Diego Gas & Electric Company submits tariff filing per 35.12: San Diego Gas & Electric Company Wholesale Distribution Access Tariff, Volume 6 to be effective 5/3/2010.

Filed Date: 05/03/2010.

Accession Number: 20100503–5007.

Comment Date: 5 p.m. Eastern Time on Monday, May 24, 2010.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES10–39–000.

Applicants: PHI Service Company.

Description: Application of PHI Service Company.

Filed Date: 04/30/2010.

Accession Number: 20100430–5339.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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 dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–11090 Filed 5–10–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

April 30, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP09–428–003.

Applicants: ANR Pipeline Company.

Description: ANR Pipeline Company submits Sub First Revised Sheet 10A *et al.* to FERC Gas Tariff, Second Revised Volume 1.

Filed Date: 04/21/2010.

Accession Number: 20100422–0205.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Docket Numbers: RP05–164–016.

Applicants: Equitrans, L.P.

Description: Equitans, LP submits the Annual Gather Rate Compliance Filing.

Filed Date: 04/27/2010.

Accession Number: 20100427–0208.

Comment Date: 5 p.m. Eastern Time on Monday, May 10, 2010.

Docket Numbers: RP10–451–001.

Applicants: ANR Pipeline Company.

Description: ANR Pipeline Company submits their Third Revised Sheet 10A to FERC gas tariff, Second Revised Volume 1, to be effective 5/1/10.

Filed Date: 04/28/2010.

Accession Number: 20100429–0205.

Comment Date: 5 p.m. Eastern Time on Monday, May 10, 2010.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of

Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed on or before 5 p.m. Eastern time on the specified *Comment Date.* Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests 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 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,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–11121 Filed 5–10–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

April 29, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–652–000.

Applicants: Dominion South Pipeline Company, LP.

Description: Dominion South Pipeline Company, LP submits tariff filing per 154.203: DSP 4–28–10 Baseline Filing to be effective 4/28/2010.

Filed Date: 04/28/2010.

Accession Number: 20100428–5038.

Comment Date: 5 p.m. Eastern Time on Monday, May 10, 2010.

Docket Numbers: RP10–653–000.

Applicants: Discovery Gas Transmission LLC.

Description: Discovery Gas Transmission LLC Cash-out Report for 2009.

Filed Date: 04/27/2010.

Accession Number: 20100427–5175.

Comment Date: 5 p.m. Eastern Time on Monday, May 10, 2010.

Docket Numbers: RP10–654–000.

Applicants: Equitrans, L.P.

Description: Equitrans, LP submits Second Revised Sheet 319 to be effective 5/1/2010.

Filed Date: 04/28/2010.

Accession Number: 20100428–0206.

Comment Date: 5 p.m. Eastern Time on Monday, May 10, 2010.

Docket Numbers: RP10–655–000.

Applicants: Natural Gas Pipeline Company of America LLC.

Description: Natural Gas Pipeline Company of America LLC submits an amendment to an existing Transportation Rate Schedule FTS Agreement with a negotiated rate exhibit with EDF Trading North America, LLC.

Filed Date: 04/28/2010

Accession Number: 20100428–0211.

Comment Date: 5 p.m. Eastern Time on Monday, May 10, 2010.

Docket Numbers: RP10–656–000.

Applicants: Natural Gas Pipeline Company of America LLC.

Description: Natural Gas Pipeline Company of America LLC submits First Revised Sheet 34.F et al to FERC Gas Tariff, Seventh Revised Volume 1 to be effective 5/1/10.

Filed Date: 04/28/2010.

Accession Number: 20100428–0212.

Comment Date: 5 p.m. Eastern Time on Monday, May 10, 2010.

Docket Numbers: RP10–657–000.

Applicants: Gulfstream Natural Gas System, L.L.C.

Description: Gulfstream Natural Gas Systems, LLC submits First Revised Sheet 8A et al to FERC Gas Tariff, Original Volume 1 to be effective 5/28/10.

Filed Date: 04/28/2010.

Accession Number: 20100428–0214.

Comment Date: 5 p.m. Eastern Time on Monday, May 10, 2010.

Docket Numbers: RP10–658–000.

Applicants: ANR Storage Company.

Description: ANR Storage Company submits tariff filing per 154.203: Baseline Filing to be effective 4/28/2010.

Filed Date: 04/28/2010.

Accession Number: 20100428–5140.

Comment Date: 5 p.m. Eastern Time on Monday, May 10, 2010.

Docket Numbers: RP10–659–000.

Applicants: Northwest Pipeline GP.

Description: Northwest Pipeline GP submits Tenth Revised Sheet 396 et al to FERC Gas Tariff, Fourth Revised Volume 1 to be effective 5/28/10.

Filed Date: 04/28/2010.

Accession Number: 20100428–0215.

Comment Date: 5 p.m. Eastern Time on Monday, May 10, 2010.

Docket Numbers: RP10–660–000.

Applicants: North Baja Pipeline, LLC.

Description: North Baja Pipeline, LLC submits tariff filing per 154.203: Baseline Filing to be effective 4/28/2010.

Filed Date: 04/28/2010.

Accession Number: 20100428–5149.

Comment Date: 5 p.m. Eastern Time on Monday, May 10, 2010.

Docket Numbers: RP10–661–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: Transcontinental Gas Pipe Line Company, LLC submits Second revised Sheet 6 et al to FERC Gas Tariff, Fourth Revised Volume 1, to be effective 5/29/10.

Filed Date: 04/28/2010.

Accession Number: 20100428–0216.

Comment Date: 5 p.m. Eastern Time on Monday, May 10, 2010.

Docket Numbers: RP10–662–000.

Applicants: Cameron Interstate Pipeline, LLC.

Description: Report of Cameron Interstate Pipeline, LLC, regarding Annual Reports of Interruptible Transportation Revenue Sharing and Penalty Sharing, report submitted April 28, 2010, for calendar year 2009.

Filed Date: 04/28/2010.

Accession Number: 20100428–5167.

Comment Date: 5 p.m. Eastern Time on Monday, May 10, 2010.

Docket Numbers: RP10–663–000.

Applicants: Wyoming Interstate Company LLC.

Description: Wyoming Interstate Company LLC submits tariff filing per 154.203: Baseline to be effective 5/1/2010.

Filed Date: 04/28/2010.

Accession Number: 20100428–5178.

Comment Date: 5 p.m. Eastern Time on Monday, May 10, 2010.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference

to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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 dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–11120 Filed 5–10–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No 2

May 5, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–578–001.

Applicants: Gulf Crossing Pipeline Company LLC.

Description: Gulf Crossing Pipeline Company, LLC submits a replacement amendment to a negotiated rate letter agreement.

Filed Date: 04/29/2010.

Accession Number: 20100430–0205.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 11, 2010.

Docket Numbers: RP10–446–001.

Applicants: Guardian Pipeline, L.L.C.

Description: Guardian Pipeline, LLC submits Second Revised Sheet 5.02 et al. effective 6/1/10.

Filed Date: 04/30/2010.

Accession Number: 20100430–0228.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–502–001.

Applicants: Northern Natural Gas Company.

Description: Northern Natural Gas Company submits Sub. Third Revised Sheet 510 of its FERC Gas tariff, Revised Volume 1.

Filed Date: 04/30/2010.

Accession Number: 20100430–0226.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–652–001.

Applicants: Dominion South Pipeline Company, LP.

Description: Dominion South Pipeline Company, LP submits tariff filing per 154.203: DSP 4–30–10 RTF Fix to be effective 4/28/2010.

Filed Date: 04/30/2010.

Accession Number: 20100430–5041.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–401–002.

Applicants: Columbia Gas Transmission, LLC.

Description: Columbia Gas Transmission, LLC's Report on Operational Need for Millennium FT–1 Capacity.

Filed Date: 05/03/2010.

Accession Number: 20100503–5150.

Comment Date: 5 p.m. Eastern Time on Monday, May 17, 2010.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests 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 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,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–11119 Filed 5–10–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

April 28, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–645–000.

Applicants: El Paso Natural Gas Company.

Description: El Paso Natural Gas Company submits tariff filing per 154.203: Baseline to be effective 5/1/2010.

Filed Date: 04/27/2010.

Accession Number: 20100427–5063.

Comment Date: 5 p.m. Eastern Time on Monday, May 10, 2010.

Docket Numbers: RP10–646–000.

Applicants: Black Marlin Pipeline Company.

Description: Annual Cash-Out Form of Black Marlin Pipeline Company.

Filed Date: 04/27/2010.

Accession Number: 20100427–5113.

Comment Date: 5 p.m. Eastern Time on Monday, May 10, 2010.

Docket Numbers: RP10–647–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits capacity release agreement containing negotiated rate provisions by Gulf South and Texla Energy Management Inc.

Filed Date: 04/27/2010.

Accession Number: 20100427–0207.

Comment Date: 5 p.m. Eastern Time on Monday, May 10, 2010.

Docket Numbers: RP10–648–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Co, LP submits Second Revised Sheet No. 1401 et al to FERC Gas Tariff, Sixth Revised Volume No. 1, to be effective 5/26/10.

Filed Date: 04/27/2010.
Accession Number: 20100427–0209.
Comment Date: 5 pm Eastern Time on Monday, May 10, 2010.

Docket Numbers: RP10–649–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP sub.mits Fourth Revised Sheet 11 et al of its FERC Gas Tariff, Sixth Revised Volume 1, to be effective 5/27/2010.
Filed Date: 04/27/2010.
Accession Number: 20100427–0210.
Comment Date: 5 pm Eastern Time on Monday, May 10, 2010.

Docket Numbers: RP10–650–000.
Applicants: Transwestern Pipeline Company, LLC.
Description: Transwestern Pipeline Company, LLC submits Seventh Revised Sheet No. 15 FERC Gas Tariff, Third Revised Volume No. 1, to be effective 5/28/10.
Filed Date: 04/27/2010.
Accession Number: 20100427–0211.
Comment Date: 5 pm Eastern Time on Monday, May 10, 2010.

Docket Numbers: RP10–651–000.
Applicants: Elba Express Company, LLC.
Description: Elba Express Company, LLC submits its baseline version of its FERC Gas Tariff, First Revised Volume 1, to be effective 4/28/2010.
Filed Date: 04/28/2010.
Accession Number: 20100428–5006.
Comment Date: 5 pm Eastern Time on Monday, May 10, 2010.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and § 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–11124 Filed 5–10–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

May 5, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–705–000.
Applicants: Northern Natural Gas Company.
Description: Northern Natural Gas Company submits Thirty Sixth Revised Sheet No 54 *et al* to FERC Gas Tariff, Fifth Revised Volume No 1, to be effective 11/1/10.
Filed Date: 05/03/2010.
Accession Number: 20100503–0227.
Comment Date: 5 p.m. Eastern Time on Monday, May 17, 2010.

Docket Numbers: RP10–706–000.
Applicants: Mojave Pipeline Company.
Description: Mojave Pipeline Company submits Fourth Revised Sheet 1 *et al* to FERC Electric Tariff, Second Revised Volume 1 to be effective 6/3/10.
Filed Date: 05/03/2010.
Accession Number: 20100504–0211.
Comment Date: 5 p.m. Eastern Time on Monday, May 17, 2010.

Docket Numbers: RP10–707–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: Gulf Crossing Pipeline Company, LLC submits capacity release agreement containing negotiated rate provisions with Tenaska Marketing Ventures.
Filed Date: 05/03/2010.
Accession Number: 20100504–0202.
Comment Date: 5 p.m. Eastern Time on Monday, May 17, 2010.

Docket Numbers: RP10–708–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits capacity release agreement containing rate provisions with Texla Energy Management, Inc.
Filed Date: 05/03/2010.
Accession Number: 20100504–0201.
Comment Date: 5 p.m. Eastern Time on Monday, May 17, 2010.

Docket Numbers: RP10–709–000.
Applicants: National Fuel Gas Supply Corporation.
Description: National Fuel Gas Supply Corporation submits Nineteenth Revised Sheet 478 to FERC Gas Tariff, Fourth Revised Volume 1 to be effective 6/3/10.
Filed Date: 05/04/2010.
Accession Number: 20100504–0217.
Comment Date: 5 p.m. Eastern Time on Monday, May 17, 2010.

Docket Numbers: RP10–710–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits capacity release agreement containing negotiated rate provisions with Texla Energy Management, Inc.
Filed Date: 05/04/2010.
Accession Number: 20100504–0216.
Comment Date: 5 p.m. Eastern Time on Monday, May 17, 2010.

Docket Numbers: RP10–711–000.
Applicants: Cameron Interstate Pipeline, LLC.
Description: Cameron Interstate Pipeline, LLC Submits Annual Report of Operational Imbalances and Cash-out Activity.
Filed Date: 05/03/2010.
Accession Number: 20100503–5157.
Comment Date: 5 p.m. Eastern Time on Monday, May 17, 2010.

Docket Numbers: RP10–712–000.
Applicants: Eastern Shore Natural Gas Company.
Description: Eastern Shore Natural Gas Company 2009–2010 IT Revenue Sharing Report.
Filed Date: 04/30/2010.
Accession Number: 20100430–5500.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Any person desiring to intervene or to protest in any of the above proceedings

must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and.385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–11123 Filed 5–10–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Monday, May 3, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–664–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits capacity release agreement containing negotiated rate provisions.
Filed Date: 04/29/2010.
Accession Number: 20100429–0255.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 11, 2010.

Docket Numbers: RP10–665–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits the Negotiated Rate Capacity Release Agreement.
Filed Date: 04/29/2010.
Accession Number: 20100429–0254.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 11, 2010.

Docket Numbers: RP10–666–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: Gulf Crossing Pipeline Company LLC submits tariff filing per 154.202: Baseline to be effective 4/30/2010.
Filed Date: 04/30/2010.
Accession Number: 20100430–5028.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–667–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits capacity release agreement containing negotiated rate provisions by Gulf South and Trexla Energy Management, Inc.
Filed Date: 04/29/2010.
Accession Number: 20100430–0204.
Comment Date: 5 p.m. Eastern Time on Tuesday, May 11, 2010.

Docket Numbers: RP10–668–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: NJR negotiated rate, to be effective 5/1/2010.
Filed Date: 04/30/2010.
Accession Number: 20100430–5093.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–669–000.
Applicants: Kinder Morgan Illinois Pipeline LLC.
Description: Kinder Morgan Illinois Pipeline LLC submits tariff filing per 154.203: Baseline Filing to be effective 4/30/2010.
Filed Date: 04/30/2010.
Accession Number: 20100430–5194.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–670–000.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Company 2009 Operational Purchases and Sales Report.
Filed Date: 04/30/2010.
Accession Number: 20100430–5218.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–671–000.
Applicants: Northern Border Pipeline Company.
Description: Northern Border Pipeline Company 2009 Operational Purchases and Sales Report.
Filed Date: 04/30/2010.
Accession Number: 20100430–5226.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–672–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: Midcontinent Express Pipeline LLC submits a Negotiated Rate Filing.
Filed Date: 04/30/2010.
Accession Number: 20100430–0260.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–673–000.
Applicants: Cheyenne Plains Gas Pipeline Company LLC.
Description: Cheyenne Plains Gas Pipeline Company, LLC submits Tenth Revised Sheet 20 to its FERC Gas Tariff, original Volume 1.
Filed Date: 04/30/2010.
Accession Number: 20100430–0227.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–674–000.
Applicants: Natural Gas Pipeline Company of America.
Description: Natural Gas Pipeline Company submits an amendment to an existing negotiated rate storage Rate Schedule DDS agreement with Interstate Power and Light Company.
Filed Date: 04/30/2010.
Accession Number: 20100430–0229.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–675–000.
Applicants: Natural Gas Pipeline Company of America.
Description: Natural Gas Pipeline Company of America LLC submits Original Sheet 35C.15 and Negotiated rate Filing.

Filed Date: 04/30/2010.
Accession Number: 20100430–0231.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–676–000.
Applicants: Natural Gas Pipeline Company of America.
Description: Natural Gas Pipeline Company submits an amendment to an existing negotiated rate exhibit to an existing maximum recourse rate Storage Rate Schedule NSS Agreement.
Filed Date: 04/30/2010.
Accession Number: 20100430–0232.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–677–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: NJNG negotiated rate to be effective 5/1/2010.
Filed Date: 04/30/2010.
Accession Number: 20100430–5288.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–678–000.
Applicants: Vector Pipeline L.P.
Description: Vector Pipeline LP submits Third Revised Sheet no. 4 et al to FERC Gas Tariff, Original Volume No. 1 to be effective 6/1/10.
Filed Date: 04/30/2010.
Accession Number: 20100430–0235.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–679–000.
Applicants: Trunkline Gas Company, LLC.
Description: Trunkline Gas Company, LLC submits Fifth Revised Sheet 29 et al to FERC Gas Tariff, Third Revised Volume 1, to be effective 5/1/10.
Filed Date: 04/30/2010.
Accession Number: 20100430–0230.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–680–000.
Applicants: Panhandle Eastern Pipe Line Company, LP.
Description: Panhandle Eastern Pipe Line Company, LP submits its Annual Report of Flow Through of Penalty revenues.
Filed Date: 04/30/2010.
Accession Number: 20100430–0233.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–681–000.
Applicants: Panhandle Eastern Pipe Line Company, LP.
Description: Panhandle Eastern Pipe Line Company, LP submits their Annual Flow Through of Cash-Out Revenues.
Filed Date: 04/30/2010.
Accession Number: 20100430–0234.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–682–000.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Co submits the Annual Cashout Surcharge, Fifty-Third Revised Sheet No. 17 to FERC Gas Tariff, Second Revised Volume No. 1.
Filed Date: 04/30/2010.
Accession Number: 20100430–0258.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–683–000.
Applicants: Panhandle Eastern Pipe Line Company, LP.
Description: Panhandle Eastern Pipe Line Company, LP submits Third Revised Sheet No. 3A et al to FERC Gas Tariff, Third Revised Volume No. 1, to be effective 6/1/10.
Filed Date: 04/30/2010.
Accession Number: 20100430–0236.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–685–000.
Applicants: National Fuel Gas Supply Corporation.
Description: Natural Fuel Gas Supply Corporation submits the 135th Revised Sheet 9 et al to FERC Gas Tariff, Fourth Revised Volume 1, to be effective 5/1/10.
Filed Date: 04/30/2010.
Accession Number: 20100430–0256.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–686–000.
Applicants: Wyoming Interstate Company, LLC.
Description: Wyoming Interstate Company, LLC submits tariff filing per 154.403(d)(2): Quarterly Recomputation of Fuel and L&U Percentages to be effective 6/1/201.
Filed Date: 04/30/2010.
Accession Number: 20100430–5305.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–687–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: Midcontinent Express Pipeline LLC submits Second Revised Sheet 8 et al, to be effective 6/1/2010.
Filed Date: 04/30/2010.
Accession Number: 20100430–0259.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–689–000.
Applicants: Colorado Interstate Gas Company.
Description: Colorado Interstate Gas Company submits Eighteenth Revised Sheet 1 et al to FERC Gas Tariff, First Revised Volume 1, to be effective 6/1/10.
Filed Date: 04/30/2010.
Accession Number: 20100503–0215.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–690–000.
Applicants: Guardian Pipeline, LLC.
Description: Guardian Pipeline, LLC submits Fifth Revised Sheet 8 to FERC Gas Tariff, Original Volume 1, to be effective 6/1/10.
Filed Date: 04/30/2010.
Accession Number: 20100503–0204.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–691–000.
Applicants: Northern Natural Gas Company.
Description: Northern Natural Gas Company submits the Sixth Revised Sheet 66B.01b et al to FERC Gas Tariff, Fifth Revised Volume 1, to be effective 5/1/10.
Filed Date: 04/30/2010.
Accession Number: 20100503–0205.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–692–000.
Applicants: Quest Pipelines (KPC).
Description: Quest Pipelines (KPC) submits First Revised Sheet No 182 to its FERC Gas Tariff, Second Revised Volume No 1, to be effective 6/1/10.
Filed Date: 04/30/2010.
Accession Number: 20100503–0208.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–693–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: Florida Gas Transmission Company, LLC submits the Third Revised Sheet 2 et al to FERC Gas Tariff, Fourth Revised Volume 2 et al, to be effective 6/1/10.
Filed Date: 04/30/2010.
Accession Number: 20100503–0209.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–694–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: Florida Gas Transmission Company, LLC submits the Second Revised Sheet 5 and 6 to FERC Gas Tariff, Fourth Revised Volume 1, to be effective 6/1/10.
Filed Date: 04/30/2010.
Accession Number: 20100503–0203.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–695–000.
Applicants: Trunkline Gas Company, LLC.
Description: Trunkline Gas Company, LLC submits Fifth Revised Sheet No. 6 et al to FERC Gas Tariff, Third Revised Volume No. 1, to be effective 6/1/10.
Filed Date: 04/30/2010.

Accession Number: 20100503–0210.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–696–000.
Applicants: Sea Robin Pipeline Company, LLC.
Description: Sea Robin Pipeline Company, LLC submits the Fifth Revised Sheet 4 to FERC Gas Tariff, Second Revised Volume 1, to be effective 6/1/10.
Filed Date: 04/30/2010.
Accession Number: 20100503–0211.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–697–000.
Applicants: Questar Overthrust Pipeline Company.
Description: Questar Overthrust Pipeline Company submits Second Revised Sheet No 3 to FERC Gas Tariff, Second Revised Volume No 1–A, to be effective 6/1/10.
Filed Date: 04/30/2010.
Accession Number: 20100503–0212.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–698–000.
Applicants: White River Hub, LLC.
Description: White River Hub, LLC submits the Second Revised Sheet 4 to FERC Gas Tariff, Original Volume 1, to be effective 6/1/10.
Filed Date: 04/30/2010.
Accession Number: 20100503–0213.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–699–000.
Applicants: Equitrans, L.P.
Description: Equitrans, LP submits the Twenty-Ninth Revised Sheet 5 to FERC Gas Tariff, Original Volume 1, to be effective 6/1/10.
Filed Date: 04/30/2010.
Accession Number: 20100503–0214.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–700–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: Gulf Crossing Pipeline Company submits amendment to negotiated rate letter agreement.
Filed Date: 04/30/2010.
Accession Number: 20100503–0206.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–701–000.
Applicants: Williston Basin Interstate Pipeline Co.
Description: Williston Basin Interstate Pipeline Company submits the Twentieth Revised Sheet 5 to FERC Gas Tariff, second revised Volume 1.
Filed Date: 04/30/2010.
Accession Number: 20100503–0207.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–702–000.
Applicants: Gulfstream Natural Gas System, LLC.
Description: Gulfstream Natural Gas System, LLC submits Twelfth Revised Sheet 7 to FERC Gas Tariff, Original Volume 1, to be effective 6/1/10.
Filed Date: 04/30/2010.
Accession Number: 20100503–0230.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–703–000.
Applicants: CenterPoint Energy Gas Transmission Co.
Description: CenterPoint Energy Gas Transmission Company submits amended negotiated rate agreement with Chesapeake Energy Marketing, Inc.
Filed Date: 04/30/2010.
Accession Number: 20100503–0231.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Docket Numbers: RP10–704–000.
Applicants: Southeast Supply Header, LLC.
Description: Southeast Supply Header, LLC submits First Revised Sheet 13 to FERC Gas Tariff, Original Volume 1 to be effective 6/1/10.
Filed Date: 04/30/2010.
Accession Number: 20100503–0232.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 12, 2010.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–11122 Filed 5–10–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

April 30, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER99–2287–006; ER03–802–008; ER08–401–003; ER08–1385–002.

Applicants: Black Hills Power, Inc., Black Hills/Colorado Electric Utility Co, Cheyenne Light Fuel & Power Company, Black Hills Wyoming, LLC

Description: Notification of Change in Status of Black Hills Power, Inc., *et al.*

Filed Date: 04/30/2010.

Accession Number: 20100430–5117.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER09–882–001.

Applicants: Entergy Arkansas, Inc.

Description: Compliance Refund Report of Entergy Services, Inc.

Filed Date: 04/28/2010.

Accession Number: 20100428–5062.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 19, 2010.

Docket Numbers: ER10–716–001.

Applicants: Algonquin Power Windsor Locks LLC.

Description: Algonquin Power Windsor Locks LLC submits its Application for Order Accepting Rates for Filing and Granting Waivers and Blanket Approvals, as supplemented on 3/15/2010.

Filed Date: 04/30/2010.
Accession Number: 20100430–0053.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Docket Numbers: ER10–844–001.
Applicants: Tampa Electric Company.
Description: Amendatory filing by Tampa Electric Company of service agreement under cost-based power sales tariff.
Filed Date: 04/28/2010.
Accession Number: 20100430–0216.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 19, 2010.

Docket Numbers: ER10–848–001.
Applicants: Tampa Electric Company.
Description: Amendatory filing by Tampa Electric Company of service agreement under cost-based power sales tariff. Volume II of II.
Filed Date: 04/28/2010.
Accession Number: 20100429–0206.
Comment Date: 5 p.m. Eastern Time on Wednesday, May 19, 2010.

Docket Numbers: ER10–989–001.
Applicants: DTE East China, LLC.
Description: DTE East China, LLC submits a replacement Cost-Based Ceiling Tariff Sheet with revised designations to comply with Commission Order 614.
Filed Date: 04/29/2010.
Accession Number: 20100429–0246.
Comment Date: 5 p.m. Eastern Time on Thursday, May 20, 2010.

Docket Numbers: ER10–1125–000.
Applicants: Tampa Electric Company.
Description: Tampa Electric Co. submits Ninth Revised Sheet No. 70 *et al* to FERC No. 62.
Filed Date: 04/29/2010.
Accession Number: 20100429–0249.
Comment Date: 5 p.m. Eastern Time on Thursday, May 20, 2010.

Docket Numbers: ER10–1126–000.
Applicants: Tampa Electric Company.
Description: Tampa Electric Co. submits Ninth Revised Sheet No. 118 for inclusion in Second Revised Rate Schedule No. 49.
Filed Date: 04/29/2010.
Accession Number: 20100429–0248.
Comment Date: 5 p.m. Eastern Time on Thursday, May 20, 2010.

Docket Numbers: ER10–1127–000.
Applicants: Florida Power Corporation.
Description: Florida Power Corp submits an amendment to Cost-Based Power Sales Agreement with the City of Mount Dora, FL.
Filed Date: 04/29/2010.
Accession Number: 20100429–0253.
Comment Date: 5 p.m. Eastern Time on Thursday, May 20, 2010.

Docket Numbers: ER10–1129–000; ER10–1130–000; ER10–1131–000.
Applicants: U.S. Gas & Electric, Inc., Energy Services Providers, Inc., ESPI New England, Inc.
Description: US Gas and Electric, Inc. et al submit an application for Market-Based Rate Authority etc.
Filed Date: 04/29/2010.
Accession Number: 20100429–0247.
Comment Date: 5 p.m. Eastern Time on Thursday, May 20, 2010.

Docket Numbers: ER10–1132–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc submits Facilities Construction Agreement etc.
Filed Date: 04/29/2010.
Accession Number: 20100429–0245.
Comment Date: 5 p.m. Eastern Time on Thursday, May 20, 2010.

Docket Numbers: ER10–1133–000.
Applicants: Tampa Electric Company.
Description: Tampa Electric Co. submits revised rate sheet for inclusion in the rate schedules.
Filed Date: 04/29/2010.
Accession Number: 20100429–0250.
Comment Date: 5 p.m. Eastern Time on Thursday, May 20, 2010.

Docket Numbers: ER10–1134–000.
Applicants: Consolidated Edison Company of New York, Inc.
Description: Consolidated Edison Company of New York, Inc. submits amendment to Con Edison's Delivery rate Schedule 96 and amendments to Con Edison's Economic Development Delivery Service Rate Schedule, FERC Rate Schedule 96.
Filed Date: 04/29/2010.
Accession Number: 20100429–0244.
Comment Date: 5 p.m. Eastern Time on Thursday, May 20, 2010.

Docket Numbers: ER10–1135–000.
Applicants: Consolidated Edison Company of New York, Inc.
Description: Consolidated Edison Company of New York, Inc submits a Memorandum of Understanding among Entergy Nuclear Indian Point 2, LLC et al. dated 4/1/2010.
Filed Date: 04/29/2010.
Accession Number: 20100429–0256.
Comment Date: 5 p.m. Eastern Time on Thursday, May 20, 2010.

Docket Numbers: ER10–1136–000.
Applicants: Oklahoma Gas and Electric Company.
Description: Oklahoma Gas and Electric Company submit notice of cancellation of the First Revised Service Agreement No 43 to FERC Electric Tariff, Fifth Revised Volume No 2 with the City of Geary Oklahoma Utilities Authority.
Filed Date: 04/29/2010.
Accession Number: 20100430–0203.
Comment Date: 5 p.m. Eastern Time on Thursday, May 20, 2010.

Docket Numbers: ER10–1137–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, LLC submits revisions to Sections 1.10.8, et al of Schedule 1 of the Amended and Restated Operating Agreement etc, effective 6/28/10.
Filed Date: 04/29/2010.
Accession Number: 20100430–0202.
Comment Date: 5 p.m. Eastern Time on Thursday, May 20, 2010.

Docket Numbers: ER10–1138–000.
Applicants: NorthWestern Corporation.
Description: NorthWestern Corporation submits revisions to Schedule 3, Regulations and Frequency Response Service of the Open Access Transmission Tariff.
Filed Date: 04/29/2010.
Accession Number: 20100430–0201.
Comment Date: 5 p.m. Eastern Time on Thursday, May 20, 2010.

Take notice that the Commission received the following public utility holding company filings:
Docket Numbers: PH10–14–000.
Applicants: PPL Corporation.
Description: Updated FERC–65B Waiver Notification of PPL Corporation.
Filed Date: 04/29/2010.
Accession Number: 20100429–5181.
Comment Date: 5 p.m. Eastern Time on Thursday, May 20, 2010.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–11092 Filed 5–10–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

May 4, 2010.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC10–63–000.

Applicants: Catalyst Renewables, LLC, Black River Generation, LLC.

Description: Joint Application of Black River Generation, LLC and Catalyst Renewables, LLC for Authorization to Dispose of Jurisdictional Facilities and for Expedited Consideration.

Filed Date: 05/04/2010.

Accession Number: 20100504–5085.

Comment Date: 5 p.m. Eastern Time on Tuesday, May 25, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER01–3103–023.

Applicants: Astoria Energy LLC.

Description: Astoria Energy Files Notice of Non-Material Change in Status.

Filed Date: 05/03/2010.

Accession Number: 20100503–5149.

Comment Date: 5 p.m. Eastern Time on Monday, May 24, 2010.

Docket Numbers: ER10–500–001.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits response to the March 31, 2010 letter and revised tariff amendments.

Filed Date: 04/30/2010.

Accession Number: 20100430–0025.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–720–001.

Applicants: Northeastern Power Company.

Description: Northeastern Power Co submits a market-based rate tariff reflecting an effective dated of 4/6/10.

Filed Date: 05/03/2010.

Accession Number: 20100503–0282.

Comment Date: 5 p.m. Eastern Time on Monday, May 24, 2010.

Docket Numbers: ER10–892–001.

Applicants: Southern Turner Cimarron I, LLC.

Description: Southern Turner Cimarron I, LLC amendment to its March 19, 2010 application for market-based rate authority.

Filed Date: 04/29/2010.

Accession Number: 20100430–0221.

Comment Date: 5 p.m. Eastern Time on Thursday, May 20, 2010.

Docket Numbers: ER10–1067–001.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc submits substitute interconnection agreement effective 6/18/10.

Filed Date: 05/03/2010.

Accession Number: 20100504–0210.

Comment Date: 5 p.m. Eastern Time on Monday, May 24, 2010.

Docket Numbers: ER10–1140–000.

Applicants: California Power Exchange Corporation.

Description: California Power Exchange Corporation submits Rate filing for rate Period July 1, 2010 through Dec. 31, 2010.

Filed Date: 04/29/2010.

Accession Number: 20100430–0220.

Comment Date: 5 p.m. Eastern Time on Thursday, May 20, 2010.

Docket Numbers: ER10–1148–000.

Applicants: Entergy Services, Inc.

Description: Entergy Mississippi, Inc submits executed Rate Schedule providing for cost-based power sales for partial requirements service to Municipal Energy Agency to Mississippi.

Filed Date: 04/30/2010.

Accession Number: 20100430–0026.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1150–000.

Applicants: Florida Power Corporation.

Description: Progress Energy Florida, Inc submits its annual cost factor updates that implement the contractually authorized changes in certain cost components for interchange services provided by FPC.

Filed Date: 04/29/2010.

Accession Number: 20100430–0223.

Comment Date: 5 p.m. Eastern Time on Thursday, May 20, 2010.

Docket Numbers: ER10–1160–000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc submits an executed, revised Large Generator Interconnection Agreement with Flatlands Wind Farm, LLC et al.

Filed Date: 04/30/2010.

Accession Number: 20100503–0233

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1161–000.

Applicants: PJM Interconnection, LLC.

Description: PJM Interconnection, LLC submits an executed Interconnection Construction Service Agreement with Meadow Lake Wind Farm II LLC et al.

Filed Date: 04/30/2010.

Accession Number: 20100503–0234.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1162–000; ER10–1163–000; ER10–1164–000; ER10–1165–000; ER10–1166–000; ER10–1167–000.

Applicants: Epic Merchant Energy LP; EPIC Merchant Energy Midwest, LP; EPIC Merchant Energy CA LLC; EPIC Merchant Energy NE LP; EPIC Merchant Energy NE LP; EPIC Merchant Energy NJ/PA, LP.

Description: The EPIC Companies submit a Notice of Cancellation of market-based authority.

Filed Date: 04/30/2010.

Accession Number: 20100503–0281.

Comment Date: 5 p.m. Eastern Time on Friday, May 21, 2010.

Docket Numbers: ER10–1171–000.

Applicants: Bluco Energy, LLC.

Description: Bluco Energy, LLC submits a Petition for Acceptance of Initial Rate Schedule, Waivers and Blanket Authority.

Filed Date: 05/03/2010.

Accession Number: 20100503–0279.

Comment Date: 5 p.m. Eastern Time on Monday, May 24, 2010.

Docket Numbers: ER10–1172–000.

Applicants: American Electric Power Service Corporation.

Description: American Electric Power submits Twenty-Second Revised Interconnection and Local Delivery Service Agreement.

Filed Date: 05/03/2010.

Accession Number: 20100503–0283.
Comment Date: 5 p.m. Eastern Time on Monday, May 24, 2010.

Docket Numbers: ER10–1173–000.
Applicants: Portland General Electric Company.
Description: Portland General Electric Company submits Notice of cancellation of service Agreement 2007001 under PGE's Open Access Transmission Tariff, FERC Electric Tariff Third Revised Volume 8.
Filed Date: 05/03/2010.
Accession Number: 20100504–0209.
Comment Date: 5 p.m. Eastern Time on Monday, May 24, 2010.

Applicants: Arizona Public Service Company.
Description: Arizona Public Service Company submits amendment to Exhibit B to the 1991 Operation, Maintenance, and Replacement of Facilities Agreement with Western Area Power Administration.
Filed Date: 05/03/2010.
Accession Number: 20100504–0208.
Comment Date: 5 p.m. Eastern Time on Monday, May 24, 2010.

Docket Numbers: ER10–1175–000.
Applicants: Champlain Hudson Power Express, Inc.
Description: Champlain Hudson Power Express, Inc submits application for authority to sell transmission rights at negotiated rates and request for expedited action.
Filed Date: 05/03/2010.
Accession Number: 20100504–0207.
Comment Date: 5 p.m. Eastern Time on Monday, May 24, 2010.

Docket Numbers: ER10–1176–000.
Applicants: Meadow Lake Wind Farm III LLC.
Description: Petition of Meadow Lake Wind Farm III, LLC for order accepting market- based rate tariff for filing and granting waivers and blanket approvals and request for expedited treatment.
Filed Date: 05/03/2010.
Accession Number: 20100504–0206.
Comment Date: 5 p.m. Eastern Time on Monday, May 24, 2010.

Docket Numbers: ER10–1177–000.
Applicants: Meadow Lake Wind Farm IV LLC.
Description: Meadow Lake Wind Farm IV LLC submits petition for order accepting market-based rate tariff for filing and granting waivers and blanket approvals.
Filed Date: 05/03/2010.
Accession Number: 20100504–0205.
Comment Date: 5 p.m. Eastern Time on Monday, May 24, 2010.

Docket Numbers: ER10–1178–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc submits notices of cancellation for four Point-to-Point Transmission Service Agreement between SPP as Transmission Provider and Kansas Municipal energy Agency etc.
Filed Date: 05/03/2010.
Accession Number: 20100504–0204.
Comment Date: 5 p.m. Eastern Time on Monday, May 24, 2010.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES10–32–000.
Applicants: NSTAR Electric Company.
Description: Supplemental Information of NSTAR Electric Company.
Filed Date: 05/04/2010.
Accession Number: 20100504–5083.
Comment Date: 5 p.m. Eastern Time on Friday, May 14, 2010.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–11091 Filed 5–10–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL10–63–000]

EnerNOC, Inc. v. FirstEnergy; Notice of Complaint

May 3, 2010.

Take notice that on April 30, 2010, pursuant to section 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 (2009) and section 206 of the Federal Power Act, EnerNOC, Inc. (Complainant) filed a formal complaint against FirstEnergy [1] (Respondent) alleging that recent ASTI Integration Auctions held from March 15 to March 19, 2010 failed to comply with directives as established by the Commission in its Order, 129 FERC ¶ 61,249, issued in Dockets ER09–1589–000 and EL10–6–000.[2]

The Complainant certifies that copies of the complaint were served on the contacts for the Respondent.

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

[1] For purposes of this filing (except as otherwise indicated by context), FirstEnergy is FirstEnergy Service Company acting on behalf of six of its affiliates: American Transmission Systems, Inc. (ATSI), The Cleveland Electric Illuminating Company, Ohio Edison Company, The Toledo Edison Company, Pennsylvania Power Company, and FirstEnergy Solutions Corp.

[2] *Order Addressing RTO Realignment Request and Complaint,* Docket No. ER09–1589–000 and EL10–6–000, 129 FERC ¶ 61,249 (December 17, 2009).

intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

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,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on May 20, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–11107 Filed 5–10–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2157–188]

Public Utility District No. 1 of Snohomish County, WA; Notice of Availability of Draft Environmental Assessment

May 4, 2010.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission or FERC's) regulations, 18 Code of Federal Regulations (CFR) part 380 (Order No. 486, 52 **Federal Register** [FR] 47897), the Office of Energy Projects has reviewed Public Utility District No. 1 of Snohomish County's application for license for the Henry M. Jackson Hydroelectric Project (FERC Project No. 2157–188), located on the Sultan River 20 miles east of the city of Everett, Snohomish County. The project currently underlies a total of 10.9 acres of federal lands in the Mount Baker-Snoqualmie National Forest administered by the U.S. Department of Agriculture, Forest Service.

Staff prepared a draft environmental assessment (EA), which analyzes the potential environmental effects of relicensing the project, and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the EA is available for review at the Commission in the Public Reference Room 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, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, 202–502–8659.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 45 days from the date of this notice and should be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please affix Project No. 2157 to all comments. Comments may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the "e-Filing" link.

For further information, contact David Turner by telephone at 202–502–6091 or by e-mail at *David.Turner@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–11102 Filed 5–10–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Leader One Energy, LLC]

Notice of Intent to Prepare an Environmental Assessment for the Planned Leader One Gas Storage Project, Request for Comments on Environmental Issues, and Notice of a Site Visit

April 30, 2010.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Leader One Gas Storage Project involving construction and operation of facilities by Leader One Energy, LLC (Leader One) in Adams County, Colorado. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues need to be evaluated in the EA. Please note that the scoping period will close on June 2, 2010.

On May 18, 2010, the Office of Energy Projects staff will be in Adams County, Colorado, to gather data related to the environmental analysis of the planned project. Staff will examine the areas where the planned project facilities would be constructed and operated including the storage field and pipeline route filed by Leader One on April 30, 2010. This will assist staff in completing its comparative evaluation of environmental impacts of the proposed project. Viewing of this area is anticipated to be from public access points.

All interested parties planning to attend must provide their own transportation. Those attending should meet at the following date, time, and location:

- May 18, 2010 at 10 a.m. at Byers General Store (Parking Lot), 568 U.S. 36, Byers, CO 80103.

Staff will also be attending Leader One's open house meeting at the following date, time, and location:

- Tuesday, May 18, 2010—6 to 8 p.m., May Farms, 64001 US 36, Byers, CO 80103.

This notice is being sent to the Commission's current environmental mailing list for this project. State and

local government representatives are asked to notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" is available for viewing on the FERC Web site (*http://www.ferc.gov*). This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Summary of the Planned Project

Leader One plans to convert a depleted natural gas reservoir to a new natural gas storage facility and, also, to construct and operate about 18 miles of 18-inch-diameter pipeline to connect the storage field to interstate pipelines. The storage facility would have a 10 billion cubic foot (Bcf) storage capacity of which about 7.5 Bcf would be working gas and 2.5 Bcf would be base gas. Leader One estimates that the maximum withdrawal rate would be up to 200,000 million cubic feet per day. According to Leader One, its project would provide natural gas storage services to meet baseload, seasonal and daily fluctuations in gas demand, including existing peak day demand, and anticipated load growth demand for local gas distribution and power generation in the Front Range of Colorado market area.

The Leader One Gas Storage Project would consist of the following facilities, all in Adams County, Colorado:

- A new natural gas storage field;
- Up to fourteen gas storage injection/withdrawal wells;
- Up to ten observation wells;
- One water/brine disposal well;
- A compressor station with up to four 4,735-horsepower electric motor-driven compressors;
- Condensate handling facilities;
- Ancillary facilities including storage gathering lines (of various diameter and length), a water disposal pipeline; valves, meters, filtration, safety, cleaning, and inspection equipment; and
- A 24-inch-diameter, 18-mile-long pipeline, the Leader One Pipeline.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

Construction of the planned facilities would disturb about 418.5 acres of land for the pipelines and wells. Following construction, about 218.4 acres would be maintained for permanent operation of the project's facilities; the remaining acreage would be restored and allowed to revert to former uses. Additional land would be required for construction and operation of the aboveground facilities, for access roads, and additional temporary workspaces.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [2] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. All comments received will be considered during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- Geology and soils;
- Land use;
- Water resources, fisheries, and wetlands;
- Cultural resources;
- Vegetation and wildlife;
- Air quality and noise;
- Endangered and threatened species; and
- Public safety.

We will also evaluate possible alternatives to the planned project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before an application is filed with the FERC. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA.

Our independent analysis of the issues will be presented in the EA. The EA will be placed in the public record and, depending on the comments received during the scoping process, may be published and distributed to the public. A comment period will be allotted if the EA is published for review. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure your comments are considered, please carefully follow the instructions in the Public Participation section beginning on page 5.

With this notice, we are asking agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. These agencies may choose to participate once they have evaluated the proposal relative to their responsibilities. Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, no agencies have expressed their intention to participate as a cooperating agency in the preparation of the EA to satisfy their NEPA responsibilities related to this project.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations, we are using this notice to solicit the views of the public on the project's potential effects on historic properties.[3] We will document our findings on the impacts on cultural resources and summarize the status of consultations under section

[1] The appendices referenced in this notice are not being printed in the **Federal Register.** Copies of appendices were sent to all those receiving this notice in the mail and are available at *http://www.ferc.gov* using the link called "eLibrary" or from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] "We", "us", and "our" refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Historic properties are defined in those regulations as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register for Historic Places.

106 of the National Historic Preservation Act in our EA.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that they will be received in Washington, DC on or before June 2, 2010.

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has expert eFiling staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You may file your comments electronically by using the Quick Comment feature, which is located at *http://www.ferc.gov* under the link called "*Documents and Filings*". A Quick Comment is an easy method for interested persons to submit text-only comments on a project;

(2) You may file your comments electronically by using the "eFiling" feature that is listed under the "*Documents and Filings*" link. eFiling involves preparing your submission in the same manner as you would if filing on paper, and then saving the file on your computer's hard drive. You will attach that file to your submission. New eFiling users must first create an account by clicking on the links called "*Sign up*" or "*eRegister*". You will be asked to select the type of filing you are making. A comment on a particular project is considered a "Comment on a Filing"; or

(3) You may file a paper copy of your comments at the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

If the EA is published for distribution, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

Once Leader One files its application with the Commission, you may want to become an "intervenor" which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are included in the User's Guide under the "e-filing" link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until a formal application for the project is filed with the Commission.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*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 (*i.e.,* PF10–15–000. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which 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. Go to *http://www.ferc.gov/esubscribenow.htm.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–11109 Filed 5–10–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP10–16–000]

Cadeville Gas Storage, LLC; Notice of Availability of the Environmental Assessment for the Proposed Cadeville Gas Storage Project

April 30, 2010.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Cadeville Gas Storage Project proposed by Cadeville Gas Storage, LLC (Cadeville) in the above referenced docket. Cadeville requests authorization to convert a depleted natural gas production field into a multi-cycle natural gas storage facility located in Ouachita Parish, Louisiana.

The EA assesses the potential environmental effects of the construction and operation of the Cadeville Gas Storage Project in accordance with the requirements of the National Environmental Policy Act. The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The proposed Cadeville Gas Storage Project includes the following facilities:

- Eight new natural gas injection/withdrawal wells and the conversion of three existing wells to observation wells;
- A storage field pipeline network and associated aboveground facilities including launcher/receiver facilities and valve sites;
- One compressor station, comprised of five 4,735 horsepower natural gas fueled engines with air intake filters/silencers, critical grade exhaust silencer/catalyst, a triethylene glycol dehydration system, control and safety systems, and associated facilities;

• An approximate 2.6-mile, 16-inch-diameter header pipeline connecting the Compressor Station with the facilities of Tennessee Gas Pipeline (Tennessee);

• An approximate 0.9-mile, 16-inch-diameter header connecting the Compressor Station with the facilities of Gulf South Pipeline Company, LP (Gulf South);

• An approximate 6.4 mile, 24-inch-diameter header pipeline connecting the Compressor Station with the facilities of CenterPoint Energy Gas Transmission (CenterPoint); and

• Three metering and regulation stations, one at each interconnection point of the Cadeville Project with Tennessee, CenterPoint and Gulf South.

The storage field piping network would include the South Injection/Withdrawal Pipeline (about 0.2 miles of 20-inch-diameter pipeline), and the North Injection/Withdrawal Pipeline (about 1.4 miles of 16-inch-diameter pipeline).

The EA has been placed in the public files of the FERC and is available for public viewing on the FERC's Web site at *http://www.ferc.gov* using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Copies of the EA have been mailed to Federal, State, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the project area; and parties to this proceeding.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are properly recorded and considered prior to a Commission decision on the proposal, it is important that the FERC receives your comments in Washington, DC on or before July 29, 2010.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances please reference the project docket number (CP10–16–000) with your submission. The Commission encourages electronic filing of comments and has dedicated eFiling expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

(1) You may file your comments electronically by using the *Quick Comment* feature, which is located on the Commission's Web site at *http://www.ferc.gov* under the link to *Documents and Filings*. A Quick Comment is an easy method for interested persons to submit text-only comments on a project;

(2) You may file your comments electronically by using the *eFiling* feature, which is located on the Commission's Web site at *http://www.ferc.gov* under the link to *Documents and Filings*. eFiling involves preparing your submission in the same manner as you would if filing on paper, and then saving the file on your computer's hard drive. You will attach that file as your submission. New eFiling users must first create an account by clicking on "*Sign up*" or "*eRegister*." You will be asked to select the type of filing you are making. A comment on a particular project is considered a "Comment on a Filing"; or

(3) You may file a paper copy of your comments at the following address:

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.

Although your comments will be considered by the Commission, simply filing comments will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC or on the FERC Web site (*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 (*i.e.,* CP10–16–000). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which 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. Go to *http://www.ferc.gov/esubscribenow.htm.*

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–11106 Filed 5–10–10; 8:45 am]

BILLING CODE 6717–01–P

[1] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR10–17–000]

ETC Katy Pipeline, Ltd.; Notice of Petition for Rate Approval

May 3, 2010.

Take notice that on April 28, 2010, ETC Katy Pipeline, Ltd. (ETC) filed, pursuant to section 284.123(b)(1)(i)(A) of the Commission's regulations, an election to continue to use rates contained in its effective State of Texas transportation rate schedule for comparable services under Subpart C of Part 284 of the Commission's Regulations. ETC states that these rates will be applicable to the firm and interruptible transportation of natural gas under section 311(a)(2) of the Natural Gas Policy Act of 1978.

Any person desiring to participate in this rate proceeding must file a motion 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 and 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 date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest

on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

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 online 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,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on May 17, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–11105 Filed 5–10–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP10–256–000]

Cheniere Creole Trail Pipeline, L.P.; Notice of Request Under Blanket Authorization

May 4, 2010.

Take notice that on April 29, 2010, Cheniere Creole Trail Pipeline, L.P. (Creole Trail), 700 Milam, Suite 800, Houston, Texas 77002, filed in Docket No. CP10–256–000, a prior notice request pursuant to sections 157.205 and 157.216(b) of the Commission's regulations under the Natural Gas Act (NGA). Creole Trail seeks authorization to abandon by transfer to Natural Gas Pipeline Company of America LLC (NGPL) approximately 1,316 feet of 16-inch diameter pipeline which is part of a lateral connecting Creole Trail's facilities transporting gas from its Sabine Pass LNG Terminal, all in Cameron Parish, Louisiana. Creole Trail states that NGPL will file a separate prior notice request for authorization to acquire the facilities under its blanket certificate authority. The cost to replicate the facilities for which abandonment is sought is estimated to be $362,872. Creole Trail proposes to perform these activities under its blanket certificate issued in Docket No. CP05–358–000 [115 FERC ¶ 61,331 (2006)], all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The filing may be viewed on the Web 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, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application may be directed to Randy Parr, Vice President Marketing and Business Development, Cheniere Pipeline Company, 700 Milam, Suite 800, Houston, Texas 77002, phone at (713) 375–5000 or to Lisa Tonery, Fulbright & Jaworski LLP, 666 Fifth Avenue, New York, New York 10103, phone (212) 318–3009.

Any person or the Commission's Staff may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the "e-Filing" link. 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.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–11103 Filed 5–10–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP10–164–000]

Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization

May 4, 2010.

Take notice that on April 22, 2010, Columbia Gas Transmission, LLC (Columbia), 5151 San Felipe, Suite 2500, Houston, Texas 77056 filed in Docket No. CP10–164–000, a prior notice request pursuant to sections 157.205 and 157.208 of the Commission's regulations under the Natural Gas Act (NGA). Columbia seeks authorization to increase the Commission-approved maximum allowable operating pressure (MAOP) on its Line D–531 from 80 pounds per square inch gage (psig) to 99 psig. Line D–531 is located in Wood County, Ohio, and extends from Columbia's Line D–100 to Waterville Gas & Oil Company's (Waterville) facilities in Wood County, Ohio. Columbia proposes to perform these activities under its blanket certificate issued in Docket No. CP83–76–000 [22 FERC ¶ 62,029 (1983)], all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, the facility at issue (Line D–531) is an approximately 2.5-mile, 4- and 6- inch diameter pipeline extending from Columbia's Line D–100 to an interconnect with Waterville's facilities in Wood County, Ohio. Line D–531 was originally constructed in the 1950s with sections being replaced in 1961, 1963, and 1965. The facilities were originally constructed to serve the City of Waterville and have continued in that operation since they were constructed. Columbia proposes to up-rate the entire pipeline. The proposed increase to the Commission-approved MAOP of Line D–531 is being made to enable Columbia to meet a contractual pressure obligation to Waterville.

The filing may be viewed on the Web 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, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to James R. Downs, Vice President, Regulatory Affairs, Columbia Gas Transmission, LLC, 5151 San Felipe, Suite 2500, Houston, Texas 77056, or by calling

(713) 267–4759 (telephone) or (713) 267–4755 (fax), *jdowns@nisource.com*, Cynthia Donaldson, Director, Regulatory & Government Affairs, Columbia Gas Transmission, LLC, 5151 San Felipe, Suite 2500, Houston, Texas 77056, or by calling (713) 267–4763 (telephone) or (713) 331–7456 (fax), *cdonaldson@nisource.com,* Victoria J. Hamilton, Certificate Lead, Columbia Gas Transmission, LLC, P.O. Box 1273, Charleston, West Virginia 25325–1273, or by calling (304) 357–2297 (telephone) or (304) 357–3206 (fax), *vhamilton@nisource.com,* or to Frederic J. George, Senior Counsel, Columbia Gas Transmission, LLC, P.O. Box 1273, Charleston, West Virginia 25325–1273, or by calling (304) 357–2359 (telephone) or (304) 357–3206 (fax), *fgeorge@nisource.com.*

Any person or the Commission's Staff may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the "e-Filing" link. 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.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–11104 Filed 5–10–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD10–11–000]

Frequency Regulation Compensation in the Organized Wholesale Power Markets; Notice of Technical Conference

April 27, 2010.

Take notice that Commission staff will hold a technical conference to elicit input on issues pertaining to Frequency Regulation Compensation in the ISO/RTO Markets. The technical conference will take place on May 26, 2010, from 9 a.m. to 1 p.m. Eastern Time. The conference will be held in the Commission Meeting Room at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. All interested persons are invited to participate in the conference.

Those interested in speaking at the conferences should notify the Commission by May 3, 2010 by completing an online form describing the topics that they will address: *https://www.ferc.gov/whats-new/registration/markets-05-26-speaker-form.asp.* Due to time constraints, we may not be able to accommodate all those interested in speaking. A detailed agenda, including panel speakers, will be published at a later date.

The technical conference will be transcribed. Transcripts of the conferences will be immediately available for a fee from Ace-Federal Reporters, Inc. (202–347–3700 or 1–800–336–6646). The transcripts will be available for free on the Commission's eLibrary system and on the Calendar of Events approximately one week after the conference.

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,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an e-mail to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or (202) 208–1659 (TTY), or send a FAX to (202) 208–2106 with the required accommodations.

For further information about the conference, please contact: Tatyana Kramskaya (Technical Information), Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6262, *Tatyana.Kramskaya@ferc.gov;* Eric Winterbauer (Legal Information), Office of the General Counsel—Energy Markets, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8329, *Eric.Winterbauer@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–11110 Filed 5–10–10; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R05–OAR–2009–0666; FRL–9149–6]

Adequacy Status of the Chicago, Illinois Area Submitted 8–Hour Ozone Redesignation and Maintenance Plans for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: In this notice, EPA is notifying the public that we have found that the motor vehicle emissions budgets (MVEBs) for volatile organic compounds (VOCs) and oxides of nitrogen (NO_X) in the Chicago, Illinois ozone nonattainment area are adequate for use in transportation conformity determinations. Illinois submitted a redesignation request and maintenance plan for the Illinois portion of the Chicago ozone nonattainment area on July 23, 2009. As a result of our finding, this area must use the MVEBs from the submitted ozone maintenance plan for future transportation conformity determinations.

DATES: This finding is effective May 26, 2010.

FOR FURTHER INFORMATION CONTACT: Michael Leslie, Environmental Engineer, Criteria Pollutant Section (AR–18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604 (312) 353–6680, *leslie.michael@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, whenever "we", "us" or "our" is used, we mean EPA.

Background

Today's notice is simply an announcement of a finding that we have already made. On April 22, 2010, EPA

Region 5 sent a letter to the Illinois Environmental Protection Agency stating that the 2009 and 2020 MVEBs for the Chicago, Illinois 8-hour ozone nonattainment area are adequate. Receipt of these MVEBs was announced on EPA's transportation conformity Web site, and no comments were submitted. The finding is available at EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm.*

The adequate 2009 and 2020 MVEBs, in tons per day (tpd), for VOCs and NO_X for the Chicago, Illinois area are as follows:

Chicago area	NO_X (tpd)	VOCs (tpd)
2009	284.65	133.78
2020	88.17	73.68

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do conform. Conformity to a State Implementation Plan (SIP) means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's MVEBs are adequate for transportation conformity purposes are outlined in 40 CFR 93.118(e)(4). We have described our process for determining the adequacy of submitted SIP budgets in our July 1, 2004, preamble starting at 69 FR 40038, and we used the information in these resources while making our adequacy determination. Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

The finding and the response to comments are available at EPA's transportation conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm.*

Authority: 42 U.S.C. 7401–7671q.

Dated: April 29, 2010.

Walter W. Kovalick Jr.,

Acting Regional Administrator, Region 5.

[FR Doc. 2010–11140 Filed 5–10–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2009–0761; FRL–9149–8]

Executive Order 13508 Chesapeake Bay Protection and Restoration Section 203 Final Coordinated Implementation Strategy

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of a final strategy for restoration and protection of the Chesapeake Bay that was prepared pursuant to Executive Order (EO) 13508 of May 12, 2009, Chesapeake Bay Protection and Restoration. The purpose of this strategy is to describe federal actions to protect and restore the health, heritage, natural resources, and social and economic value of the nation's largest estuarine ecosystem and the natural sustainability of its watershed. The EO requires that the final strategy be published within one year of the date of the EO.

DATES: Effective May 12, 2010.

FOR FURTHER INFORMATION CONTACT: Travis Loop, USEPA, Region 3, Chesapeake Bay Program Office, Annapolis City Marina, 410 Severn Avenue, Suite 109 (3CB10), Annapolis, MD 21403; *telephone number:* (410) 267–5758; *fax number:* (410) 267–5777; *e-mail: loop.travis@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

Executive Order 13508, Chesapeake Bay Protection and Restoration, dated May 12, 2009 (74 FR 23099, May 15, 2009), established a Federal Leadership Committee, chaired by EPA, and including senior representatives from the departments of Agriculture, Commerce, Defense, Homeland Security, Interior and Transportation. EO 13508 directed these agencies to prepare and publish a strategy for coordinated implementation of existing programs and projects to guide efforts to protect and restore the Chesapeake Bay. The draft strategy was released for public comment on November 9, 2009 (74 FR 57675, November 9, 2009). This final strategy incorporates revisions resulting from public comments and ongoing consideration by the federal agencies.

Why was this document prepared?

Executive Order 13508, Chesapeake Bay Protection and Restoration, dated May 12, 2009 (74 FR 23099, May 15, 2009), required a Federal Leadership Committee composed of seven Federal agencies to (1) prepare and publish a set of reports on key challenges to protecting and restoring the Chesapeake Bay, (2) prepare and publish a draft strategy for coordinated implementation of existing programs and projects to guide efforts to protect and restore the Chesapeake Bay within 180 days of the date of the EO, and (3) prepare and publish a final strategy for coordinated implementation of existing programs and projects to guide efforts to protect and restore the Chesapeake Bay within one year of the date of the EO.

The federal agency draft reports required by EO 13508 Sections 202(a) through (g) were released to the public for review on September 10, 2009. The draft reports were reviewed by the Federal Leadership Committee, in consultation with relevant state agencies. The reports were revised to reflect consideration of the comments received during state consultation and preliminary public input. The revised final reports were released on November 24, 2009.

The draft strategy for coordinated implementation of existing programs and projects to guide efforts to protect and restore the Chesapeake Bay required by EO 13508 Section 203 was released for public comment on November 9, 2009 (74 FR 57675, November 9, 2009). The Federal Leadership Committee established a docket for public comments (EPA–HQ–OW–2009–0761). Several hundred individual comments were received, along with about 45,000 comments provided through mass-mailing campaigns. The Federal Leadership Committee has prepared a summary of its responses to public comments on the draft strategy. The summary is available at *http://executiveorder.chesapeakebay.net.*

The final strategy for restoration and protection of the Chesapeake Bay incorporates revisions resulting from public comments and ongoing consideration by the federal agencies. This final strategy meets the EO requirement to publish the final strategy within one year of the EO.

How can I get copies of this document and other related information?

Docket: EPA has established a docket for this action under Docket ID No. EPA–HQ–OW–2009–0761. The final EO 13508 Section 203 strategy document is available in the docket at *http://www.regulations.gov,* as well as at *http://executiveorder.chesapeakebay.net.* Assistance and tips for accessing the docket can be found at *http://executiveorder.chesapeakebay.net.* For

additional information about the public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.* Publicly available docket materials are available electronically either through *http://www.regulations.gov* or in hard copy at the EPA Docket Center, (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The telephone number for this docket is 202–566–2426. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744. Certain material, such as copyrighted materials, will be publicly available only in hard copy at the Docket Center.

What information does the final strategy contain?

The Executive Order directed federal agencies to develop a strategy that (a) defines environmental goals for the Chesapeake Bay and describes milestones for making progress toward attainment of these goals; (b) identifies key measurable indicators of environmental condition and changes that are critical to effective federal leadership; (c) describes the specific programs and strategies to be implemented; (d) identifies the mechanisms that will assure that governmental and other activities, including data collection and distribution, are coordinated and effective; and (e) describes a process for the implementation of adaptive management principles, including a periodic evaluation of protection and restoration measures.

For the final strategy, federal agencies have focused on achieving the most essential priorities for a healthy Chesapeake ecosystem: Restore Clean Water, Recover Habitats, Sustain Fish and Wildlife, and Conserve Land and Increase Public Access. Chapters on each of these goals describe the overall goal and explain why it is vital to the Chesapeake Bay ecosystem. Specific measures of progress supporting the goal, including numerical targets for future progress compared to current conditions, are also presented. Each chapter also includes a description of the actions federal agencies will take to accomplish the goal.

Federal agencies also developed 12 key environmental outcomes that will be achieved through expanded federal actions described in the strategy and ongoing state activities, and will reflect progress toward attainment of the overall goals. The environmental outcomes are related to water quality, stream restoration, agriculture conservation, wetland restoration, forest buffers, fish passage, oysters, blue crabs, brook trout, black ducks, land conservation, and public access.

The strategy also features four chapters on supporting strategies that provide invaluable cross-cutting support to achieving environmental goals or are critical complementary efforts in the restoration and protection of the Chesapeake Bay and watershed. The supporting strategy chapters are: Expand Citizen Stewardship, Develop Environmental Markets, Respond to Climate Change, and Strengthen Science.

The final chapter of the strategy outlines the role and responsibilities of the Federal Leadership Committee in implementing the strategy, as well as the federal government's commitment to increase accountability by establishing milestones every two years for taking action. The final chapter also outlines a series of accountability tools and processes to promote transparency in the planning, tracking, reporting, evaluating and adapting of restoration activities. These tools include an Annual Action Plan, an Annual Progress Report, Independent Evaluation, and an Adaptive Management process.

What are the next steps in responding to EO 13508?

After release of this final strategy, the Federal Leadership Committee will implement the actions described in the strategy. The Federal Leadership Committee will continue to work with the jurisdictions in the Chesapeake Bay watershed to better align actions to protect and restore the Chesapeake Bay.

EO 13508 also requires the Federal Leadership Committee to publish an annual Chesapeake Bay Action Plan describing how federal funding proposed in the President's Budget will be used to protect and restore the Chesapeake Bay during the upcoming fiscal year. The Federal Leadership Committee plans to release the first annual Chesapeake Bay Action Plan in early fall 2010.

EO 13508 also requires the Federal Leadership Committee to publish an annual Progress Report reviewing indicators of environmental conditions in the Chesapeake Bay, assessing implementation of the Action Plan during the preceding fiscal year, and recommending steps to improve progress in restoring and protecting the Chesapeake Bay. The Federal Leadership Committee plans to release the first annual Progress Report in the first quarter of calendar year 2012.

The Federal Leadership Committee plans to consult with state agencies, local governments, other stakeholders, and the general public in the development of the annual Action Plan and Progress Report. The details of this consultation process will be made available at *http://executiveorder.chesapeakebay.net.*

Dated: May 6, 2010.

Lisa P. Jackson,

Administrator.

[FR Doc. 2010–11143 Filed 5–10–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–1017; FRL–8822–4]

Product Cancellation Order for Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellations, voluntarily requested by the registrants and accepted by the Agency, of the products listed in Table 1, pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This cancellation order follows a February 3, 2010 **Federal Register** Notice of Receipt of Requests from the registrants listed in Table 2 to voluntarily cancel these product registrations. In the February 3, 2010 Notice, EPA indicated that it would issue an order implementing the cancellations unless the Agency received substantive comments within the 30–day comment period that would merit its further review of these requests or unless the registrants withdrew their requests. The Agency received comments on the notice but none merited its further review of the requests. The registrants did not withdraw their requests. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

DATES: The cancellations are effective May 11, 2010.

FOR FURTHER INFORMATION CONTACT: Maia Tatinclaux, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–

0001; telephone number: (703) 347–0123; fax number: (703) 308–8090; e-mail address: *tatinclaux.maia@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?

EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2009–1017. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

II. What Action is the Agency Taking?

This notice announces the cancellation, as requested by registrants, of products registered under section 3 of FIFRA. These registrations are listed in sequence by registration number in Table 1, below.

TABLE 1.—PRODUCT CANCELLATIONS

EPA Registration No.	Product Name	Chemical Name
000004–00370	Bonide Carpet Dust	Piperonyl Butoxide Pyrethrins
000070–00152	Kill-Ko Fly & Mosquito Insect Killer	Piperonyl Butoxide Pyrethrins MGK 264
000070–00202	Kill-Ko Premise Spray	Piperonyl Butoxide Pyrethrins
000070–00276	Rigo Aqueous Garden Spray	Piperonyl Butoxide Pyrethrins
000070–00281	Rigo General Purpose Aqueous Insecticide	Piperonyl Butoxide Pyrethrins
000070–00297	Rigo's Best Flea &Tick Spray	Permethrin Pyrethrins
000070–00298	Rigo's Best Tick &Flea Dip	Piperonyl Butoxide Pyrethrins MGK 264
000070–00299	Rigo's Best Flea &Tick Dip	Permethrin MGK 264
000088–00024	Hyponex Bug Spray for House Plants	Pyrethrins Piperonyl Butoxide
000192–00096	Dexol Malathion Insect Control	Malathion
000192–00144	Dexol Vegetable Garden Insect Spray	Piperonyl Butoxide Pyrethrins
000192–00170	Dexol Carpet Dust	Piperonyl Butoxide Pyrethrins
000192–00181	Dexol House Insect Control Mother Nature's Brand	Piperonyl Butoxide Pyrethrins
000192–00185	Dexol Indoor Insect Fogger II	Pyrethrins MGK 264 Permethrin
000192–00186	Dexol Ant, Roach, & Spider Spray	Pyrethrins MGK 264 Permethrin

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
000192–00197	Dexol Flea Free Fogger	Pyrethrins MGK 264 Permethrin Pyriproxyfen
000192–00203	Dexol Hornet & Wasp Killer 3	Piperonyl Butoxide Permethrin
000239–02429	Ortho High Power Indoor Insect Fogger	Pyrethrins Piperonyl Butoxide MGK 264
000239–02498	Ortho Rose & Flower Insect Killer	Pyrethrins Piperonyl Butoxide
000239–02527	Ortho Pet Flea & Tick Spray	Pyrethrins Piperonyl Butoxide
000239–02536	Ortho Pet Flea & Tick Spray Formula II	Pyrethrins Piperonyl Butoxide
000239–02565	Ortho Pet Shampoo	Pyrethrins Piperonyl Butoxide
000239–02566	Ortho Pet Flea & Tick Powder	Pyrethrins Piperonyl Butoxide
000239–02567	Flea-B-Gon Carpet Dust	Pyrethrins Piperonyl Butoxide
000239–02624	Hi-Power Indoor Insect Fogger Formula V	Pyrethrins Piperonyl Butoxide MGK 264 Esfenvalerate
000239–02676	Flea-B-Gon Total Fogger	Pyrethrins MGK 264 Permethrins Pyriproxyfen
000239–02678	Ortho Ant Killer Spray	Pyrethrins MGK 264 Permethrins
000270–00030	Farnam Repel X Fly Spray Concentrate	Piperonyl Butoxide Pyrethrins
000270–00110	Farnam Super Swat Fly Repellent	Piperonyl Butoxide Pyrethrins MGK 264
000270–00168	Farnam Mite-X	Piperonyl Butoxide Pyrethrins
000270–00172	Farnam Water Base Fly Repel	Piperonyl Butoxide Pyrethrins
000270–00265	Purina Animal Shampoo	Piperonyl Butoxide Pyrethrins
000270–00274	TPC Equi-Spray “N” Wipe	Piperonyl Butoxide Pyrethrins
000270–00275	Equi-Dust	Piperonyl Butoxide Pyrethrins
000270–00297	Farnam IGR Fogger 301	Pyrethrins MGK 264 Permethrins Pyriproxyfen

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
000270–00330	Farnam B736 Insecticide	Piperonyl Butoxide Permethrin
000270–00332	Sulfodene Scratchex Flea and Tick Shampoo for Dogs and Cats	Piperonyl Butoxide Pyrethrins MGK 264
000270–00333	Sulfodene Scratchex Flea & Tick Shampoo II	Piperonyl Butoxide Pyrethrins MGK 264
000270–00334	Sulfodene Scratchex Power Dip	Piperonyl Butoxide Pyrethrins MGK 264
000270–00335	Sulfodene Scratchex Flea and Tick Spray for Dogs and Cats	Pyrethrins Permethrin
000270–00336	Sulfodene Scratchex Flea and Tick Killer for Dogs and Cats	Pyrethrins Permethrin
000270–00337	Sulfodene Scratchex Flea & Tick Shampoo-B for Dogs & Cats	Piperonyl Butoxide MGK 264
000270–00338	Sulfodene Scratchex Formula 36 Power Dip	Piperonyl Butoxide MGK 264
000270–00340	Adams Flea and Tick Mist II	Piperonyl Butoxide Pyrethrins MGK 264
000270–00341	Adams Flea and Tick Shampoo	Piperonyl Butoxide Pyrethrins MGK 264
000270–00350	Adams Animal Repellent Concentrate	Piperonyl Butoxide Pyrethrins MGK 264 Permethrin
000270–00355	Mycodex Premise Control Room Fogger	Pyrethrins MGK 264 Permethrins Pyriproxyfen
000270–00357	Redline Flea and Tick Mist	Piperonyl Butoxide Pyrethrins MGK 264
000270–00358	Adams Flea and Tick Mist with Nylar	Piperonyl Butoxide Pyrethrins MGK 264
000270–00359	Mycodex Fastact WP Flea & Tick Spray with Nylar Mycodex All-In-One	Piperonyl Butoxide Pyrethrins MGK 264
000270–00360	Mycodex Pet Shampoo with Pyrethrins	Piperonyl Butoxide Pyrethrins
000270–00362	Mycodex Pet Shampoo with Allethrin	Piperonyl Butoxide
000270–00363	Mycodex Aqua-Spray with Pyrethrins	Piperonyl Butoxide Pyrethrins
000270–00364	Adams Gold Flea and Tick Shampoo	Piperonyl Butoxide Pyrethrins
000270–00366	Mycodex “14” Pet Spray	Piperonyl Butoxide Pyrethrins Permethrin

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
000305–00060	Repel Permanone RTU	Permethrin
000432–00611	3–6–10 Fogging Concentrate	Piperonyl Butoxide Pyrethrins MGK 264
000432–00685	Ultratec Insecticide W/PYR./Piperonyl Butoxide TRANS. E.D.C. 2.25+22.5%	Piperonyl Butoxide Pyrethrins
000432–00688	Pyrethrins/Piperonyl Butoxide Transparent Emulsion Spray 0.1%+1.0%	Piperonyl Butoxide Pyrethrins
000432–00769	Alleviate Plus Insecticide	Piperonyl Butoxide Pyrethrins
000432–00880	Pyrenone Mushroom Fogging Insecticide	Piperonyl Butoxide Pyrethrins
000432–00884	DP210 Professional Insecticide	Pyrethrins Deltamethrin
000432–00986	Mosquito Spray Concentrate	Piperonyl Butoxide Pyrethrins
000432–01023	Mosquito Fogging Spray	Piperonyl Butoxide Pyrethrins
000432–01029	Pyrenone 1–0.2 Food Plant Spray	Piperonyl Butoxide Pyrethrins
000432–01051	Aqueous Food Plant Pyrenone Fogging Insecticide	Piperonyl Butoxide Pyrethrins
000432–01056	Pyrenone Stabilene Horse Insecticide Concentrate	Piperonyl Butoxide Pyrethrins
000432–01057	Pyrenone Food Plant Fogging Insecticide	Piperonyl Butoxide Pyrethrins
000432–01060	Pyrenone 7.5–0.75 Stabilene 53% E.C.	Piperonyl Butoxide Pyrethrins
000432–01068	M.A.G. 3–6–10	Piperonyl Butoxide Pyrethrins MGK 264
000432–01072	Pyrenone M.A.G.C. 5–1	Piperonyl Butoxide Pyrethrins
000432–01073	Pyrenone M.A.G.C. 12.5–2.5	Piperonyl Butoxide Pyrethrins
000432–01074	Pyrenone MAGC 10–3.34	Piperonyl Butoxide Pyrethrins
000432–01081	Alleviate Industrial Spray E.C.	Piperonyl Butoxide
000432–01085	Alleviate Stabilene Horse Insecticide	Piperonyl Butoxide
000432–01091	Pyrenone Multi-Purpose Aqueous 30–3	Piperonyl Butoxide Pyrethrins
000432–01092	Pyrenone Aqueous 30–3	Piperonyl Butoxide Pyrethrins
000432–01099	Turf Pest Diagnostic Aid	Piperonyl Butoxide Pyrethrins
000432–01121	Pyrenone Aqueous Space Spray	Piperonyl Butoxide Pyrethrins

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
000432–01144	Pyrenone 25–2.5 W.P.	Piperonyl Butoxide Pyrethrins
000432–01154	Butacide PS E.C.	Piperonyl Butoxide
000432–01233	Skeeter-Mite 150–750 ULV	Piperonyl Butoxide Permethrin
000432–01234	Skeeter-Mite 300–1500 ULV	Piperonyl Butoxide Permethrin
000432–01236	Omen 50–50	Piperonyl Butoxide Permethrin
000432–01249	Pyrenone 32–4	Piperonyl Butoxide Pyrethrins
000432–01319	Laser Flying Insect Killer	Piperonyl Butoxide MGK 264
000432–01320	Laser Ant & Roach Killer	Piperonyl Butoxide Pyrethrins
000432–01321	Laser House & Garden Insect Killer	Piperonyl Butoxide MGK 264
000432–01322	Laser Room Fogger	Piperonyl Butoxide Pyrethrins MGK 264
000432–01324	Laser Liquid Ant & Roach Killer Pump Spray	Piperonyl Butoxide Pyrethrins
000478–00045	Rose & Garden Insect Spray Concentrate	Pyrethrins Piperonyl Butoxide
000478–00046	Real Kill Rose & Garden Insect Spray	Pyrethrins Piperonyl Butoxide
000498–00135	Chase-MM Flea Killer	Piperonyl Butoxide Pyrethrins
000498–00150	Spraypack Flying & Crawling Insect Killer	Pyrethrins MGK 264 Permethrin
000498–00161	Spraypak Indoor Insect Fogger Formula 4	Piperonyl Butoxide Pyrethrins Permethrin
000498–00162	Spraypak Indoor Insect Fogger Formula 5	Piperonyl Butoxide Pyrethrins Permethrin
000498–00163	Spraypak Indoor Insect Fogger Formula 6	Piperonyl Butoxide Permethrin
000498–00171	Spraypack Flying & Crawling Insect Killer, Formula 3	Pyrethrins MGK 264 Permethrin
000498–00172	Spraypack Indoor Insect Fogger with Insect Growth Regulator	Pyrethrins MGK 264 Permethrins Pyriproxyfen
000498–00173	Spraypak Crawling Insect Killer Formula 3	Piperonyl Butoxide Pyrethrins Permethrin
000498–00185	Champion Sprayon Wasp Hornet Killer Formula 2	Piperonyl Butoxide Permethrin

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
000498–00189	Kill Zone Flea and Tick Killer 2000	Piperonyl Butoxide Pyrethrins Permethrin
000499–00231	Whitmire Flea Foam PT-11	Piperonyl Butoxide Pyrethrins MGK 264
000499–00233	Whitmire PT 170 X-CLUDE	Piperonyl Butoxide Pyrethrins MGK 264
000499–00235	Whitmire PT 170A X-CLUDE	Piperonyl Butoxide Pyrethrins MGK 264
000499–00238	Whitmire PT 12A X-CLUDE	Piperonyl Butoxide Pyrethrins MGK 264
000499–00265	Whitmire X-CLUDE Manufacturing Use Concentrate	Piperonyl Butoxide Pyrethrins MGK 264
000499–00325	Whitmire Flys-Off II Permethrin	Permethrin
000499–00331	Whitmire PT 21 H Dairy and Farm Insect Fogger	Piperonyl Butoxide Permethrin
000499–00378	Whitmire PT 150 XLO Pyrethrum Contact Insecticide	Piperonyl Butoxide Pyrethrins
000499–00411	Whitmire AERO-CIDE PT 3–6–10 XLO Pyrethrum Contact Insecticide	Piperonyl Butoxide Pyrethrins MGK 264
000499–00427	Whitmire PT 3–6–10C Aerocide Pyrethrin Concentrate	Piperonyl Butoxide Pyrethrins MGK 264
000499–00446	Whitmire TC 152	Permethrin
000499–00483	TC 179	Piperonyl Butoxide Permethrin
000499–00490	Prescription Treatment Brand TC ES Contact Insecticide	Piperonyl Butoxide Pyrethrins MGK 264
000499–00494	TC 230	Piperonyl Butoxide Pyrethrins MGK 264
000499–00499	Whitmire MICRO-GEN TC-236	Piperonyl Butoxide Pyrethrins MGK 264
000506–00166	TAT Roach & Ant Kill	Permethrin Pyrethrins MGK 264
000572–00278	Rockland Super Kill Insecticide Spray	Piperonyl Butoxide Pyrethrins
000655–00029	Prentox Pyronyl Roach Spray Concentrate	Piperonyl Butoxide Pyrethrins
000655–00030	Prentox Pyronyl 20 Concentrate	Piperonyl Butoxide Pyrethrins
000655–00043	Prentox Pyronyl 101 Emulsion Concentrate	Piperonyl Butoxide Pyrethrins

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
000655–00061	Prentox Pyronyl 20–8 Oil Concentrate	Piperonyl Butoxide Pyrethrins
000655–00062	Prentox Pyronyl 40–5 Oil Concentrate	Piperonyl Butoxide Pyrethrins
000655–00073	Prentox Pyronyl 66–6 Oil Concentrate	Piperonyl Butoxide Pyrethrins
000655–00112	Prentox Pyronyl KD Concentrate	Piperonyl Butoxide Pyrethrins
000655–00120	Prentox Pyronyl Oil Concentrate NO. 101	Piperonyl Butoxide Pyrethrins
000655–00152	Prentox Pyronyl 30–6 Oil Concentrate	Piperonyl Butoxide Pyrethrins
000655–00217	Prentox Pyronyl 50–10 Oil Concentrate	Piperonyl Butoxide Pyrethrins
000655–00310	Prentox Malathion 95% Technical Premium	Malathion
000655–00332	Prentox Pyronyl 50–5 Aerosol Concentrate	Piperonyl Butoxide Pyrethrins
000655–00406	Prentox Pyronyl 5–18–10 WBA Concentrate	Piperonyl Butoxide MGK 264
000655–00421	Prentox Synpren-Fish Toxicant	Piperonyl Butoxide
000655–00450	Prentox Pyronyl Oil Concentrate #3610	Piperonyl Butoxide MGK 264
000655–00492	Prentox Vapon 20% Emulsifiable Concentrate	Dichlorvos (DDVP)
000655–00509	Prentox Insect Spray “A”	Piperonyl Butoxide MGK 264
000655–00511	Prentox Fogging Concentrate #1	Piperonyl Butoxide MGK 264
000655–00513	Prentox Insect Spray “B”	Piperonyl Butoxide MGK 264
000655–00549	Prentox Malathion W-25	Malathion
000655–00551	Prentox 5% Malathion Dust	Malathion
000655–00582	Prentox Pyronyl Fly Spray	Piperonyl Butoxide Pyrethrins
000655–00598	Prentox Malathion 50% Emulsifiable Insecticide	Malathion
000655–00604	Prentox Mosquito Fogging Concentrate F-103	Piperonyl Butoxide Pyrethrins
000655–00609	Prentox Grain Protectant Dust NO. 101	Piperonyl Butoxide Pyrethrins
000655–00612	Prentox Insect Fogging Spray Concentrate F-102	Piperonyl Butoxide Pyrethrins
000655–00621	Prentox Home & Garden Bug Killer	Piperonyl Butoxide MGK 264
000655–00664	Prentox Pyronyl Oil Concentrate #12294	Piperonyl Butoxide MGK 264
000655–00666	Prentox TFL Killer	Piperonyl Butoxide Pyrethrins

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
000655–00675	Prentox Pyronyl Fogging & Contact Spray	Piperonyl Butoxide MGK 264
000655–00683	Prentox Pyronyl Oil Concentrate #15A	Piperonyl Butoxide Pyrethrins
000655–00684	Prentox Pyronyl Oil Concentrate #15	Piperonyl Butoxide Pyrethrins
000655–00692	Prentox Vapon 4E	Dichlorvos (DDVP)
000655–00694	Prentox Pyronyl Livestock & Dairy Spray	Piperonyl Butoxide Pyrethrins
000655–00702	Prentox Fogger Oil and Dairy Spray	Dichlorvos (DDVP)
000655–00734	Prentox Pyronyl Equine Insect Repellent Concentrate	Piperonyl Butoxide Pyrethrins
000655–00772	Prentox Pyronyl Insect Spray and Fogging Concentrate #2	Piperonyl Butoxide MGK 264
000655–00775	Prentox Pyronyl Spray Concentrate 0.62%	Piperonyl Butoxide Pyrethrins
000655–00785	Prentox Pyronyl Oil Concentrate 125–25	Piperonyl Butoxide Pyrethrins
000655–00800	Prentox Flea, Tick and Roach Control	Piperonyl Butoxide Pyrethrins
000655–00804	Nusyn - Noxfish Fish Toxicant	Piperonyl Butoxide
000655–00810	Prentox Pyronyl Mosquito Adulticide #6012	Piperonyl Butoxide Pyrethrins
000769–00221	Suregard Grain Protectant Dust (1%)	Malathion
000769–00572	Malathion Spray	Malathion
000769–00585	R & M Floral & Vegetable Spray #1	Piperonyl Butoxide Pyrethrins
000769–00596	Sureco Flea & Tick Shampoo #4	Piperonyl Butoxide Pyrethrins
000769–00597	R & M Flea & Tick Shampoo #5	Piperonyl Butoxide Pyrethrins
000769–00600	R & M Carpet Powder #1	Piperonyl Butoxide Pyrethrins
000769–00601	R & M Carpet Powder #2	Piperonyl Butoxide Pyrethrins
000769–00602	R & M Carpet Powder #3	Piperonyl Butoxide Pyrethrins
000769–00608	R & M Aqueous Flea & Tick Spray #3	Piperonyl Butoxide Pyrethrins
000769–00610	R & M Pyrethrin Powder	Piperonyl Butoxide Pyrethrins
000769–00616	Sureco Flea & Tick Spray #7	Pyrethrins Piperonyl Butoxide MGK 264
000769–00620	SMCP Malathion 57% Premium Grade	Malathion
000769–00621	SMCP Malathion EM-5	Malathion

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
000769–00623	Special Outdoor Fly Kil Insect Killer	Pyrethrins Piperonyl Butoxide
000769–00649	SMCP Emulsifiable 10–1 Pyrenone Concentrate	Pyrethrins Piperonyl Butoxide
000769–00650	SMCP Warehouse Fog Insecticide	Pyrethrins Piperonyl Butoxide
000769–00654	SMCP Roach Spray Concentrate	Pyrethrins Piperonyl Butoxide
000769–00700	SMCP Malathion ULV Concentrate	Malathion
000769–00733	SMCP General Purpose Spray #31	Pyrethrins Piperonyl Butoxide
000769–00734	SMCP Pyrenone General Purpose Spray	Pyrethrins Piperonyl Butoxide
000769–00736	SMCP Malathion Mole Cricket Bait Insecticide	Malathion
000769–00742	A. F. C. Pyrethrum Extract 1%	Pyrethrins
000769–00748	AFC Pyrethrum Concentrate #10	Pyrethrins
000769–00753	P.C.E. Fog Oil	Pyrethrins Piperonyl Butoxide MGK 264
000769–00757	AFC Pyrethrum Powder 0.9%	Pyrethrins
000769–00760	AFC General Purpose Spray	Pyrethrins Piperonyl Butoxide MGK 264
000769–00764	AFC General Purpose Spray Type II	Pyrethrins Piperonyl Butoxide MGK 264
000769–00765	SMCP AFC General Purpose Spray Type 4	Pyrethrins Piperonyl Butoxide MGK 264
000769–00770	SMCP PCE Space Spray	Pyrethrins Piperonyl Butoxide MGK 264
000769–00772	P. C. E. Water Miscible 110	Pyrethrins Piperonyl Butoxide MGK 264
000769–00773	PCE Pyrethrum Space Spray	Pyrethrins Piperonyl Butoxide
000769–00774	Formulation 16	Pyrethrins Piperonyl Butoxide MGK 264
000769–00775	PCE Water Miscible 110	Pyrethrins Piperonyl Butoxide MGK 264
000769–00776	General Purpose Spray Type 5	Pyrethrins Piperonyl Butoxide MGK 264
000769–00777	P.C.E. Multi-Purpose Concentrate	Pyrethrins Piperonyl Butoxide MGK 264

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
000769–00779	AFC D-Trans 5	Piperonyl Butoxide MGK 264
000769–00780	AFC Esbiol 35	Piperonyl Butoxide MGK 264
000769–00790	Omnicide Municipal Special	Pyrethrins Piperonyl Butoxide MGK 264
000769–00797	Universal Quick-Tox Fog Spray	Pyrethrins Piperonyl Butoxide Dichlorvos
000769–00810	Pyrethrum 25–5 ULV Insecticide	Pyrethrins Piperonyl Butoxide
000769–00811	Superior Omnicide Special Kill	Pyrethrins Piperonyl Butoxide MGK 264
000769–00818	Superior Food Plant Spray	Pyrethrins Piperonyl Butoxide
000769–00844	Pratt's 50% Malathion Spray	Malathion
000769–00847	Pratt's Home & Garden Insect Bomb	Pyrethrins Piperonyl Butoxide MGK 264
000769–00857	Science Red Arrow Insect Spray Pratt Red Arrow Insect Spray	Pyrethrins Piperonyl Butoxide Rotenone
000769–00867	Pratt Room Fogger	Pyrethrins Piperonyl Butoxide MGK 264
000769–00887	Pybutox Fruit Fly Dust	Pyrethrins Piperonyl Butoxide
000769–00932	General Purpose Insecticide	Pyrethrins Piperonyl Butoxide
000769–00933	Warner Enterprises Tomato & Vegetable Spray	Pyrethrins Piperonyl Butoxide
000769–00934	Warner Enterprises Rose & Floral Spray	Pyrethrins Piperonyl Butoxide
000769–00937	Warner House and Garden Spray	Pyrethrins Piperonyl Butoxide
000769–00941	Rose & Flower Insect Spray	Pyrethrins Piperonyl Butoxide
000769–00957	Pratt Malathion 25W	Malathion
000769–00961	Agrisect Malathion 80 EC	Malathion
000769–00964	Sureco Aqueous Flea & Tick Spray #4	Pyrethrins Piperonyl Butoxide
000769–00966	Sureco Synergized Permethrin Powder #1	Piperonyl Butoxide Permethrin
000769–00967	Sureco Synergized Permethrin Powder #2	Piperonyl Butoxide Permethrin
000769–00968	Sureco 6 Month Insect Powder	Pyrethrins Piperonyl Butoxide

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
000829–00061	SA-50 Brand 5% Malathion Dust	Malathion
000829–00288	SA-50 Turf Fungicide Granular	Triadimefon
000829–00289	SA-50 Systemic Fungicide For Turf and Ornamentals	Triadimefon
001015–00016	Douglas Special Mill Spray	Piperonyl Butoxide Pyrethrins
001021–01857	MGK Formula 74407	Piperonyl Butoxide Pyrethrins
001203–00011	Foremost 4809–ES Insect-O-Fog	Piperonyl Butoxide Pyrethrins
001270–00093	Zeposector Insecticide Spray	Piperonyl Butoxide Pyrethrins MGK 264
001270–00222	Zeposector A Spray Insecticide	Piperonyl Butoxide MGK 264
001270–00253	ZEP Double Shot II	Piperonyl Butoxide Pyrethrins Permethrin
001381–00153	Imperial 6% Malathion Grain Dust	Malathion
001381–00154	5LB Malathion Spray	Malathion
001903–00029	8–In-1 Flea and Tick Shampoo	Piperonyl Butoxide Pyrethrins
002596–00018	Hartz 2–in-1 Dog Flea Soap	Piperonyl Butoxide Pyrethrins MGK 264
002596–00021	Hartz 2–in-1 Luster Bath for Dogs	Piperonyl Butoxide Pyrethrins MGK 264
002596–00023	Hartz 2–in-1 Luster Bath for Cats	Piperonyl Butoxide Pyrethrins MGK 264
002596–00093	Hartz 2–in-1 Flea + Tick Killer for Cats - Fine Mist Spray	Piperonyl Butoxide Pyrethrins MGK 264
002596–00094	Hartz 2–in-1 Flea & Tick Killer for Dogs with Pyrethrin	Piperonyl Butoxide Pyrethrins MGK 264
002596–00111	Hartz One Spot Flea & Tick Killer for Cats & Dogs	Piperonyl Butoxide Pyrethrins MGK 264
002596–00138	Hartz 2–in-1 Flea & Tick Killer for Carpets	Piperonyl Butoxide Pyrethrins
002724–00468	Sandoz 9116 Mousse	Pyrethrins Piperonyl Butoxide
002724–00512	Speer Professional Insect Killer	Pyrethrins Piperonyl Butoxide
002724–00513	Speer Industrial Insecticide	Pyrethrins Piperonyl Butoxide
002724–00521	Speer One Shot Hi Pressure Insecticide Fogger	Pyrethrins Piperonyl Butoxide MGK 264

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
002724–00522	Speer Industrial Pressurized Spray	Pyrethrins Piperonyl Butoxide
002724–00523	Speer Insecticide, Pyrethrum Space Spray Synergizer Pyrethrins	Pyrethrins Piperonyl Butoxide
002724–00539	Speer Automatic Sequential Insecticide	Pyrethrins Piperonyl Butoxide
002724–00550	Pet Guard Flea & Tick Spray for Dogs & Cats	Piperonyl Butoxide
002724–00551	Speer Home & Institutional Insecticide Spray	Piperonyl Butoxide MGK 264
002724–00553	Speer Household + Industrial Insect Killer	Piperonyl Butoxide MGK 264
002724–00554	Magic Guard Home & Institutional Insect Spray	Piperonyl Butoxide MGK 264
002724–00556	Magic Guard Automatic Fogger No. IV	Pyrethrins Piperonyl Butoxide MGK 264
002724–00557	Magic Guard Automatic Fogger No. II (Double Strength Formula)	Pyrethrins Piperonyl Butoxide MGK 264
002724–00558	Speer Dairy and Food Plant Insecticide	Pyrethrins Piperonyl Butoxide MGK 264
002724–00559	Constant Companion Flea & Tick Spray for Dogs	Pyrethrins Piperonyl Butoxide MGK 264
002724–00560	Serene Companion Flea & Tick Spray for Cats	Pyrethrins Piperonyl Butoxide MGK 264
002724–00561	Pet Guard Pyrenone Flea & Tick Spray	Pyrethrins Piperonyl Butoxide
002724–00564	Pet Guard Beauty Shampoo	Pyrethrins Piperonyl Butoxide MGK 264
002724–00565	Better World Industrial Aerosol Insecticide	Pyrethrins Piperonyl Butoxide MGK 264
002724–00567	Better World Tomato & Vegetable Insect Spray	Pyrethrins Piperonyl Butoxide
002724–00569	Force One Insect Killer	Pyrethrins Piperonyl Butoxide MGK 264
002724–00570	Constant Companion Flea and Tick Dip	Pyrethrins Piperonyl Butoxide MGK 264
002724–00571	Speer Fly Repellent Spray	Pyrethrins Piperonyl Butoxide
002724–00572	SPI Pyrenone Food Plant Insecticide	Pyrethrins Piperonyl Butoxide
002724–00574	Speer Liquid Flea & Tick Killer with Deodorant	Pyrethrins Piperonyl Butoxide MGK 264

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
002724–00576	Deputy Dog Flea & Tick Arrest	Pyrethrins Permethrin
002724–00583	Speer Residual Pressurized Spray	Piperonyl Butoxide MGK 264
002724–00587	SPI Residual Flea and Tick Spray for Dogs and Cats II	Pyrethrins Permethrin
002724–00588	Speer Flea and Tick Powder for Carpets	Pyrethrins Piperonyl Butoxide
002724–00594	Daltek Dermatological Quick Kill Flea and Tick Spray for Dogs and Cats	Pyrethrins Piperonyl Butoxide
002724–00595	Farnam Dip-Quik Concentrate	Pyrethrins Piperonyl Butoxide
002724–00596	Farnam Flea & Tick Non-Aerosol Spray	Pyrethrins Piperonyl Butoxide
002724–00598	Farnam Flys Away Repellent Stick	Pyrethrins Piperonyl Butoxide
002724–00600	Farnam Repel-X A Emulsifiable Fly Spray	Piperonyl Butoxide
002724–00601	Farnam Automatic Insect Guard	Pyrethrins Piperonyl Butoxide
002724–00602	Farnam Flea & Tick Shampoo	Pyrethrins Piperonyl Butoxide MGK 264
002724–00603	Farnam Flea & Tick Shampoo II	Pyrethrins Piperonyl Butoxide
002724–00605	Nature's Own Brand Herbal Flea and Tick Shampoo	Pyrethrins
002724–00606	Organic Pyrethrin Liquid Concentrate Spray	Pyrethrins Piperonyl Butoxide
002724–00609	Farnam Repel-X Plus	Piperonyl Butoxide
002724–00612	Farnam Wipe a Fly Protectant	Piperonyl Butoxide
002724–00613	Mug-a-bug Total Release Aerosol Fogger I	Pyrethrins Permethrin MGK 264
002724–00614	Speer Repellent Towelette I	Pyrethrins Piperonyl Butoxide
002724–00618	Holiday Pet Spray	Piperonyl Butoxide
002724–00623	Speer Pyrethrin Spray 2000	Pyrethrins Piperonyl Butoxide
002724–00624	Elite Carpet Powder	Pyrethrins Piperonyl Butoxide
002724–00625	6 Month Insect Powder	Pyrethrins Piperonyl Butoxide
002724–00626	Elite Carpet Powder II	Pyrethrins Piperonyl Butoxide
002724–00629	Speer Point Five Pyrethrin Spray	Pyrethrins Piperonyl Butoxide
002724–00647	Speer-it Fogger II Total Release Aerosol	Pyrethrins Piperonyl Butoxide MGK 264

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
002724–00649	Farnam-Wipe Plus Fly Protectant	Piperonyl Butoxide
002724–00650	Farnam HMH-228 Fly Repellent Ointment	Piperonyl Butoxide
002724–00652	Purina Flea 'N Tick Mist	Pyrethrins Permethrin
002724–00653	TPC-RE-PEL	Pyrethrins Piperonyl Butoxide
002724–00656	Speer Point Five Pyrethrin Total Release Indoor Fogger	Pyrethrins Piperonyl Butoxide
002724–00657	Speer Cyfluthrin Multi-Purpose House & Garden Insect Killer	Piperonyl Butoxide MGK 264
002724–00658	Speer Cyfluthrin Ant and Roach Killer	Pyrethrins Piperonyl Butoxide
002724–00659	Speer Cyfluthrin Ant and Roach Killer Pump Spray	Pyrethrins Piperonyl Butoxide
002724–00660	Speer Cyfluthrin Flying Insect Killer	Piperonyl Butoxide MGK 264
002724–00662	Speer Total Release Aerosol II with Nylar	Pyrethrins Piperonyl Butoxide MGK 264
002724–00670	Neoperm Industrial Insect Killer	Pyrethrins Piperonyl Butoxide Permethrin
002724–00671	Speer Dry Insecticide	Pyrethrins Piperonyl Butoxide
002724–00672	Speer Py-Perm Aqueous Insect Killer #2 Alternate Speer Permethrin Dusting Powder Active	Piperonyl Butoxide Permethrin
002724–00689	Security Brand Vegetable & Ornamental Insect Spray	Pyrethrins Piperonyl Butoxide
002724–00708	Elite Flea & Tick Spray #5	Pyrethrins Piperonyl Butoxide
002724–00710	Elite Horse Spray and Rub Concentrate	Pyrethrins Piperonyl Butoxide
002724–00711	Elite Horse Spray & Rub	Pyrethrins Piperonyl Butoxide
002724–00712	Elite Residual Flea and Tick Mist	Pyrethrins Permethrin
002724–00713	Elite Flea and Tick Dip III	Pyrethrins Piperonyl Butoxide
002724–00716	Elite Flea & Tick Shampoo III	Pyrethrins Piperonyl Butoxide
002724–00717	Elite Flea & Tick Shampoo IV	Pyrethrins Piperonyl Butoxide
002724–00718	Elite Flea & Tick Shampoo V	Pyrethrins Piperonyl Butoxide
002724–00720	Elite Horse Spray	Pyrethrins Piperonyl Butoxide
002724–00721	Elite Residual Flea & Tick Mist II with Aloe & Lanolin	Pyrethrins Permethrin

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
002724–00723	Elite Quick Kill Spray Concentrate II	Pyrethrins Piperonyl Butoxide
002724–00725	Elite Horse Spray and Wipe	Pyrethrins Piperonyl Butoxide Permethrin
002724–00726	Elite Residual Equine & Pet Spray II	Pyrethrins Piperonyl Butoxide Permethrin
002724–00727	Elite Barn and Stable Spray II	Pyrethrins Piperonyl Butoxide
002724–00728	Elite Flea & Tick Spray #10	Pyrethrins Piperonyl Butoxide MGK 264
002724–00732	Elite Flea & Tick Spray II	Pyrethrins Piperonyl Butoxide MGK 264
002724–00733	Elite Flea & Tick Shampoo II	Pyrethrins Piperonyl Butoxide MGK 264
002724–00735	RSR Allethrin Shampoo	Piperonyl Butoxide
002724–00736	RSR Hamster & Gerbil Spray	Piperonyl Butoxide Pyrethrins MGK 264
002724–00737	RSR Mite and Lice Spray	Pyrethrins Piperonyl Butoxide
002724–00738	Heartland Farm & Dairy Fly Spray	Pyrethrins Piperonyl Butoxide
002724–00739	Heartland Auto-Mist 3 Insect Killer	Pyrethrins Piperonyl Butoxide MGK 264
002724–00740	Heartland Auto-Mist 2 Insect Killer	Pyrethrins Piperonyl Butoxide MGK 264
002724–00741	Heartland Farm & Dairy Insecticide	Pyrethrins Piperonyl Butoxide MGK 264
002724–00742	Mercomist Aerosol Insect Killer	Pyrethrins Piperonyl Butoxide MGK 264
002724–00744	Heartland FH-7 Farm & Dairy Insect Killer	Pyrethrins Piperonyl Butoxide
002724–00745	SPI Horse Spray	Pyrethrins Piperonyl Butoxide
002724–00748	Holiday Ointment	Pyrethrins Piperonyl Butoxide
002724–00749	Holiday Flea Shampoo for Dogs & Cats	Pyrethrins Piperonyl Butoxide
002724–00752	Holiday Puppy-Kitten Spray	Pyrethrins Piperonyl Butoxide MGK 264

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
002724–00753	Pyrethrin Flushing Insecticide	Pyrethrins Piperonyl Butoxide MGK 264
002724–00754	Pest Control Products Roach Flushing Insecticide	Pyrethrins Piperonyl Butoxide MGK 264
002724–00755	Pest Control Products One-Two-Three Economy Insecticide	Pyrethrins Piperonyl Butoxide MGK 264
002724–00756	Holiday Concentrated Shampoo for Dogs and Cats	Pyrethrins Piperonyl Butoxide
002724–00758	Pest Control Products Indoor Fogger	Pyrethrins Piperonyl Butoxide MGK 264
002724–00763	Hill's Holiday Flea Stop Pump Spray for Dogs & Cats	Piperonyl Butoxide
002724–00764	Holiday Non-Aerosol Flea Spray	Piperonyl Butoxide
002724–00768	Hill's Holiday Flea Stop Pyrethrin Pump	Pyrethrins Piperonyl Butoxide MGK 264
002724–00772	Permalool Plus Fogger	Piperonyl Butoxide Permethrin
002724–00775	Holiday Pet Spray II	Pyrethrins Piperonyl Butoxide MGK 264
002724–00778	Permethrin Plus Fogger	Piperonyl Butoxide Permethrin
002724–00781	Carpet Powder Plus	Pyrethrins Piperonyl Butoxide
002724–00784	Carpet Powder Plus II	Pyrethrins Piperonyl Butoxide
002724–00785	Carpet Powder Plus III	Pyrethrins Piperonyl Butoxide
002935–00549	Potato Seed Treater	Mancozeb
004713–00006	Superfine Pyrethrum Powder	Pyrethrins
004713–00007	Kenya Refined Pyrethrum Extract 20%	Pyrethrins
004822–00025	Raid Insect Spray Power Packed	Piperonyl Butoxide Pyrethrins MGK 264
004822–00034	Raid Flying Insect Killer	MGK 264 Piperonyl Butoxide Pyrethrins
004822–00071	Raid Power Guard 2–Way Bug Killer	Piperonyl Butoxide Pyrethrins
004822–00072	New Formula Raid House & Garden Bug Killer	Pyrethrins Piperonyl Butoxide
004822–00085	Bolt Super Knock-Out Flying Insect Killer	Piperonyl Butoxide
004822–00113	Johnson Raid Household Flying Insect Killer	Piperonyl Butoxide MGK 264

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
004822–00133	Improved Formula Raid House & Garden Bug Killer	Pyrethrins Piperonyl Butoxide
004822–00135	Raid Automatic Indoor Fogger	Pyrethrins Piperonyl Butoxide MGK 264
004822–00180	Raid Indoor Fogger II	Pyrethrins Piperonyl Butoxide MGK 264
004822–00279	Raid House & Garden Bug Killer Formula 11	Pyrethrins Piperonyl Butoxide
004822–00280	Raid Flying Insect Killer Formula V	MGK 264 Pyrethrins Piperonyl Butoxide Tetramethrin
004822–00281	Raid House & Garden	Pyrethrins Piperonyl Butoxide
004822–00289	Raid Flying Insect Killer Formula 4	Piperonyl Butoxide
004822–00303	Raid Flying Insect Killer Formula 9	Piperonyl Butoxide
004822–00319	Raid Flying Insect Killer Formula 12.	Piperonyl Butoxide
004822–00321	Raid Fogger 15	Pyrethrins
004822–00323	Raid Ant & Roach Formula 6	Piperonyl Butoxide Pyrethrins Permethrin
004822–00327	Raid Flying Insect Killer	Piperonyl Butoxide
004822–00353	Raid and Roach Killer Formula D16	Piperonyl Butoxide Permethrin
004822–00354	Raid Max Roach and Ant Killer 3	Piperonyl Butoxide
004822–00361	Enforcer Flea Killer For Carpets	MGK 264 Pyrethrins Piperonyl Butoxide
004822–00363	Piperonyl Butoxide Technical for Manufacturing Purposes Only	Piperonyl Butoxide
004822–00378	Raid Max Fogger 2	Pyrethrins Piperonyl Butoxide
004822–00386	Raid Indoor Fogger XXIII	Pyrethrins Piperonyl Butoxide
004822–00387	Raid Fogger Formula XXIV	Pyrethrins Piperonyl Butoxide
004822–00391	Raid Ant 7 Roach Killer 12	Pyrethrins Piperonyl Butoxide Permethrin
004822–00403	Raid And & Roach Killer 14	Pyrethrins Piperonyl Butoxide Permethrin
004822–00445	Raid Flea Killer Plus Cat Foam V	Piperonyl Butoxide Pyrethrins MGK 264
004822–00459	Whitmire Liquid Pet Spray	MGK 264 Pyrethrins Piperonyl Butoxide

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
004822–00464	Whitmire Flea and Tick Spray No. 1	Pyrethrins Piperonyl Butoxide MGK 264
004822–00466	P/P Pet Spray	Pyrethrins Piperonyl Butoxide
004822–00467	P/P Flea & Tick Spray No. 3	Pyrethrins Piperonyl Butoxide
005481–00073	Alco Fly Fighter Liquid Concentrate	Dichlorvos (DDVP)
005481–00200	DDVP 90% Fogging Concentrate	Dichlorvos (DDVP)
005481–00206	DDVP 20% Spray Concentrate	Dichlorvos (DDVP)
005481–00334	DDVP 2 Spray OB	Dichlorvos (DDVP)
005481–00340	Alco Bug Spray Pressurized	Dichlorvos (DDVP)
005887–00010	50% Malathion Spray	Malathion
005887–00120	Black Leaf Tomato & Vegetable Spray	Piperonyl Butoxide Pyrethrins
005887–00160	Black Leaf Roach, Ant & Spider Spray	Permethrin Pyrethrins MGK 264
005887–00168	50% Malathion Spray	Malathion
007401–00267	Hi-Yield 5% Malathion Dust	Malathion
007401–00438	Ferti-Lome Liquid Fruit Tree Spray	Malathion
008329–00045	Permethrin RTU	Permethrin
008660–00255	Permethrin 0.5 Lawn Insect Control	Permethrin
008660–00257	Permethrin 0.32 Lawn Insect Control with Fertilizer	Permethrin
008660–00258	Permethrin 0.38 Lawn Insect Control with Fertilizer	Permethrin
009444–00005	CB Purge Insecticide	Piperonyl Butoxide Pyrethrins
009444–00020	Purge Instant Fogger	Pyrethrins Piperonyl Butoxide
009444–00021	CB-38 Insecticide	Pyrethrins Piperonyl Butoxide
009444–00033	Purge III Industrial Type Insect Killer	Pyrethrins Piperonyl Butoxide MGK 264
009444–00041	CB-40 Insecticide	Pyrethrins Piperonyl Butoxide MGK 264
009444–00082	Purge Fly Spray for Horses	Pyrethrins Piperonyl Butoxide
009444–00088	CB Farm Dairy Insect Fogger	Pyrethrins Piperonyl Butoxide MGK 264
009444–00096	CB-80 Insecticide	Pyrethrins Piperonyl Butoxide

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
009444–00102	CB Flea & Tick Shampoo	Pyrethrins Piperonyl Butoxide
009444–00111	CB Farm Dairy Insecticide Concentrate	Pyrethrins Piperonyl Butoxide
009444–00124	Purge CB-100 Insecticide	Pyrethrins Piperonyl Butoxide MGK 264
009444–00126	CB S-312 Insecticide	Piperonyl Butoxide
009444–00144	CB-405 Fogger	Pyrethrins Piperonyl Butoxide MGK 264
009444–00147	Country Vet Flea & Tick Dip Concentrate	Pyrethrins Piperonyl Butoxide
009444–00148	Country Vet Pet & Spray	Pyrethrins Piperonyl Butoxide
009444–00149	Country Vet Pet & Kennel Spray	Pyrethrins Piperonyl Butoxide
009444–00162	Purge 30 DS	Pyrethrins Piperonyl Butoxide MGK 264
009444–00172	CB-38–4 For Insect Control	Pyrethrins Piperonyl Butoxide
009444–00176	CB-80–2 WB For Insect Control	Pyrethrins Piperonyl Butoxide
009444–00178	CB-80–4 WB For Insect Control	Pyrethrins Piperonyl Butoxide
009444–00179	CB-123–1 For Insect Control	Pyrethrins Piperonyl Butoxide MGK 264
009444–00187	CB S-312 For Insect Control	Piperonyl Butoxide
009444–00197	Country Vet Farm Dairy CV-40–ID Insect Spray	Pyrethrins Piperonyl Butoxide
009444–00198	Country Vet Farm Dairy CV-40–3D Insect Spray	Pyrethrins Piperonyl Butoxide
009444–00199	Country Vet Farm Dairy CV-40–4D Insect Spray	Pyrethrins Piperonyl Butoxide
009444–00200	Country Vet Farm Dairy CV-40–2D Insect Spray	Pyrethrins Piperonyl Butoxide
009444–00201	Intruder II Residual with Cyfluthrin	Pyrethrins Piperonyl Butoxide
009444–00218	Crawling Insect Killer-MP	Piperonyl Butoxide Permethrin
009444–00222	Home Insect Fogger	Pyrethrins Permethrin MGK 264
009444–00233	CB-80–3 Spray for Horses	Pyrethrins Piperonyl Butoxide
009444–00238	Country Vet Purge 1	Pyrethrins Piperonyl Butoxide

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
009688–00036	Total Release Insect Fogger	Piperonyl Butoxide Pyrethrins
009688–00052	Flying and Crawling Insects Spray IV	Piperonyl Butoxide Pyrethrins
009688–00055	Flying and Crawling Insect Killer V	Piperonyl Butoxide Pyrethrins MGK 264
009688–00083	Chemsico Lawn Insect Control Granules	Permethrin
009688–00103	Chemsico Carpet Powder	Piperonyl Butoxide Pyrethrins
009688–00105	Chemsico Insect Repellent	Permethrin
009688–00112	Chemsico Aerosol Spray A	Permethrin
009688–00114	Chemsico Insecticide K	Piperonyl Butoxide Pyrethrins
009688–00115	Chemsico Ornamental, Houseplant & Vegetable Spray	Piperonyl Butoxide Pyrethrins Permethrin
009688–00116	Chemsico Indoor & Outdoor Spray	Piperonyl Butoxide Permethrin
009688–00142	Chemsico Insecticide Concentrate 10P	Permethrin
009688–00146	Chemsico Insecticide DM	Permethrin
009688–00159	Chemsico Insecticide NT	Piperonyl Butoxide Permethrin
009688–00161	Chemsico Insecticide Concentrate N30–A	Permethrin
009688–00175	Chemsico Insecticide Concentrate FAP	Permethrin
009688–00196	Chemsico Garden Dust PP	Piperonyl Butoxide Pyrethrins
009688–00207	Chemsico Insecticide Concentrate 10PT	Permethrin
009688–00226	Chemsico Flea & Tick Killer PP	Piperonyl Butoxide Pyrethrins
009779–00272	Propanil 4E	Propanil
009779–00306	Propanil 60 DF	Propanil
009779–00307	Malathion RTU	Malathion
009779–00338	Propanil 80 EDF	Propanil
009779–00340	Londax Pro-Pack BNB	Propanil
009779–00343	Pro-Pack 80EDF	Propanil
010163–00044	ProKill Malathion ULV	Malathion
010163–00142	Gowan Malathion 5 Dust	Malathion
010163–00152	Malathion Technical	Malathion
010806–00011	P-30 Insect Spray	Piperonyl Butoxide Pyrethrins MGK 264
028293–00004	Unicorn Pet Shampoo	MGK 264 Piperonyl Butoxide

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
028293–00007	Unicorn Flea and Tick Powder	Piperonyl Butoxide Pyrethrins
028293–00020	Unicorn Fly Repellent #2	MGK 264 Piperonyl Butoxide
028293–00021	Unicorn Blitz RTU Spray	Piperonyl Butoxide Pyrethrins
028293–00025	Unicorn Ear Mite Remedy	Piperonyl Butoxide Pyrethrins
028293–00029	Unicorn Pet Dip	Piperonyl Butoxide Pyrethrins
028293–00030	Unicorn Equine Fly Spray	Piperonyl Butoxide Pyrethrins Butoxypolypropylene Glycol
028293–00085	Unicorn Bird Spray	MGK 264 Piperonyl Butoxide
028293–00093	Unicorn Carpet Dust	Piperonyl Butoxide Pyrethrins
028293–00118	Unicorn Today Flea and Tick Spray	MGK 264 Piperonyl Butoxide
028293–00119	Unicorn Malathion	Malathion
028293–00137	Unicorn Pyrethrin Pet Shampoo II	Piperonyl Butoxide Pyrethrins
028293–00138	Unicorn Carpet Dust II	Piperonyl Butoxide Pyrethrins
028293–00140	Unicorn Super Pet Shampoo	MGK 264 Piperonyl Butoxide
028293–00145	Unicorn Flea and Tick Spray	MGK 264 Piperonyl Butoxide
028293–00174	Unicorn Flea & Tick Spray	Piperonyl Butoxide Pyrethrins
028293–00176	Unicorn Aqueous Pet Dip	Piperonyl Butoxide Pyrethrins
028293–00178	Unicorn Animal & Kennel Concentrate	Piperonyl Butoxide Pyrethrins
028293–00180	Pyrethrins Flea and Tick Carpet Powder	Piperonyl Butoxide Pyrethrins
028293–00197	Unicorn Ultra Pet Shampoo II	MGK 264
028293–00207	Unicorn Garden Dust	Piperonyl Butoxide Pyrethrins
028293–00208	Unicorn Garden Spray Concentrate	Piperonyl Butoxide Pyrethrins
028293–00209	Unicorn 14 Day Flea & Tick Spray #3	Piperonyl Butoxide Pyrethrins Permethrin
028293–00219	Unicorn Concentrate 7243	Piperonyl Butoxide Pyrethrins
028293–00220	Unicorn Pressurized Garden Spray	Piperonyl Butoxide Pyrethrins

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
028293–00224	House and Carpet Spray #7	Piperonyl Butoxide Pyrethrins Permethrin
028293–00225	Unicorn House and Carpet Spray #8	Piperonyl Butoxide Pyrethrins Permethrin
028293–00226	Unicorn House and Carpet Spray #9	Piperonyl Butoxide Pyrethrins Permethrin
028293–00227	Unicorn Residential, Industrial & Garden Spray #2	Piperonyl Butoxide Pyrethrins Permethrin
028293–00228	Unicorn House and Carpet Spray #11	Piperonyl Butoxide Pyrethrins Permethrin
028293–00232	Unicorn .15% Transparent Emulsion Spray	Piperonyl Butoxide Pyrethrins
028293–00275	Unicorn Multi-Purpose House & Garden Insect Killer	MGK 264 Piperonyl Butoxide
028293–00278	Unicorn 1% Granular Turf Fungicide	Triadimefon
028293–00280	Unicorn 0.5% Granular Turf Fungicide	Triadimefon
028293–00284	Unicorn CyPermethrin Concentrate	Cypermethrin
028293–00288	Unicorn Synergized Pour-On Insecticide II	Piperonyl Butoxide Permethrin
028293–00291	Unicorn Malathion 50% EC	Malathion
028293–00292	Unicorn Synergized Pour-On Insecticide III	Piperonyl Butoxide Permethrin
028293–00367	Unicorn .30% CyPermethrin Granules	Cypermethrin
034704–00802	Accost-1G	Triadimefon
040208–00005	Haymaker II Fogging Insecticide	Piperonyl Butoxide Pyrethrins
046515–00031	CAI Flea & Tick Spray for Dogs and Cats II	Permethrin Pyrethrins
046515–00054	Permethrin 0.5% Liquid Ready to Use	Permethrin
047000–00008	Chem Tech Metered Refill	Piperonyl Butoxide Pyrethrins
053883–00040	Martin's 50% Malathion Concentrate	Malathion
067425–00019	ECOPCO JET/X	Piperonyl Butoxide
067603–00001	TSD Multi-Purpose Insect Spray	Permethrin
067760–00026	Fyfanon 6% Dust	Malathion
073049–00069	Powdered Pyrethrum	Pyrethrins
073049–00070	Pyrethrin Extract Crude	Pyrethrins
073049–00073	Pyrethrum Extract Hr.	Pyrethrins
073049–00074	Pyrethrum Powdered	Pyrethrins

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
073049–00075	Insecticidal Concentrate NO. 1	Piperonyl Butoxide Pyrethrins MGK 264
073049–00077	Ultratec Insect with Pyrethrins/Piperonyl Butox. T.E.C. 3.75%-3.75%	Piperonyl Butoxide Pyrethrins
073049–00124	Pramex Insecticide Concentration 12.5%	Permethrin
073049–00126	Pramex Insecticide Aqueous Pressurized Spray 0.25% For House and Garden	Permethrin
073049–00146	Ultratec Insecticide W/PYR./Piperonyl Butoxide Transparent E.C. 2.25–22.5%	Piperonyl Butoxide Pyrethrins
073049–00147	Ultratec Insecticide W/PYR./Piperonyl Butoxide Transparent Emulsion 2.25%-22.5%	Piperonyl Butoxide Pyrethrins
073049–00149	PYR./P.B.O. Trans. Emulsion Spray 0.15 + 1.5%	Piperonyl Butoxide Pyrethrins
073049–00173	Pyraperm 709 Fogger	Piperonyl Butoxide Pyrethrins Permethrin
073049–00188	Permanone Insect Killer R400	Permethrin
073049–00189	Pramex Insecticide E. C. 13.3% For Use on Plants Formula I	Permethrin
073049–00191	Ford's Permicide Crack & Crevice Spray	Permethrin
073049–00192	Thirty-Five Plus Multi-Purpose Insect Spray	Permethrin
073049–00194	Tomato and Vegetable Insect Spray	Piperonyl Butoxide Pyrethrins
073049–00195	Ford's Garden Spray	Piperonyl Butoxide Pyrethrins
073049–00196	Pet Shampoo	Piperonyl Butoxide Pyrethrins
073049–00198	Ford's Aqua Py Dog & Cat Spray	Piperonyl Butoxide Pyrethrins
073049–00199	Flea and Tick Spray	Piperonyl Butoxide Pyrethrins
073049–00200	Ford's Pyre-Dust Roach Powder	Piperonyl Butoxide Pyrethrins
073049–00201	Ford's Aqua Fog	Piperonyl Butoxide Pyrethrins
073049–00202	Flea and Tick Duster for Carpets and Upholstered Furniture	Piperonyl Butoxide Pyrethrins
073049–00203	Ford's Multipurpose Aerosol	Piperonyl Butoxide Pyrethrins
073049–00204	Ultimate Spray	Piperonyl Butoxide Pyrethrins
073049–00205	Pyre-cide 3–6–10 Oil Concentrate	Piperonyl Butoxide Pyrethrins MGK 264
073049–00211	Pyrenone Aerosol Concentrate 20–5	Piperonyl Butoxide Pyrethrins
073049–00214	Pyrenone O.T. 50–5	Piperonyl Butoxide Pyrethrins

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
073049–00215	Pyrenone O.T. 666 Insecticide	Piperonyl Butoxide Pyrethrins
073049–00216	Emulsifiable Pyrenone 10–1	Piperonyl Butoxide Pyrethrins
073049–00219	Pyrenone O.T. Emulsifiable Concentrate 60–6	Piperonyl Butoxide Pyrethrins
073049–00220	Niagara Pyrenone Aerosol Concentrate 50–6 Insecticide code 777.00	Piperonyl Butoxide Pyrethrins
073049–00221	Special Aerosol Concentrate Insecticide Code	Piperonyl Butoxide Pyrethrins
073049–00224	Intermediate Concentrate WB Insecticide	Piperonyl Butoxide Pyrethrins
073049–00227	Pyrenone General Purpose Spray	Piperonyl Butoxide Pyrethrins
073049–00229	Butamin P & O Concentrate	Piperonyl Butoxide
073049–00235	Automatic Sequential Pressurized Spray	Piperonyl Butoxide Pyrethrins
073049–00237	Pyrenone Small Animal & Kennel Insecticide Emulsifiable Concentrate	Piperonyl Butoxide Pyrethrins
073049–00239	Niagara Vaporizer Concentrate 3.0–0.3	Piperonyl Butoxide Pyrethrins
073049–00240	Vaporizer Concentrate 0.1%-0.5%	Piperonyl Butoxide Pyrethrins
073049–00241	Pyrenone Industrial Spray Emulsifiable Concentrate	Piperonyl Butoxide Pyrethrins
073049–00242	Pyrenone Double-A Spray	Piperonyl Butoxide Pyrethrins
073049–00243	Pyrenone 60–6 EC Alternate Code 77805	Piperonyl Butoxide Pyrethrins
073049–00244	Vaporizor Conc. 2.4–0.3	Piperonyl Butoxide Pyrethrins
073049–00245	Niagara Pyrenone W-B 40–5 Code 76703	Piperonyl Butoxide Pyrethrins
073049–00246	Multi-Purpose Pyrenone Insecticide Concentrate	Piperonyl Butoxide Pyrethrins
073049–00248	Compactor and Kitchen Insecticide	Piperonyl Butoxide Pyrethrins
073049–00250	Pyrenone E.C. 10–1 Insecticide	Piperonyl Butoxide Pyrethrins
073049–00251	Pyrenone Mill Spray 2–0.2 Oil Type	Piperonyl Butoxide Pyrethrins
073049–00256	Pyrenone 50%-5% Insecticide Concentrate	Piperonyl Butoxide Pyrethrins
073049–00257	Butamin Indoor/Outdoor Spray	Piperonyl Butoxide
073049–00287	Drione II Insecticide	Piperonyl Butoxide Pyrethrins
073049–00291	Pyrenone 12.5 - 5.0 W.P. Base	Piperonyl Butoxide Pyrethrins

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
073049–00296	Pyrenone - Porch, Patio, Garden and Ornamental Spray I	Piperonyl Butoxide Pyrethrins
073049–00302	Double Action Flea and Tick Powder I	Piperonyl Butoxide Pyrethrins
073049–00304	Butamin P & O Concentrate V	Piperonyl Butoxide
073049–00308	Tetraperm Yard & Patio Spray	Piperonyl Butoxide Permethrin
073049–00309	Permanone Dusting Powder	Piperonyl Butoxide Permethrin
073049–00310	Permanone (20–5) Dust Concentrate	Piperonyl Butoxide Permethrin
073049–00311	Pyraperm Dusting Powder	Piperonyl Butoxide Pyrethrins Permethrin
073049–00312	Pyraperm Dust Concentrate	Piperonyl Butoxide Pyrethrins Permethrin
073049–00313	Tetraperm Crawling Insect Killer	Permethrin
073049–00314	Tetraperm Dual Action Ant and Roach Killer	Permethrin
073049–00315	Tetraperm (16–40) O-B Concentrate	Permethrin
073049–00316	Pyraperm (7.5–15–37.5) O-B Concentrate	Piperonyl Butoxide Pyrethrins Permethrin
073049–00321	Pyraperm Insect Killer WBA N65	Piperonyl Butoxide Pyrethrins Permethrin
073049–00322	Pyraperm Insect Killer WBA N66	Piperonyl Butoxide Pyrethrins Permethrin
073049–00323	Pyraperm Insect Killer WBA N67	Piperonyl Butoxide Pyrethrins Permethrin
073049–00324	Pyraperm Insect Killer WBA N67A	Piperonyl Butoxide Pyrethrins Permethrin
073049–00325	Pyraperm (6–3–30) W-B Concentrate	Piperonyl Butoxide Pyrethrins Permethrin
073049–00326	Permanone Aqueous Indoor Fogger	Permethrin
073049–00327	Pyraperm Aqueous Crawling Insect Killer	Piperonyl Butoxide Pyrethrins Permethrin
073049–00328	Tetraperm Crawling Insect Killer II	Permethrin
073049–00335	Pyraperm Household Dusting Powder	Piperonyl Butoxide Pyrethrins Permethrin
073049–00336	Permanone Household Dusting Powder	Piperonyl Butoxide Permethrin
073049–00340	Permanone WSB	Permethrin

TABLE 1.—PRODUCT CANCELLATIONS—Continued

EPA Registration No.	Product Name	Chemical Name
073049–00341	Permanone 25 WP	Permethrin
073049–00353	Permanone 25 WP	Permethrin
073049–00364	Intercept H & G Insect Control	Permethrin
073049–00369	Permanone 0.2% RTU H & G Insect Control	Permethrin
073049–00370	Pyrenone Aerosol Concentrate 40–5	Piperonyl Butoxide Pyrethrins
073049–00373	Dairy & Livestock Spray	Piperonyl Butoxide Pyrethrins
073049–00375	Industrial Aqueous Pressurized 4.0–0.5	Piperonyl Butoxide Pyrethrins
073049–00376	Pyrenone Garden Dust	Piperonyl Butoxide Pyrethrins
073049–00377	Pyrenone Garden Spray Concentrate	Piperonyl Butoxide Pyrethrins
073825–00006	Ecosmart Household Insect Killer	Piperonyl Butoxide

Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed above.

TABLE 2. —REGISTRANTS OF CANCELLED PRODUCTS

EPA Co. Number	Company Name and Address
4	Bonide Products, Inc. Agent Registrations By Design, Inc. P.O. Box 1019 Salem, VA 24153–3805
70	Value Gardens Supply, LLC D/B/A Garden Value Supply P.O. Box 585 Saint Joseph, MO 64502
88	Hyponex Corporation (and Subsidiaries) 14111 Scottslawn Road Marysville, OH 43041
192	Value Gardens Supply, LLC D/B/A Garden Value Supply P.O. Box 585 Saint Joseph, MO 64502
239	The Scotts Company 14111 Scottslawn Road Marysville, OH 43041
270	Farnam Companies, Inc. D/B/A Central Life Sciences 301 West Osborn Road Phoenix, AZ 85013

TABLE 2. —REGISTRANTS OF CANCELLED PRODUCTS—Continued

EPA Co. Number	Company Name and Address
305	United Industries Corp. d/b/a WPC Brands Inc. P.O. Box 4406 Bridgeton, MO 63044
432	Bayer Environmental Science 2 T. W. Alexander Drive P.O. Box 12014 Research Triangle Park, NC 27709
478	Realex P.O. Box 142642 St. Louis, MO 63114–0642
498	Chase Products Co. P.O. Box 70 Maywood, IL 60153
499	Whitmire Micro-Gen Research Laboratories, Inc. Agent Name: BASF CORP. 3568 Tree Court Industrial Blvd. St. Louis, MO 63122–6682
506	Walco Linck Company 30856 Rocky Rd Greeley, CO 80631–9375
572	Value Gardens Supply, LLC D/B/A Garden Value Supply P.O. Box 585 Saint Joseph, MO 64502

TABLE 2. —REGISTRANTS OF CANCELLED PRODUCTS—Continued

EPA Co. Number	Company Name and Address
655	Prentiss, INC. 3600 Mansell Rd, Suite 350 Alpharetta, GA 30022
769	Value Gardens Supply, LLC P.O. Box 585 Saint Joseph, MO 64502
829	Southern Ag Insecticides Ag-Chem Consulting 12208 Quinque Lane Clifton, VA 20124
1015	Douglas Products and Packaging Co. D/B/A Douglas Products and Packaging 4110 136th Street, Northwest Gig Harbor, WA 98332
1021	Douglas Products and Packaging Co. D/B/A Douglas Products and Packaging 4110 136th Street, Northwest Gig Harbor, WA 98332
1203	Delta Foremost Chemical Corp 3915 Air Park St. Memphis, TN 38118

TABLE 2. —REGISTRANTS OF CANCELLED PRODUCTS—Continued

EPA Co. Number	Company Name and Address
1270	ZEP Inc. 1310 Seaboard Industrial Blvd. NW Atlanta, GA 30318
1381	Winfield Solutions, LLC P.O. Box 64589 St. Paul, MN 55164–0589
1903	Eight in One Pet Products, Inc. 1377 Motor Parkway, Suite 100 Islandia, NY 11749
2596	The Hartz Mountain Corp. 400 Plaza Drive Secaucus, NJ 07094
2724	Wellmark International 1501 E. Woodfield Rd, Suite 200 West Schaumburg, IL 60173
2935	Wilbur-Ellis Company P.O. Box 1286 Fresno, CA 93715
4713	Paul A. Keane & Associates P.O. Box 65436 Tucson, AZ 85728
4822	S.C. Johnson & Son, Inc. 1525 Howe St. Racine, WI 53403
5481	Amvac Chemical Corporation 4695 MacArthur Court, Suite 1250 Newport Beach, CA 92660
5887	Value Gardens Supply, LLC D/B/A Garden Value Supply P.O. Box 585 Saint Joseph, MO 64502
7401	Voluntary Purchasing Group, Inc. 230 FM 87 Bonham, TX 75418–8629
8329	Clarke Mosquito Control Products, Inc. P.O. Box 72197 Roselle, IL 60172
8660	United Industries Corp. d/b/a Sylorr Plant Corp P.O. Box 14642 St. Louis, MO 63114–0642
9444	Waterbury Companies, Inc. 129 Calhoun St. P.O. Box 640 Independence, LA 70443

TABLE 2. —REGISTRANTS OF CANCELLED PRODUCTS—Continued

EPA Co. Number	Company Name and Address
9688	Chemsico Div of United Industries Corp P.O. Box 142642 St Louis, MO 63114–0642
9779	Agriliance, LLC P.O. Box 64089 St. Paul, MN 55164–0089
10163	Gowan Company P.O. Box 5569 Yuma, AZ 85366–5569
10806	Contact Industries Div. of Safeguard Chemical Corp 411 Wales Ave Bronx, NY 10454
28293	Phaeton Corporation Agent Registrations By Design, Inc P.O. Box 1019 Salem, VA 24153
34704	Loveland Products, Inc. P.O. Box 1286 Greeley, CO 80632–1286
40208	Lawson Products, Inc. D/B/A Drummond, A Lawson Brand 600 Corporate Woods Parkway Vernon Hills, IL 60061–3165
46515	Celex Div. of United Industries Corp. P.O. Box 142642 St Louis, MO 63114–0642
47000	Chem-Tech, LTD. 4515 Fleur Dr. #303 Des Moines, IA 50321
53883	Control Solutions, Inc. 427 Hide Away Circle Cub Run, Kentucky 42729
67425	Ecosmart Technologies, Inc. Technology Sciences Group, Inc. 1150 18th St., NW., Suite 1000 Washington, DC 20036
67603	Sherwin Williams Diversified Brands 101 Prospect Ave. Cleveland, OH 44115
67760	Cheminova, Inc. Washington Office 1600 Wilson Boulevard Suite 700 Arlington, VA 22209

TABLE 2. —REGISTRANTS OF CANCELLED PRODUCTS—Continued

EPA Co. Number	Company Name and Address
73049	Valent BioSciences Corporation 870 Technology Way, Suite 100 Libertyville, IL 60048–6316
73825	Bioganic Safety Brands, Inc. 509 Tower Valley Drive Hillsboro, MO 63050

III. Summary of Public Comments Received and Agency Response to Comments

During the 30–day comment period, EPA received one comment from BioSpotVictims.org commending the registrants for cancelling the products listed in Table 1 and urging the Agency to reassess the risks of all pyrethroid-based spot-on products for pets. Since the comment was in favor of these cancellations, the Agency does not believe that the requests for voluntary cancellation merit further review or denial.

IV. Cancellation Order

Pursuant to FIFRA section 6(f), EPA hereby approves the requested cancellations of the registrations identified in Table 1. Accordingly, the Agency hereby orders that the product registrations identified in Table 1 are canceled. The effective date of the cancellations that are subject of this notice is May 11, 2010. Any distribution, sale, or use of existing stocks of the products identified in Table 1 in a manner inconsistent with any of the Provisions for Disposition of Existing Stocks set forth in Unit VI. will be a violation of FIFRA.

V. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the Administrator may approve such a request. The notice of receipt for this action was published for comment on February 3, 2010 (75 FR 5644). The comment period closed on March 5, 2010.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. The existing stocks provision for the pesticides subject to this order is as follows.

The registrants may continue to sell and distribute existing stocks of products listed in Table 1 until May 11, 2011, which is 1 year after the publication of the Cancellation Order in the **Federal Register**. Thereafter, the registrants are prohibited from selling or distributing products listed in Table 1, except for export in accordance with section 17 of FIFRA, or proper disposal. Persons other than the registrant may sell, distribute, or use existing stocks of products listed in Table 1 until existing stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: April 30, 2010.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-evaluation Division, Office of Pesticide Programs.

[FR Doc. 2010–11142 Filed 5–10–2010; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

April 21, 2010.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501–3520. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, and (e) ways to further reduce the information collection burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before July 12, 2010. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), via fax at 202–395–5167, or via the Internet at: Nicholas_A._Fraser@omb.eop.gov, and to the Federal Communications Commission (FCC) via email at: PRA@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Leslie F. Smith, Office of Managing Director, (202) 418–0217. For additional information, contact Leslie F. Smith, 202–418–0217, or via the Internet at: PRA@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0655.

Title: Requests for Waivers of Regulatory Fees and Application Fees.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for–profits.

Number of Respondents and Responses: 240 respondents; 240 responses.

Estimated Time Per Response: 1.0 hours.

Frequency of Response: On occasion reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 158 and 47 U.S.C 159.

Total Annual Burden: 240 hours.

Total Annual Cost: $0.00.

Privacy Act Impact Assessment: No impacts.

Nature and Extent of Confidentiality: Parties filing information may request that the information be withheld from disclosure. Requests for confidentiality are processed in accordance with FCC rules under 47 CFR § 0.459. This information collection does not affect individuals; however, should any personally identifiable information (PII) be submitted, the FCC has a system of records, FCC/OMD–9, "Commission Registration System (CORES)," to cover the collection, use, storage, and destruction of this PII, as required by the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

Needs and Uses: Pursuant to 47 U.S.C. 158 and 47 U.S.C. 159, the FCC is required to collect application fees and annual regulatory fees from its licensees and permittees. Licensees and permittees may request waivers of these fees where good cause is shown and where waiver or deferral of the fee would promote the public interest. Financial information and reports that are submitted to support waiver requests are ordinarily maintained as business records and can be easily assembled. The FCC uses the information submitted in support of the waiver request to determine if such waiver is warranted.

Federal Communications Commission.

Marlene H. Dortch,

Secretary,

Office of the Secretary,

Office of Managing Director.

[FR Doc. 2010–11128 Filed 5–10–10; 8:45 am]

BILLING CODE 6712–01–S

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 26, 2010.

A. Federal Reserve Bank of Minneapolis (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Joyce J. Eickhoff Revocable Trust, and Joyce J. Eckhoff, Trustee, both of Adrian, Minnesota; to acquire voting shares of Adrian Building Corporation, and thereby indirectly acquire voting shares of Adrian State Bank, both of Adrian, Minnesota.

B. Federal Reserve Bank of San Francisco (Kenneth Binning, Vice President, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. Thomas H. Lee Equity Fund VI, L.P.; Thomas H. Lee Parallel Fund VI, L.P.; Thomas H. Lee Parallel (DT) Fund VI, L.P.; and THL Sterling Equity Investors, L.P., all of Boston, Massachusetts; to acquire voting shares of Sterling Financial Corporation, and thereby indirectly acquire voting shares of Sterling Savings Bank, both of Spokane, Washington, and Golf Savings Bank, Mountlake Terrace, Washington.

Board of Governors of the Federal Reserve System, May 6, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–11113 Filed 5–10–10; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–10–0004]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

National Disease Surveillance Program II. Disease Summaries (OMB No. 0920–0004 Exp. 5/31/2010)—Extension—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID) (proposed), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Surveillance of the incidence and distribution of disease has been an important function of the U.S. Public Health Service (PHS) since 1878. Through the years, PHS/CDC has formulated practical methods of disease control through field investigations. The CDC National Disease Surveillance Program is based on the premise that diseases cannot be diagnosed, prevented, or controlled until existing knowledge is expanded and new ideas developed and implemented. Over the years, the mandate of CDC has broadened to include preventive health activities and the surveillance systems maintained have expanded. CDC and the Council of State and Territorial Epidemiologists (CSTE) collect data on disease and preventable conditions in accordance with jointly approved plans. Changes in the surveillance program and in reporting methods are effected in the same manner. At the onset of this surveillance program in 1968, the CSTE and CDC decided on which diseases warranted surveillance. These diseases are reviewed and revised based on variations in the public's health. Surveillance forms are distributed to the State and local health departments who voluntarily submit these reports to CDC at variable frequencies, either weekly or monthly. CDC then calculates and publishes weekly statistics via the Morbidity and Mortality Weekly Report (MMWR), providing the states with timely aggregates of their submissions.

The following diseases/conditions are included in this program: Diarrheal disease surveillance (includes campylobacter, salmonella, and shigella), foodborne outbreaks, arboviral surveillance (ArboNet), Influenza virus, including the annual survey and influenza-like illness, Respiratory and Enterovirus surveillance, rabies, waterborne diseases, cholera and other vibrio illnesses, Listeria, Calcinet, Harmful Algal Bloom-related Infectious Surveillance System (HABISS) data entry form, and the HABISS monthly reporting form. These data are essential on the local, state, and Federal levels for measuring trends in diseases, evaluating the effectiveness of current prevention strategies, and determining the need for modifying current prevention measures.

This request is for extension of the currently approved data collection for three years. Because of the distinct nature of each of the diseases, the number of cases reported annually is different for each. There is no cost to respondents other than their time. The estimated annualized burden hours are 22,356.

ESTIMATE OF ANNUALIZED BURDEN HOURS

Respondents state epidemiologists / Form	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Diarrheal Disease Surveillance: *Campylobacter* (electronic)	53	52	3/60
Diarrheal Disease Surveillance: *Salmonella* (electronic)	53	52	3/60
Diarrheal Disease Surveillance: *Shigella* (electronic)	53	52	3/60
Foodborne Outbreak Form	54	31.5	20/60
Arboviral Surveillance (ArboNet)	57	1421	4/60
—Influenza virus (fax, Oct–May)	8	33	10/60
—Influenza virus (fax, year round)	15	52	10/60
Influenza virus (Internet; Oct–May)	13	33	10/60
Influenza virus (Internet; year round)	24	52	10/60
—Influenza virus (electronic, Oct–May)	9	33	5/60
—Influenza virus (electronic, year round)	14	52	5/60
Influenza Annual Survey	83	1	15/60
Influenza-like Illness (Oct–May)	824	33	15/60
Influenza-like Illness (year round)	496	52	15/60
Monthly Respiratory & Enterovirus Surveillance Report:—Excel format (electronic)	25	12	15/60

ESTIMATE OF ANNUALIZED BURDEN HOURS—Continued

Respondents state epidemiologists / Form	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
National Respiratory & Enteric Virus Surveillance System (NREVSS)	90	52	10/60
Rabies (electronic)	50	12	8/60
Rabies (paper)	3	12	15/60
Waterborne Diseases Outbreak Form	57	1	20/60
Cholera and other *Vibrio* illnesses	450	1	20/60
Outbreak Report of Suspected Viral Gastroenteritis (Clicivirus surveillance)	20	5	5/60
Listeria Case Form	53	1	30/60
HABISS data entry form	10	12	8
HABISS monthly reporting form	10	12	30/60

Dated: May 5, 2010.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. 2010–11178 Filed 5–10–10; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day-10–09BQ]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Examining In-vehicle Exposures to Air Pollutants and Corresponding Health Outcomes of Commuters—New—National Center for Environmental Health, (NCEH) and Agency for Toxic Substances and Disease Registry (ATSDR), Centers for Disease Control and Prevention, (CDC).

Background and Brief Description

Numerous studies have found associations between ambient fine particulate matter ($PM_{2.5}$) and adverse cardiovascular outcomes. Several recent epidemiologic studies suggest that vehicle-related emissions, in particular, may be linked to many of the these adverse effects and that specific sub-populations may be more susceptible to health risks due to their enhanced exposures to vehicle-related $PM_{2.5}$ sources. Commuters are a potentially susceptible, yet poorly characterized, sub-population. Importantly, recent epidemiologic studies indicate that specific sub-groups, including those with asthma, may be at risk to cardio respiratory health effects due to their pre-existing health condition. A more complete understanding of in-vehicle exposures for the commuter population, especially those with asthma, is therefore becoming increasingly necessary as commuting durations and roadway congestion have steadily increased throughout the U.S. during the last 20 years. The National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC) will conduct this study to characterize in-vehicle exposures to traffic-related air pollutants among commuters, with and without asthma, and any health impacts that these exposures may have on the commuter.

A total of 40 participants (20 adults with physician-diagnosed asthma and 20 healthy adults) living in the Atlanta metro area will be recruited for participation in this study. Participants will be excluded if they meet specific criteria including: ever being diagnosed with severe asthma, ever suffering a myocardial infarction, smoking tobacco products, or ever being diagnosed with a pulmonary disease such as emphysema, chronic obstructive pulmonary disorder (COPD), or any type of lung cancer, will be excluded.

Prior to their scheduled commute, participants will complete a one-time baseline questionnaire to assess medical history and general exposures. Additionally, a short symptom diary recording any respiratory symptoms will be completed by the participant prior to the commute and health measurements for lung function, lung inflammatory markers, heart rate, and biomarkers of systemic inflammation will be conducted by a trained field technician. In-vehicle exposures to particulate matter and other air pollutants will then be measured for all participants during their commute. After the commute, the symptom diary and health measurements will be conducted again to assess any potential changes in respiratory and cardiovascular health effects. Each participant will conduct the commute two times during the study year. The information learned from the health measurements and diary entries before and after the commute will be important in better understanding the potential acute health impacts associated with exposures to in-vehicle traffic pollutants and respiratory and cardiovascular health, and whether urban commuters—especially those with asthma—should be viewed as a susceptible sub-population given their enhanced exposures to $PM_{2.5}$ and gas-phase pollutants.

There is no cost to participants other than their time. The estimated annual burden hours are 180 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	Instrument type	No. of respondents	No. of responses per respondent	Average burden per respondent (in hours)
Eligible participants	Baseline questionnaire	40	1	20/60
	Symptom survey	40	5	2/60
	Scripted commute data collection	40	2	2

Dated: May 5, 2010.

Maryam I. Daneshvar,

Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. 2010–11180 Filed 5–10–10; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director; Notice of Charter Renewal for the National Science Advisory Board for Biosecurity

In accordance with Title 41 of the U.S. Code of Federal Regulations, Section 102–3.65(a), notice is hereby given that the Charter for the National Science Advisory Board for Biosecurity (NSABB) was renewed for an additional two-year period on April 7, 2010.

It is determined that NSABB is in the public interest in connection with the performance of duties imposed on the Department of Health and Human Services by law, and that these duties can best be performed through the advice and counsel of this group.

Inquiries may be directed to Jennifer Spaeth, Director, Office of Federal Advisory Committee Policy, Office of the Director, National Institutes of Health, 6701 Democracy Boulevard, Suite 1000, Bethesda, Maryland 20892 (Mail code 4875), Telephone (301) 496–2123, or *spaethj@od.nih.gov.*

Dated: May 4, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–11043 Filed 5–10–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Erythroid Progenitor Cell Line for Hematological Disease Applications

Description of Invention: Plasmodium vivax (malaria) is a significant health concern in many parts of Asia, Latin America, North Africa, and the Middle East. There is a lack of continuous culture systems for this pathogen. The subject technology is an erythroid progenitor continuous cell line (termed CD36E) identified by erythroid markers CD36, CD33, CD44, CD71, CD235, and globoside. These CD36E cells are heterozygous for Fya and Fyb (Duffy antigen). Due to recent evidence that *Plasmodium vivax* (*P. vivax*) can infect erythroid progenitor cells (reference: YX Ru *et al.* and T Panichakul *et al.*), these cells can be potentially used for culturing *P. vivax* and other species of malaria. This in turn could aid development of malaria related treatments and/or products. In addition, the cell line can also be used for other hematological disease applications that involve red blood cells or red blood cell precursors. The CD36E cells also produce alpha, beta, and chi hemoglobin and therefore may be used for research involving hemoglobin.

Applications:

- Culture system for *Plasmodium* species (malaria)
- Hematological diseases

Advantages: Immortalized erythroid progenitor cell line.

Development Status: In vitro data can be provided upon request.

Market:

- Malaria
- Anti-malaria drug screening
- Hematological diseases
- Hemoglobin

Inventors: Susan Wong, Neal S. Young, Ning Zhi (NHLBI).

Relevant Publications:

1. YX Ru *et al.* Invasion of erythroblasts by Pasmodium vivax: A new mechanism contributing to malarial anemia. Ultrastruct Pathol. 2009 Oct;33(5):236–242. [PubMed: 19895296].

2. T Panichakul *et al.* Production of erythropoietic cells in vitro for continuous culture of Plasmodium vivax. Int J Parasitol. 2007 Dec;37(14):1551–1557. [PubMed: 17610880].

Patent Status: HHS Reference No. E–151–2010/0—Research Tool. Patent protection is not being pursued for this technology.

Licensing Status: Available for biological materials licensing.

Licensing Contact: Kevin W. Chang, Ph.D.; 301–435–5018; *changke@mail.nih.gov.*

Collaborative Research Opportunity: The National Heart Lung and Blood Institute, Hematology Branch, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize the CD36E cell line. Please contact Cecilia Pazman, Ph.D., at *pazmance@mail.nih.gov* for more information.

Parvovirus B19 Codon Optimized Structural Proteins for Vaccine and Diagnostic Applications

Description of Invention: Parvovirus B19 (B19V) is the only known pathogenic human parvovirus. Infection by this viral pathogen can cause transient aplastic crisis in individuals with high red cell turnover, pure red cell aplasia in immunosuppressed patients, and hydrops fetalis during

pregnancy. In children, B19V most commonly causes erythema infectiosum, or fifth's disease. Infection can also cause arthropathy and arthralgia. The virus is very erythrotropic, targeting human erythroid (red blood) progenitors found in the blood, bone marrow, and fetal liver. Currently, there are no approved vaccines or antiviral drugs for the treatment or prevention of B19V infection.

The subject technology is a series of plasmid constructs with codon optimized B19 viral capsid genes (VP1 and VP2) that can be expressed in mammalian cells. Transfection of vectors encoding these optimized VP1 and VP2 genes into different mammalian cell lines, including 293, Cos7, and Hela cells produce virus-like particles (VLPs). The vectors include bicistronic plasmids expressing the VP1 and VP2 proteins at different ratios to produce B19V VLPs with optimal antigenicity for vaccine applications. This technology can also be used for diagnostic applications and development of a viral packaging system for producing infectious B19V virus.

Applications:

- VLPs based vaccines for the prevention and/or treatment of B19V infection
- DNA based vaccines for the prevention and/or treatment of B19V infection
- B19V diagnostics
- Viral packaging system

Advantages:

- Codon optimized VP1 and VP2 genes for better expression in mammalian cell lines
- Expression of B19V VLPs from "nonpermissive" cell lines

Development Status: In vitro data can be provided upon request.

Market:

- B19V vaccines (VLPs and DNA)
- B19V diagnostics

Inventors: Ning Zhi, Sachiko Kajigaya, and Neal S. Young (NHLBI).

Patent Status: U.S. Provisional Application No. 61/337,983 filed 12 Feb 2010 (HHS Reference No. E–011–2010/0–US–01).

Licensing Status: Available for licensing.

Licensing Contact: Kevin W. Chang, Ph.D.; 301–435–5018; *changke@mail.nih.gov.*

Collaborative Research Opportunity: The National Heart Lung and Blood Institute, Hematology Branch, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize the subject technology. Please contact Cecilia Pazman, Ph.D., at *pazmance@mail.nih.gov* for more information.

Optimized Expression of IL–12 Cytokine Family

Description of Invention: The IL–12 family of cytokines (IL–12, IL–23, and IL–27) has an important role in inflammation and autoimmune diseases. IL–12 is produced by macrophages and dendritic cells in response to certain bacterial and parasitic infections and is a powerful inducer of IFN-gamma production. IL–23 is proposed to stimulate a subset of T cells to produce IL–17, which in turn induce the production of proinflammatory cytokines that lead to a protective response during infection. IL–27 appears to have duel functions as an initiator of TH1-type (cellular immunity) immune responses and as an attenuator of immune/inflammatory responses.

The present inventions provide methods for improved expression of multimeric proteins by engineering different ratios of the subunit expression units in a cell or upon expression from a multi-promoter plasmid having different strength promoters. The inventors have improved the levels and efficiency of expression of the IL–12 family of cytokines, which includes IL–12, IL–23, and IL–27, by adjusting the transcription and translation of the alpha and beta subunits that comprise the heterodimeric proteins. Optimal ratios of expression for the two (2) subunits were determined for IL–12, IL–23, and IL–27.

Applications:

- Tumor treatment
- Anti-viral therapy
- Anti-inflammatory therapy

Advantages: Increased expression and stability of in vitro expressed IL–12, IL–23 and IL–27 cytokines

Development Status: In vitro data and data in animal models can be provided upon request

Market:

- Infectious Diseases
- Cancer
- Inflammatory Diseases

Inventors: George N. Pavlakis and Barbara K. Felber (NCI)

Patent Status: International PCT Patent Application No. PCT/US09/043481 filed 11 May 2009, which published as WO 2009/140206 on 19 Nov 2009 (HHS Reference No. E–192–2008/1–PCT–02)

Licensing Status: Available for licensing.

Licensing Contact: Kevin W. Chang, Ph.D.; 301–435–5018; *changke@mail.nih.gov.*

Collaborative Research Opportunity: The Center for Cancer Research, Human Retrovirus Section, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize delivery of cytokines of the IL–12 family in cancer and other indications. Please contact John D. Hewes, Ph.D. at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Radiotracers for Imaging Cannabinoid Sub-Type 1 (CB_1) Receptor

Description of Invention: The present invention relates to novel radiolabeled compounds for imaging cannabinoid sub-type 1 (CB_1) receptors in brains of mammals, particularly humans, using positron emission tomography (PET) or single photon emission computed tomography (SPECT). These radioligands can be used in clinical research, diagnostics, or drug discovery and development, in that, they permit understanding of the role of CB_1 receptors in neuropsychiatric disorders such as Parkinson's disease, Huntington's disease, Alzheimer's disease, multiple sclerosis, depression, mood disorder, anxiety, schizophrenia, drug addiction, alcohol disorder, obesity and anorexia.

Applications:

- *In vivo* imaging of CB_1 receptor in mammals, particularly humans
- Diagnostic imaging of CB_1 receptors in subjects having a neurological, neuropsychiatric, neurodegenerative or other condition and treatment
- Pharmaceutical composition
- Diagnostic kits

Advantages: The principal radioligand under the claim is effective for imaging CB_1 receptors *in vivo* with PET.

Development Status: Primary radioligand has been evaluated in non-human primates with PET.

Market: Radioligands may be useful for performing drug occupancy studies of CB_1 receptors, and for neuropsychiatric studies and investigations with imaging techniques (*e.g.,* PET or SPECT).

Inventors: Victor W. Pike (NIMH), Sean R. Donohue (NIMH), *et al.*

Relevant Publications:

1. SR Donohue, C Halldin, VW Pike. Synthesis and structure–activity relationships (SARs) of 1,5-diarylpyrazole cannabinoid type-1 (CB_1) receptor ligands for potential use in molecular imaging. Bioorg Med Chem. 2006 Jun 1;14(11):3712–3720. [PubMed: 16466922].

2. SR Donohue, VW Pike, SJ Finnema, P Truong, J Andersson, B Gulyás, C Halldin. Discovery and labeling of high affinity 3,4-diarylpyrazolines as

candidate radioligands for *in vivo* imaging of cannabinoid subtype-1 (CB_1) receptors. J Med Chem. 2008 Sep 25;51(18):5608–5616. [PubMed: 18754613].

Licensing Status: Available for licensing.

Licensing Contact: Susan Ano, PhD; 301–435–5515; *anos@mail.nih.gov.*

Dated: May 5, 2010.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2010–11173 Filed 5–10–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Eye Institute Special Emphasis Panel, April 20, 2010, 3 p.m., to April 20, 2010, 4 p.m., National Eye Institute, 5635 Fishers Lane, 1300, Bethesda, MD 20892 which was published in the **Federal Register** on April 21, 2010 Vol 75; Number 76.

The meeting will be held on May 20, 2010, at 2:30 p.m. The meeting is closed to the public.

Dated: April 30, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–11049 Filed 5–10–10; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee:

Center for Scientific Review Special Emphasis Panel; Member Conflict: Alcohol.

Date: May 20, 2010.

Time: 1 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michael Selmanoff, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3134, MSC 7844, Bethesda, MD 20892, 301–435–1119, *mselmanoff@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 4, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–11064 Filed 5–10–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of person privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group Developmental Biology Subcommittee.

Date: June 10–11, 2010.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Norman Chang, PhD, Scientific Review Officer, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, (301) 496–1485, changn@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: *April 30, 2010.*

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–11072 Filed 5–10–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Alternative Medicine Special Emphasis Panel; Loan Repayment Program.

Date: May 17, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Peter Kozel, PhD, Scientific Review Officer, NCCAM, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892–5475, 301–496–8004, *kozelp@mail.nih.gov.*

This notice is being published less than 15 days prior to meeting due to scheduling conflicts.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: May 4, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–11050 Filed 5–10–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Therapy.

Date: May 27, 2010.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Hungyi Shau, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6186, MSC 7804, Bethesda, MD 20892, 301–435–1720, *shauhung@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Biology.

Date: June 1, 2010.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Eun Ah Cho, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6202, MSC 7804, Bethesda, MD 20892, (301) 451–4467, *choe@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Academic Industrial Partnerships.

Date: June 1, 2010.

Time: 12 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Antonio Sastre, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5215, MSC 7412, Bethesda, MD 20892, 301–435–2592, *sastrea@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Therapy.

Date: June 2, 2010.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lambratu Rahman, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, 301–451–3493, *rahmanl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Neurogenetics, Neurodevelopment, and Bioengineering.

Date: June 2, 2010.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Vilen A. Movsesyan, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040M, MSC 7806, Bethesda, MD 20892, 301–402–7278, *movsesyanv@csr.nih.gov.*

Name of Committee: Emerging Technologies and Training Neurosciences Integrated Review Group; Molecular Neurogenetics Study Section.

Date: June 3–4, 2010.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC 2401 M Street, NW., Washington, DC 20037.

Contact Person: Paek-Gyu Lee, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5203, MSC 7812, Bethesda, MD 20892 (301) 435–0902, *leepg@csr.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Drug Discovery and Molecular Pharmacology Study Section.

Date: June 3–4, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

Contact Person: Hungyi Shau, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, 301–435–1720, *shauhung@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cellular Aspects of Diabetes and Obesity Study Section.

Date: June 3–4, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ann A Jerkins, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6154, MSC 7892, Bethesda, MD 20892, 301–435–4514, *jerkinsa@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Adult Psychopathology and Disorders of Aging Study Section.

Date: June 3–4, 2010.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: The Allerton Hotel, 701 North Michigan Avenue, Chicago, IL 60611.

Contact Person: Estina E. Thompson, PhD, MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892, 301–496–5749, *thompsone@mail.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Musculoskeletal Rehabilitation Sciences Study Section.

Date: June 4, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

Contact Person: Jo Pelham, BA, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, MSC 7814, Bethesda, MD 20892, (301) 435–1786, *pelhamj@csr.nih.gov.*

Name of Committtee: Center for Scientific Review Special Emphasis Panel; Health Disparities and Equity Promotion.

Date: June 4, 2010.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: W Chicago—Lakeshore, 644 North Lake Shore Drive, Chicago, IL 60611.

Contact Person: Ellen K. Schwartz, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3048F, MSC 7770, Bethesda, MD 20892, 301–408–9046, *schwarte@csr.nih.gov.*

Name of Committtee: Center for Scientific Review Special Emphasis Panel; Nursing and Related Clinical Sciences 2 Overflow.

Date: June 4, 2010.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: W Chicago—Lakeshore, 644 North Lake Shore Drive, Chicago, IL 60611.

Contact Person: Karin F. Helmers, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166,

MSC 7770, Bethesda, MD 20892, 301–254–9975, *helmersk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biobehavioral Regulation, Learning and Ethology.

Date: June 4, 2010.

Time: 9 a.m. to 10 a.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.

Contact Person: Biao Tian, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7848, Bethesda, MD 20892, 301–402–4411, *tianbi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; ARRA: Neuroendocrinology, Neuronimmunology and Behavior Competitive Revisions.

Date: June 4, 2010.

Time: 10:30 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Pier 5 Hotel, 711 Eastern Avenue, Baltimore, MD 21202.

Contact Person: Michael Selmanoff, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3134, MSC 7844, Bethesda, MD 20892, 301–435–1119, *mselmanoff@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; ARRA: Cognition and Perception Competitive Revisions.

Date: June 4, 2010.

Time: 11 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Monaco, 700 F Street, NW., Washington, DC 20001.

Contact Person: Cheri Wiggs, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3180, MSC 7848, Bethesda, MD 20892, (301) 435–1261, *wiggsc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; ARRA: Biobehavioral Regulation, Learning and Ethology Competitive Revisions.

Date: June 4, 2010.

Time: 11 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.

Contact Person: Melissa Gerald, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, MSC 7848, Bethesda, MD 20892, (301) 408–9107, *geraldmel@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; ARRA: Child Psychopathology and Developmental Disabilities Competitive Revisions.

Date: June 4, 2010.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: The Allerton Hotel, 701 North Michigan Avenue, Chicago, IL 60611.

Contact Person: Jane A Doussard-Roosevelt, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 435–4445, *doussarj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; ARRA: Risk, Prevention and Intervention for Addictions Competitive Revisions.

Date: June 4, 2010.

Time: 2 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Chicago O'Hare Airport-Rosemont, 5460 North River Road, Rosemont, IL 60018.

Contact Person: Gabriel B. Fosu, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3215, MSC 7808, Bethesda, MD 20892 (301) 435–3562, *fosug@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; ARRA: Psychosocial Development, Risk and Prevention Competitive Revisions.

Date: June 4, 2010.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Grand Hyatt Seattle, 721 Pine Street, Seattle, WA 98101.

Contact Person: Anna L. Riley, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7759, Bethesda, MD 20892, 301–435–2889, *rileyann@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Collaborative Applications in Child Psychopathology.

Date: June 4, 2010.

Time: 12 p.m. to 2 p.m.

Agenda: To evaluate grant applications.

Place: The Allerton Hotel, 701 North Michigan Avenue, Chicago, IL 60611.

Contact Person: Jane A Doussard-Roosevelt, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 435–4445, *doussarj@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 4, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–11047 Filed 5–10–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Learning, Cognition, and Audition.

Date: May 27, 2010.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michael Selmanoff, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3134, MSC 7844, Bethesda, MD 20892, 301–435–1119, *mselmanoff@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR08–010: Development and Maintenance of Software.

Date: June 1–2, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mark Caprara, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7844, Bethesda, MD 20892, 301–435–1042, *capraramg@mail.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Therapeutic Approaches to Genetic Diseases.

Date: June 3, 2010.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin Seattle, 1900 5th Avenue, Seattle, WA 98101.

Contact Person: Michael K Schmidt, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2214, MSC 7890, Bethesda, MD 20892, (301) 435–1147, *mschmidt@mail.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies; Health Services Organization and Delivery Study Section.
Date: June 3–4, 2010.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: W Chicago—Lakeshore, 644 North Lake Shore Drive, Chicago, IL 60611.
Contact Person: Kathy Salaita, SCD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, MSC 7770, Bethesda, MD 20892, 301–451–8504, *salaitak@csr.nih.gov.*

Name of Committee: Biology of Development and Aging Integrated Review Group; Development—1 Study Section.
Date: June 3–4, 2010.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The River Inn, 924 25th Street, NW., Room 1, Washington, DC 20037.
Contact Person: Cathy Wedeen, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3213, MSC 7808, Bethesda, MD 20892, 301–435–1191, *wedeenc@csr.nih.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group; Molecular and Cellular Hematology.
Date: June 3–4, 2010.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Grand Hyatt Seattle, 721 Pine Street, Seattle, WA 98101.
Contact Person: Manjit Hanspal, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7804, Bethesda, MD 20892, 301–435–1195, *hanspalm@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group, Pathogenic Eukaryotes Study Section.
Date: June 3–4, 2010.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: W Chicago—City Center, 172 West Adams Street, Chicago, IL 60603.
Contact Person: Tera Bounds, DVM, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, 301–435–2306, *boundst@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Cognition and Perception Study Section.
Date: June 3–4, 2010.
Time: 8:30 a.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Monaco, 700 F Street, NW., Washington, DC 20001.
Contact Person: Cheri Wiggs, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3180, MSC 7848, Bethesda, MD 20892, (301) 435–1261, *wiggsc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Dissemination and Implementation Research in Health.
Date: June 3, 2010.
Time: 8:30 a.m. to 1:45 p.m.
Agenda: To review and evaluate grant applications.
Place: W Chicago—Lakeshore, 644 North Lake Shore Drive, Chicago, IL 60611.
Contact Person: Jacinta Bronte-Tinkew, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3164, MSC 7770, Bethesda, MD 20892, (301) 806–0009, *brontetinkewjm@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Pathophysiological Basis of Mental Disorders and Addictions Study Section.
Date: June 3, 2010.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.
Contact Person: Boris P. Sokolov, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217A, MSC 7846, Bethesda, MD 20892, 301–408–9115, *bsokolov@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurotoxicology and Alcohol Study Section.
Date: June 3, 2010.
Time: 8:30 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Admiral Fell Inn, 888 South Broadway, Baltimore, MD 21231.
Contact Person: Brian Hoshaw, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5181, MSC 7844, Bethesda, MD 20892, 301–435–1033, *hoshawb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Health IT.
Date: June 3, 2010.
Time: 8:30 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: W Chicago—Lakeshore, 644 North Lake Shore Drive, Chicago, IL 60611.
Contact Person: Katherine Bent, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3160, MSC 7770, Bethesda, MD 20892, 301–435–0695, *bentkn@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Child Psychopathology and Developmental Disabilities Study Section.
Date: June 3–4, 2010.
Time: 8:30 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: The Allerton Hotel, 701 North Michigan Avenue, Chicago, IL 60611.
Contact Person: Jane A. Doussard-Roosevelt, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 435–4445, *doussarj@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Biobehavioral Regulation, Learning and Ethology Study Section.
Date: June 3–4, 2010.
Time: 9 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.
Contact Person: Melissa Gerald, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, MSC 7848, Bethesda, MD 20892, (301) 408–9107, *geraldmel@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Epidemiology of Cancer Revision Applications.
Date: June 3, 2010.
Time: 10 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.
Contact Person: Denise Wiesch, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, (301) 435–0684, *wieschd@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–08–224: Systems Science Methodologies.
Date: June 3, 2010.
Time: 1 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Delia Olufokunbi Sam, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, 301–435–0684, *olufokunbisamd@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Review of PAR–09–016 Innovation in Molecular Imaging Probes.
Date: June 3, 2010.
Time: 1 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Little America Hotel, 500 South Main Street, Salt Lake City, UT 84101.
Contact Person: Eileen W Bradley, DSC, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5100, MSC 7854, Bethesda, MD 20892, (301) 435–1179, *bradleye@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Clinical and Nursing Research.
Date: June 3, 2010.
Time: 2 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.

Place: W Chicago—Lakeshore, 644 North Lake Shore Drive, Chicago, IL 60611.

Contact Person: Jacinta Bronte-Tinkew, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3164, MSC 7770, Bethesda, MD 20892, (301) 435–1503, *rontetinkewjm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; ARRA: Neurobiology of Motivated Behavior Competitive Revisions.

Date: June 3, 2010.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz Carlton Hotel, 1150 22nd Street, NW., Washington, DC 20037.

Contact Person: Edwin C. Clayton, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, 301–408–9041, *claytone@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; ARRA: Pathophysiological Basis of Mental Disorders and Addictions Competitive Revisions.

Date: June 3, 2010.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street, NW., Washington, DC 20037.

Contact Person: Boris P Sokolov, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217A, MSC 7846, Bethesda, MD 20892, 301–408–9115, *bsokolov@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; ARRA: Sensorimotor Integration Study Section Competitive Revisions.

Date: June 3, 2010.

Time: 5 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Palomar, 2121 P Street, NW., Washington, DC 20037.

Contact Person: John Bishop, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892, (301) 408–9664, *bishopj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; SRO Conflict: Central Visual Processing Competitive Revisions.

Date: June 3, 2010.

Time: 5 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Palomar, 2121 P Street, NW., Washington, DC 20037.

Contact Person: Christine L. Melchior, PhD, Chief and Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, (301) 435–1713, *melchioc@csr.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Medical Imaging Study Section.

Date: June 3–4, 2010.

Time: 7 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Little America Hotel, 500 South Main Street, Salt Lake City, UT 84101.

Contact Person: Xiang-Ning Li, MD, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7854, Bethesda, MD 20892, 301–435–1744, *lixiang@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; ARRA: Behavioral Medicine, Interventions and Outcomes Competitive Revisions.

Date: June 3, 2010.

Time: 12 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: W Chicago—Lakeshore, 644 North Lake Shore Drive, Chicago, IL 60611.

Contact Person: Lee S. Mann, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892, 301–435–0677, *mannl@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 4, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–11045 Filed 5–10–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; ITVC Member Conflicts.

Date: June 11, 2010.

Time: 10:30 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Enid Light, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6132, MSC 9608, Bethesda, MD 20892–9608, 301–443–0322, *elight@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: May 4, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–11044 Filed 5–10–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0001]

Dermatologic and Ophthalmic Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Dermatologic and Ophthalmic Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on June 28, 2010, from 8 a.m. to 5 p.m.

Location: Sheraton Washington North Hotel, The Ballroom, 4095 Powder Mill Rd, Beltsville, MD. The hotel telephone number is 301–937–4422.

Contact Person: Yvette Waples, c/o Melanie Whelan, Food and Drug Administration, 10903 New Hampshire Ave., WO51– 6100, Silver Spring, MD 20993–0002, FAX: 301–847–8737 (to reach by telephone before June 8, 2010, please call 301–827–7001; to reach by telephone after June 8, 2010, please call

301–796–9001, *yvette.waples@fda.hhs.gov*) or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512534. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the agency's Web site and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: On June 28, 2010, the committee will discuss new drug application (NDA) 22–340, voclosporin 10-milligram capsules, by Lux Biosciences, Inc. The proposed indication for this new drug product is treatment of noninfectious uveitis involving the posterior or intermediate segments of the eye.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm*. Scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before June 14, 2010. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before June 4, 2010. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by June 7, 2010.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Yvette Waples at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: May 5, 2010.

Jill Hartzler Warner,

Acting Associate Commissioner for Special Medical Programs.

[FR Doc. 2010–11039 Filed 5–10–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0001]

Pediatric Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Pediatric Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on Monday, June 21, 2010, from 9 a.m. to 5 p.m.

Location: Bethesda Marriott Hotel, Congressional Ballroom, 5151 Pooks Hill Rd., Bethesda, MD. 20814.

Contact Person: Doreen Kezer, Office of Science and Health Coordination, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, rm. 4254, Silver Spring, MD 20993–0002, 301–796–8524, e-mail: *Doreen.Kezer@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 8732310001. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the agency's Web site and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: On Monday, June 21, the Pediatric Advisory Committee will meet to discuss pediatric-focused safety reviews, as mandated by the Best Pharmaceuticals for Children Act and the Pediatric Research Equity Act, for Kogenate FS (antihemophilic factor (recombinant)), Casodex (bicalutamide), Apidra (insulin glulisine [rDNA]), NovoLog (insulin aspart [rDNA]), Arimidex (anastrozole), Desmopressin Acetate, Prevacid (lansoprazole), Nexium (esomeprazole magnesium), Aciphex (rabeprazole sodium), Prilosec (omeprazole), OraVerse (phentolamine mesylate), Zemuron (rocuronium bromide). The committee will also receive a followup presentation on Suprane (desflurane).

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm*. Scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before June 7, 2010. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on

or before May 28, 2010. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by June 1, 2010.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Doreen Kezer at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: May 5, 2010.

Jill Hartzler Warner,

Acting Associate Commissioner for Special Medical Programs.

[FR Doc. 2010–11038 Filed 5–10–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel: Developing Novel Diagnostic Tests To Improve Surveillance for Antimicrobial Resistant Pathogens, Funding Opportunity Announcement CI10–002; Initial Review

Correction: This notice was published in the **Federal Register** on April 23, 2010, Volume 75, Number 78, page 21339. The time and date, and place should read as follows:

Time and Date:

12 p.m.–3 p.m., May 18, 2010 (Closed).

Place: Teleconference.

Contact Person for More Information: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road, NE., Mailstop E60, Atlanta, GA 30333, Telephone: (404) 498–2293. The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: April 29, 2010.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2010–11189 Filed 5–10–10; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Safety and Occupational Health Study Section (SOHSS), National Institute for Occupational Safety and Health (NIOSH)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following meeting of the aforementioned committee:

Times And Dates:

8 a.m.–5 p.m., June 22, 2010. (Closed).

8 a.m.–5 p.m., June 23, 2010. (Closed).

Place: Omni Hotel, 500 California Street, San Francisco, California 94104, Telephone (415) 677–9494, Fax (415) 273–3038.

Status: These portions of the meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, Centers for Disease Control and Prevention, pursuant to Section 10(d) Public Law 92–463.

Purpose: The Safety and Occupational Health Study Section will review, discuss, and evaluate grant application(s) received in response to the Institute's standard grants review and funding cycles pertaining to research issues in occupational safety and health, and allied areas.

It is the intent of NIOSH to support broad-based research endeavors in keeping with the Institute's program goals. This will lead to improved understanding and appreciation for the magnitude of the aggregate health burden associated with occupational injuries and illnesses, as well as to support more focused research projects, which will lead to improvements in the delivery of occupational safety and health services, and the prevention of work-related injury and illness. It is anticipated that research funded will promote these program goals.

Matters to be Discussed: The meeting will convene to address matters related to the conduct of Study Section business and for the study section to consider safety and occupational health-related grant applications.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Price Connor, PhD., NIOSH Health Scientist, 1600 Clifton Road, NE., Mailstop E–20, Atlanta, Georgia 30333, Telephone (404) 498–2511, Fax (404) 498–2571.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: April 29, 2010.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2010–11186 Filed 5–10–10; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute (NCI); National Institute of Allergy and Infectious Diseases (NIAID); National Institute of Arthritis and Musculoskeletal and Skin Diseases (NIAMS); and Office of Research on Women's Health (ORWH), Office of the Director (OD), NIH

AGENCY: National Institutes of Health (NIH).

ACTION: Notice of Open Conference.

Notice is hereby given that the NIH, an agency of the Department of Health and Human Services, in collaboration with the Lupus Foundation of America, Washington, DC, will hold a scientific conference.

Title: "Systemic Lupus Erythematosus: From Mouse Models to Human Disease and Treatment."

Dates: September 2–3, 2010.

Location: Lister Hill Auditorium, Building 38A, NIH, Bethesda, Maryland.

Purpose of the Meeting

This meeting will bring basic research scientists working on models of autoimmune disease relevant to lupus together with clinicians treating lupus patients. There are numerous mouse models of lupus, but their relevance to the actual disease is still a subject for debate. Thus it is the purpose of this meeting to have participants discuss similarities, as well as differences, in mouse models with respect to the disease with the clinicians who actually treat patients. In addition, input is encouraged from clinical attendees regarding what markers in an animal model would be most important for monitoring the disease and assessing the effectiveness of treatment. It is hoped that one consequence of this meeting might be some consensus as to what is most important in any animal model and what animal models might be most useful in developing new markers and treatments for the disease. For more information, including the agenda and registration for this conference, please see http://web.ncifcrf.gov/events/SystemicLupus/default.asp.

Contacts:

Howard Young: Senior Investigator, NCI, NIH; 301–846–5700; *younghow@mail.nih.gov.*

Silvia Bolland: Senior Investigator, NIAID, NIH; 301–443–3158; *sb455w@nih.gov.*

Juan Rivera: Senior Investigator, NIAMS, NIH; 301–496–7592; *riveraj@mail.nih.gov.*

Lisa Begg: Director of Research, ORWH, OD, NIH; 301–496–7853; *beggl@od.nih.gov.*

Dated: May 5, 2010.

Francis S. Collins,

Director, National Institutes of Health.

[FR Doc. 2010–11169 Filed 5–10–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Population Sciences Subcommittee.

Date: June 17–18, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaylord National Hotel & Convention Center, 201 Waterford Street, National Harbor, MD 20745.

Contact Person: Carla T. Walls, PhD, Scientific Review Officer, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5b01, Bethesda, MD 20892, (301) 435–6898, *wallsc@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: *April 30, 2010.*

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–11073 Filed 5–10–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the meeting of the National Cancer Advisory Board.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

A portion of the meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4), and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Advisory Board Ad hoc Subcommittee on Experimental Therapeutics.

Open: June 21, 2010, 6:30 p.m. to 8 p.m.

Agenda: Discussion on Experimental Therapeutics.

Place: Embassy Suites, Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Dr. Joseph Tomaszewski, Executive Secretary, NCAB Ad hoc Subcommittee on Experimental Therapeutics, National Cancer Institute, National Institutes of Health, 31 Center Drive, Room 3A44, Bethesda, MD 20892–8345, (301) 496–8531.

Name of Committee: National Cancer Advisory Board.

Open: June 22, 2010, 8 a.m. to 4 p.m.

Agenda: Program reports and presentations; business of the Board.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892.

Contact Person: Dr. Paulette S. Gray, Executive Secretary, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, 8th Floor, Room 8001, Bethesda, MD 20892–8327, (301) 496–5147.

Name of Committee: National Cancer Advisory Board.

Closed: June 22, 2010, 4 p.m. to adjournment.

Agenda: Review of grant applications.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892.

Contact Person: Dr. Paulette S. Gray, Executive Secretary, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, 8th Floor, Room 8001, Bethesda, MD 20892–8327, (301) 496–5147.

Name of Committee: National Cancer Advisory Board.

Open: June 23, 2010, 8:30 a.m. to 12 p.m.

Agenda: Program reports and presentations; business of the Board.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892.

Contact Person: Dr. Paulette S. Gray, Executive Secretary, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, 8th Floor, Room 8001, Bethesda, MD 20892–8327, (301) 496–5147.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on

campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/ncab.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: May 3, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–11070 Filed 5–10–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel, ARRA—Behavioral Economics C.E.R.—Clinical Trials.

Date: June 3, 2010.

Time: 2 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C218, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Alfonso R. Latoni, PhD., Deputy Chief, Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, Suite 2C218, Bethesda, MD 20892, 301–402–7702, *Alfonso.Latoni@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: May 7, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–11052 Filed 5–10–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group, Neurological Sciences and Disorders B.

Date: June 17, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Admiral Fell Inn, 888 South Broadway, Baltimore, MD 21231.

Contact Person: William Ernest W. Lyons, PhD., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–4056.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group, Neurological Sciences and Disorders A.

Date: June 23–24, 2010.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Carlyle Suites Hotel, 1731 New Hampshire Avenue, NW., Washington, DC 20009.

Contact Person: Richard D. Crosland, PhD., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group, NST–2 Subcommittee.

Date: July 12–13, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Willard InterContinental Washington, 1401 Pennsylvania Avenue, NW., Washington, DC 20004.

Contact Person: JoAnn McConnell, PhD., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–5324, *mcconnej@ninds.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated*: May 6, 2010.*

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–11048 Filed 5–10–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Cancellation of Meeting

Notice is hereby given of the cancellation of the Center for Scientific Review Special Emphasis Panel, May 25, 2010, 2:30 p.m. to May 25, 2010, 4 p.m., Courtyard Marriott Tysons Corner, 1960–A Chain Bridge Road, McLean, VA 22102 which was published in the **Federal Register** on April 30, 2010, 75 FR 22819.

The meeting was cancelled due to administration problems.

Dated: May 4, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–11046 Filed 5–10–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Permit To Transfer Containers to a Container Station

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; Extension of an existing collection of information: 1651–0049.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the: Permit to Transfer Containers to a Container Station. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before July 12, 2010, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Office of Regulations and Rulings, 799 9th Street, NW., 7th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Office of Regulations and Rulings, 799 9th Street, NW., 7th Floor, Washington, DC. 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (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 estimates 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 including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Permit to Transfer Containers to a Container Station.

OMB Number: 1651–0049.

Form Number: None.

Abstract: This information collection is in accordance with 19 CFR 19.46 which provides that when a person is granted a permit to operate a container station, the port director may request a list of names, addresses, social security numbers, dates and places of birth of the persons employed by the operator. Respondents must provide this list to CBP within 30 calendar days after the date of receipt of a written request by the port director.

Current Actions: This submission is being made to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 350.

Estimated Number of Total Responses: 1,400.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 466.

Dated: May 6, 2010.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2010–11137 Filed 5–10–10; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2010–0017]

Draft Programmatic Environmental Assessment for the Integrated Public Alert and Warning Program's Construction Projects

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice of availability and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) has prepared a draft Programmatic Environmental Assessment (PEA) to address the potential impacts to the human environment resulting from construction-related actions taken under the Integrated Public Alert and Warning Program (IPAWS). The construction actions will be taken to ensure that FEMA meets its responsibilities under Executive Order 13407, *Public Alert and Warning System,* by providing robust and survivable power generation, fuel storage, and other measures to ensure an effective, reliable, integrated, flexible, and comprehensive system to alert and warn the American people in situations of war, terrorist attack, natural disaster, or other hazards to public safety and well being. The purpose of the PEA is to evaluate these actions and facilitate FEMA's compliance with the National Environmental Policy Act (NEPA) by providing a framework to address the potential environmental impacts of these projects.

DATES: Comments on the draft Programmatic Environmental Assessment may be submitted on or before June 10, 2010.

ADDRESSES: You may submit comments, identified by Docket ID FEMA–2010–0017, by one of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Search for Docket ID FEMA–2010–0017 and follow the instructions for submitting comments.

E-mail: FEMA–POLICY@dhs.gov. Include Docket ID FEMA–2010–0017 in the subject line of the message.

Fax: 703–483–2999

Mail/Hand Delivery/Courier: Office of Chief Counsel, Federal Emergency Management Agency, 500 C Street, SW., Room 835, Washington, DC 20472–3100.

Instructions: All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov*, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via a link in the footer of *http://www.regulations.gov.*

Docket: For access to the docket to read the draft Programmatic Environmental Assessment or comments submitted by the public on these documents, go to the Federal eRulemaking Portal at *http://www.regulations.gov* and search for docket ID FEMA–2010–0017. These documents may also be inspected at FEMA, Office of Chief Counsel, Room 835, 500 C Street, SW., Washington, DC 20472–3100.

FOR FURTHER INFORMATION CONTACT: Jomar Maldonado, Environmental Officer, Office of Environmental Planning and Historic Preservation, FEMA, 500 C Street, SW., Washington, DC 20472–3100; phone (202) 646–2741.

SUPPLEMENTARY INFORMATION: The purpose of the draft Programmatic Environmental Assessment (PEA) is to evaluate construction-related actions of the Integrated Public Alert and Warning Program (IPAWS) and facilitate FEMA's compliance with the National Environmental Policy Act (NEPA) by providing a framework to address the potential environmental impacts of those actions. Pursuant to Executive

Order 13407, the IPAWS Program goal is to identify, develop, and/or adopt appropriate standards to enable implementation of interoperable public alert and warning systems, to identify technologies and standards that improve security, reliability, addressability, accessibility, interoperability, coverage, and resilience of the public alert and warning systems, and to integrate these capabilities via a common IPAWS Aggregator. Certain construction-related actions may be taken, such as modification of existing transmitter structures to current code and standards, trenching for utility lines, removal of existing underground or above ground fuel storage tanks and the placement of above-ground fuel storage tanks of increased capacity, placement of generators, placement of pre-cast concrete shelter modules, and fencing, to meet the IPAWS Program goal.

The PEA provides the public and decision-makers with the information required to understand and evaluate the potential environmental consequences of actions funded by FEMA. In addition to meeting the goals of impact identification and disclosure, the PEA addresses the need to streamline the NEPA review process in the interest of national preparedness and homeland security.

The analysis presented in the PEA relies on FEMA's experience regarding environmental impacts that can be expected with actions that would be undertaken through IPAWS. FEMA will consider the analysis in the PEA to determine whether a Finding of No Significant Impact (FONSI) or a Notice of Intent to Prepare an Environmental Impact Statement is appropriate for the proposed actions described and assessed in the PEA.

The PEA will also assist in determining when more site-specific information is needed and what level of environmental analysis and documentation is required in order for more complex projects to comply with NEPA.

Authority: National Environmental Policy Act (NEPA), as amended, 42 U.S.C. 4331 *et seq.;* 40 CFR part 1500; 44 CFR part 10.

Dated: May 4, 2010.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2010–11033 Filed 5–10–10; 8:45 am]

BILLING CODE 9111–AB–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2010–0022]

Environmental Planning and Historic Preservation Compliance Costs Policy; Environmental Planning and Historic Preservation Mitigation Policy

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice of availability; request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) is accepting comments on a draft Environmental Planning and Historic Preservation Compliance Costs policy and a draft Environmental Planning and Historic Preservation Mitigation policy.

DATES: Comments must be received by June 10, 2010.

ADDRESSES: Comments must be identified by docket ID FEMA–2010–0022 and may be submitted by one of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments. Please note that the proposed policies are not rulemakings and the Federal Rulemaking Portal is being utilized only as a mechanism for receiving comments.

Mail: Regulation & Policy Team, Office of Chief Counsel, Federal Emergency Management Agency, Room 835, 500 C Street, SW., Washington, DC 20472–3100.

FOR FURTHER INFORMATION CONTACT: Laura Shick, Federal Emergency Management Agency, Office of Environmental Planning and Historic Preservation, 1800 S. Bell Street, 7th Floor, Arlington, VA 20598–3020, 202–646–2685.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Instructions: All submissions received must include the agency name and docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice, which can be viewed by clicking on the "Privacy Notice" link in the footer of *http://www.regulations.gov.*

You may submit your comments and material by the methods specified in the **ADDRESSES** section above. Please submit your comments and any supporting material by only one means to avoid the receipt and review of duplicate submissions.

Docket: The proposed policies are available in docket ID FEMA–2010–0022. For access to the docket to read background documents or comments received, go to the Federal eRulemaking Portal at *http://www.regulations.gov* and search for the docket ID. Submitted comments may also be inspected at FEMA, Office of Chief Counsel, Room 835, 500 C Street, SW., Washington, DC 20472.

II. Background

The draft Environmental Planning and Historic Preservation Compliance Costs policy establishes FEMA's policy on who is responsible to pay for the costs of FEMA's environmental planning and historic preservation (EHP) review, EHP analysis preparation, and execution of EHP mitigation measures. The draft Environmental Planning and Historic Preservation Mitigation policy establishes FEMA's policy on the negotiation and adoption of avoidance, minimization, mitigation, and compensation measures to address adverse effects to the environment, including cultural and historic resources.

The proposed policies do not have the force or effect of law.

FEMA seeks comment on the proposed policies, which are available online at *http://www.regulations.gov* in docket ID FEMA–2010–0022. Based on the comments received, FEMA may make appropriate revisions to the proposed policies. Although FEMA will consider any comments received in the drafting of the final policies, FEMA will not provide a response to comments document. When or if FEMA issues final policies, FEMA will publish a notice of availability in the **Federal Register** and make the final policies available at *http://www.regulations.gov.* The final policies will not have the force or effect of law.

Authority: 42 U.S.C. 4321 *et seq.*; 40 CFR part 1500; 44 CFR part 10.

David J. Kaufman,

Director, Office of Policy and Program Analysis, Federal Emergency Management Agency.

[FR Doc. 2010–11031 Filed 5–10–10; 8:45 am]

BILLING CODE 9111–19–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5382–N–11]

Notice of Proposed Information Collection for Public Comment: Study of the Low Income Housing Tax Credit (LIHTC) Program After 15 Years

AGENCY: Office of Policy Development and Research, 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: *Comment Due Date:* July 12, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Reports Liaison Officer, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW., Room 8226, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Regina Gray, PhD, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; telephone (202) 402–2876 (this is not a toll-free number). Copies of the proposed data collection and other available documents may be obtained from Dr. Gray.

SUPPLEMENTARY INFORMATION: This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the 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 through the use of appropriate automated collection techniques or other forms of information technology, such as permitting electronic submission of responses.

Title of Proposal: Study of the Low-Income Housing Tax Credit (LIHTC) Program After 15 Years.

Description of the need for the information and proposed use: The Low-Income Housing Tax Credit (LIHTC), enacted in 1987, supports the production of rental housing to be occupied by low income renters, usually those with incomes less than 60 percent of area median income. LIHTC has become the federal government's largest program that subsidizes the development of affordable rental housing and has produced more than 1.8 million units.

HUD has overall responsibility for housing policy for low-income renters within the federal government and recognizes the significance of the LIHTC program. HUD's Office of Policy Development and Research has commissioned this study about what happened to LIHTC properties after the first 15 years, when the original use restrictions for properties that received tax credit allocations before 1990 expired, and when some tax credit properties funded after that date also were able to leave the program. The study represents an important opportunity for HUD to learn about the decisions owners and investors made with regard to LIHTC properties that reached the 15 year mark, whether properties no longer subject to LIHTC income and rent restrictions nonetheless continue to provide affordable housing for low-income renters, and whether properties still in the program are performing well financially. The answers to these questions are important for the million LIHTC units that will pass their 15 year mark over the next 10 years. The answers also will illuminate how use restrictions for subsidized rental housing work and how policy makers should think about them in the design of future programs.

A survey of LIHTC property owners is planned for the fall 2010 and is the subject of this notice. Owners play a key role in the maintenance and disposition of tax credit properties, making the final decisions on next steps with a property once it reaches the 15 year mark. The survey will collect data on LIHTC property owners' experience with the LIHTC program, gathering information that factored into property disposition decisions. Data will also be collected on whether projects were sold and whether projects continued as affordable rental housing.

Members of affected public: 40 randomly sampled LIHTC property owners.

Estimation of the total number of hours needed to prepare the information collection, including the number of respondents, frequency of response, and hours of response: The owner survey will take approximately 60 minutes per respondent to complete.

Respondents	Number of respondents	Number of responses per respondent	Average burden/response (hours)	Total burden hours
Telephone interview	40	1	1	40

Status of the proposed information collection: Pending OMB approval.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: April 29, 2010.

Raphael W. Bostic,

Assistant Secretary for Policy Development and Research, R.

[FR Doc. 2010–11077 Filed 5–10–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5376–N–33]

Fair Housing Initiatives Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

This information is required by the grant application to assist the Department in selecting the highest ranked applicants to receive funds under the Fair Housing Initiatives Program and carry our fair housing enforcement and/or education and outreach activities under the following initiatives; Private Enforcement, Education and Outreach, and Fair Housing Organizations. The information

collected from quarterly and final progress reports and enforcement logs will enable the Department to evaluate the performance of agencies that receive funding and determine the impact of the program on preventing and eliminating discriminatory housing practices.

DATES: *Comments Due Date:* June 10, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2529–0033) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806.

FOR FURTHER INFORMATION CONTACT: Leroy McKinney Jr., Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Leroy McKinney Jr. at *Leroy.McKinneyJr@hud.gov* or telephone (202) 402–5564. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. McKinney.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the 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 through 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: Fair Housing Initiatives Program.

OMB Approval Number: 2529–0033.

Form Numbers: HUD–904–A, HUD–904–B, and 904–C, SF–425, SF–424, SF–LLL, HUD–2880, HUD–2990, HUD–2991, HUD–2993, HUD–424–CB, HUD–424–CBW, HUD–2994–A, HUD–27300, HUD–96010, and HUD–27061.

Description of the Need for the Information and Its Proposed Use:

This information is required by the grant application to assist the Department in selecting the highest ranked applicants to receive funds under the Fair Housing Initiatives Program and carry our fair housing enforcement and/or education and outreach activities under the following initiatives; Private Enforcement, Education and Outreach, and Fair Housing Organizations. The information collected from quarterly and final progress reports and enforcement logs will enable the Department to evaluate the performance of agencies that receive funding and determine the impact of the program on preventing and eliminating discriminatory housing practices.

Frequency of Submission: On occasion, Quarterly, Semi-annually, Annually, Other as required by application and award documents.

	Number of respondents	Annual responses	x	Hours per response	=	Burden hours
Reporting burden	400	3.155	×	36.78	—	46,420

Total Estimated Burden Hours: 46,420.

Status: Revision of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: May 4, 2010.

Leroy McKinney, Jr.,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2010–11076 Filed 5–10–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

National Park Service

Final Environmental Impact Statement; Environmental Education Center, Yosemite National Park, Mariposa County, CA; Notice of Approval of Record of Decision

SUMMARY: Pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91–190, as amended) and the regulations promulgated by the Council on Environmental Quality (40 CFR 1505.2), the Department of the Interior, National Park Service (NPS) has prepared and approved a Record of Decision for the *Final Environmental Impact Statement* for development of a new environmental education center in Yosemite National Park. The requisite no-action "wait period" was initiated February 26, 2010, with the Environmental Protection Agency's **Federal Register** notification of the filing of the Final EIS.

Decision: As soon as practical the NPS will begin to implement development of a new environmental education center at Henness Ridge, to be operated jointly by NPS and Yosemite Institute. The new center replaces the current facility at Crane Flat—it will be on federal property and owned by the NPS. As part of the project a water system will be developed by the NPS at nearby Chinquapin. This alternative was identified and analyzed as the agency-preferred *Alternative 3* in the Final EIS (and includes no substantive changes from the course of action described in the Draft EIS). The full ranges of foreseeable environmental consequences were assessed, and appropriate mitigation measures are included in the approved plan. Both a No Action alternative and an additional "action" alternative were also identified and analyzed. During an extended scoping period, strong community support was expressed for concepts that were developed as the agency-preferred alternative presented in the Draft EIS. This base of support was reaffirmed during public review of the Draft EIS. As documented in the Draft and Final EIS, the selected alternative was deemed to be the "environmentally preferred" course of action.

Copies: Interested parties desiring to review the Record of Decision may obtain a copy by contacting the Superintendent, Yosemite National Park, P.O. Box 577, Yosemite, CA 95389 or via telephone request at (209) 372–0286.

Signed: April 5, 2010.

Cicely A. Muldoon,

Acting Regional Director, Pacific West Region.

[FR Doc. 2010–11059 Filed 5–10–10; 8:45 am]

BILLING CODE 4312–FY–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Public Meeting and Teleconference for the National Park Service Alaska Region's Subsistence Resource Commission (SRC) Program

AGENCY: National Park Service, Interior.

ACTION: Notice of public meeting and teleconference for the National Park Service Alaska Region's Subsistence Resource Commission (SRC) program.

SUMMARY: The Wrangell-St. Elias National Park SRC will conduct a meeting and teleconference to develop and continue work on National Park Service (NPS) subsistence hunting program recommendations and other related subsistence management issues. The NPS SRC program is authorized under title VIII, section 808 of the Alaska National Interest Lands Conservation Act, Public Law 96–487, to operate in accordance with the provisions of the Federal Advisory Committee Act.

Public Availability of Comments: The meeting and teleconference are open to the public and will have time allocated for public testimony. The public is welcome to present written or oral comments to the SRC. The meeting will be recorded and meeting minutes will be available upon request from the park superintendent in approximately six weeks after June 9, 2010. Before including your address, telephone number, e-mail address, or other personal identifying information in your written or oral comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Teleconference Information: The teleconference will be open to the public. Teleconference participants must call the Wrangell-St. Elias National Park and Preserve office at 907–822–5234 or 907–822–7236, at least 72 hours prior to the meeting to receive teleconference passcode information.

Wrangell-St. Elias National Park SRC Meeting and Teleconference Date and Location: The Wrangell-St. Elias National Park SRC meeting will be held on Wednesday, June 9, 2010, from 9 a.m. to 5 p.m. at the Wrangell-St. Elias National Park and Preserve, Copper Center, AK. The meeting may end early if all business is completed.

For Further Information on the Wrangell St. Elias National Park SRC Meeting and Teleconference Contact: Meg Jensen, Superintendent, or Barbara Cellarius, Subsistence Manager, (907) 822–5234, Wrangell-St. Elias National Park and Preserve, P.O. Box 439, Copper Center, AK 99573, or Clarence Summers, Subsistence Manager, NPS Alaska Regional Office, at (907) 644–3603.

Proposed SRC Meeting Agenda:

The proposed meeting agenda for each meeting includes the following:

1. Call to order.
2. SRC Roll Call and Confirmation of Quorum.
3. SRC Chair and Superintendent's Welcome and Introductions.
4. Administrative Announcements.
5. Review and Approve Agenda.
6. Approval of Minutes from Last SRC Meeting.
7. SRC Member Reports.
8. National Park Service Staff Report.
9. Federal Subsistence Board Update.
10. Alaska Board of Game Update.
11. Old Business.
    a. Nabesna Road Off Highway Vehicle Environmental Impact Statement Update.
    b. Subsistence Uses of Horns, Antlers, Bones and Plants EA Update.
    c. Chisana Caribou Herd Management Plan Update.
12. New Business.
13. Public and other Agency Comments.
14. SRC Work/Training Session.
15. Set Time and Place for next SRC Meeting.
16. Adjournment.

SRC meeting locations and dates may need to be changed based on lack of quorum, inclement weather or local circumstances. If the meeting date and location are changed, a notice will be published in local newspapers and announced on local radio stations prior to the meeting date. The SRC meeting and teleconference may end early if all business is completed.

Victor W. Knox,

Acting Regional Director, Alaska.

[FR Doc. 2010–11061 Filed 5–10–10; 8:45 am]

BILLING CODE 4312–HC–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–469 (Final) and 731–TA–1168 (Final)]

Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From China

AGENCY: United States International Trade Commission.

ACTION: Scheduling of the final phase of countervailing duty and antidumping investigations.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of countervailing duty investigation No. 701–TA–469 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) (the Act) and the final phase of antidumping investigation No. 731–TA–1168 (Final) under section 735(b) of the Act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of subsidized and less-than-fair-value imports from China of certain seamless carbon and alloy steel standard, line, and pressure pipe ("seamless SLP pipe"), provided for in subheadings 7301.19.10, 7304.19.50, 7304.31.60, 7304.39.00, 7304.51.50, 7304.59.60, and 7304.59.80 of the Harmonized Tariff Schedule of the United States.[1]

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

DATES: *Effective Date:* April 28, 2010.

FOR FURTHER INFORMATION CONTACT: Jennifer Merrill (202–205–3188), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting

[1] For purposes of these investigations, the Department of Commerce has defined the subject merchandise as "* * * Certain seamless carbon and alloy steel (other than stainless steel) pipes and redraw hollows, less than or equal to 16 inches (406.4 mm) in outside diameter, regardless of wall thickness, manufacturing process (*e.g.,* hot-finished or cold-drawn), end finish (*e.g.,* plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish (*e.g.,* bare, lacquered or coated). Redraw hollows are any unfinished carbon or alloy steel (other than stainless steel) pipe or "hollow profiles" suitable for cold finishing operations, such as cold drawing, to meet the American Society for Testing and Materials ("ASTM") or American Petroleum Institute ("API") specifications referenced below, or comparable specifications. Specifically included within the scope are seamless carbon and alloy steel (other than stainless steel) standard, line, and pressure pipes produced to the ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–335, ASTM A–589, ASTM A–795, ASTM A–1024, and the API 5L specifications, or comparable specifications, and meeting the physical parameters described above, regardless of application, with the exception of the exclusion discussed below. Specifically excluded from the scope of the investigation are unattached couplings."

the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—The final phase of these investigations is being scheduled as a result of affirmative preliminary determinations by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in China of seamless SLP pipe, and that such products are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations were requested in a petition filed on September 16, 2009, by U.S. Steel Corp., Pittsburgh, PA, and V&M Star L.P., Houston, TX.

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on August 30, 2010, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on September 14, 2010, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before September 8, 2010. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on September 10, 2010, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is September 7, 2010. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is September 21, 2010; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before September 21, 2010. On October 8, 2010, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before October 12, 2010, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II (C) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: May 5, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–11057 Filed 5–10–10; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant To the Clean Water Act

Notice is hereby given that on May 5, 2010, a proposed Consent Decree in *United States* v. *Washington Beef LLC,*

Civ. A. No. 10–cv–03025–EFS was lodged with the United States Court for the Eastern District of Washington. The facility at issue is the Washington Beef complex slaughterhouse located in Toppenish, Washington. This is a civil action for injunctive relief and civil penalties under Section 309(b) and (d) of the Clean Water Act, 33 U.S.C. 1319(b) and (d), and for violations of Section 301 (a) of the Clean Water Act, 33 U.S.C. 1311(a). The Complaint alleges that Defendant is liable for unauthorized discharges from one of its outfalls, violations of permit effluent limits and, violations of its permit due to its failure to properly monitor and report the quality of its effluent.

Pursuant to the proposed Consent Decree, Defendant will pay to the United States a civil penalty of $750,000 to resolve the claims alleged in the Complaint. The Consent Decree requires certain injunctive relief including installation of five new pieces of equipment including a new sequential batch reactor.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Washington Beef LLC,* Civ. A. No. 10–cv–03025–EFS (Eastern District of Washington), Department of Justice Case Number 90–5–1–1–09414.

During the public comment period, the Consent Decree may be examined at the Office of the United States Attorney, Eastern District of Washington, 920 West Riverside Avenue, Spokane, WA 99201. The Consent Decree may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $8.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Maureen Katz,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2010–11114 Filed 5–10–10; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States of America et al.* v. *The Boeing Company,* Civil Action No. 10–758 (W.D. Wa.), was lodged with the United States District Court for the Western District of Washington on May 4, 2010. The proposed Consent Decree settles claims for natural resource damages caused by hazardous substances released from Boeing facilities along the Duwamish Waterway.

The complaint asserts claims by the United States on behalf of the National Oceanic and Atmospheric Administration and the Department of the Interior; the State of Washington; the Suquamish Tribe; and the Muckleshoot Indian Tribe (the Natural Resource Trustees) pursuant to the section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9607(a); section 311 of the Clean Water Act (CWA), 33 U.S.C. 1321; section 1002(b) of the Oil Pollution Act (OPA), 33 U.S.C. 2702(b); and the Model Toxics Control Act (MTCA), RCW 70.105D.

Under the proposed Consent Decree, Boeing will create habitat for out-migrating juvenile salmon making their transition from fresh water to salt water, as well as other fish and bird species. The restoration projects will be built at the current location of Boeing's Plant 2 on the Duwamish River and will cover over one-half linear mile of waterway. Boeing also will repay almost $2 million of the Natural Resource Trustees' costs expended to date, will pay the Natural Resource Trustees' future costs of overseeing the restoration projects, and will establish a permanent stewardship fund for the projects.

The Department of Justice will receive written comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States of America et al.* v. *The Boeing Company,* DJ Reference No. 90–11–3–07227/1.

The Consent Decree may be examined at the Office of the United States Attorney, Western District of Washington, Office of the United States Attorney for the Western District of Washington, 5200 United States Courthouse, 700 Stewart Street, Seattle, WA 98101–1271. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $26.75 (25 cents per page reproduction cost) payable to the United States Treasury or, if requesting by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division, United States Department of Justice.

[FR Doc. 2010–11115 Filed 5–10–10; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

Notice is hereby given that on April 20, 2010, a Consent Decree in *United States of America* v. *Hovnanian Enterprises, Inc.*, Civil Action No. 2:10–cv–01742–TJS, was lodged with the United States District Court for the Eastern District of Pennsylvania.

The United States, together with the District of Columbia, the State of Maryland, the Commonwealth of Virginia, and the State of West Virginia four co-plaintiffs ("State Plaintiffs"), entered into the Consent Decree with Hovnanian Enterprises, Inc. ("Hovnanian"), a builder of residential homes that does business in nineteen states. Plaintiffs are filing concurrently with the Consent Decree a Complaint

asserting claims against Hovnanian that are resolved by the Consent Decree.

The proposed Complaint alleges three types of storm water violations—discharges without a permit, failure to timely apply for permit coverage, and permit violations, in violation of Sections 301 and 308 of the CWA and analogous state law—and alleges a general pattern and practice of non-compliance at Hovnanian's Sites throughout the country.

The Consent Decree addresses Hovnanian's violations of the Clean Water Act ("CWA") as well as violations of state and federal National Pollutant Discharge Elimination System ("NPDES") permits governing the discharge of storm water from Hovnanian's construction Sites. The Consent Decree resolves claims of the United States and State Plaintiffs for past violations of storm water requirements at the Sites identified in Appendix A of the Complaint by requiring the payment of a civil penalty totaling $1 million and the institution of injunctive relief in the form of a nationwide management, reporting and training program to improve compliance with storm water requirements at Hovnanian's future construction Sites.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to this proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, *Attention:* Nancy Flickinger (EES), and should refer to *United States of America* v. *Hovnanian Enterprises, Inc.*, Civil Action No. 2:10–cv–01742–TJS, DOJ # 90–5–1–1–08709.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Eastern District of Pennsylvania, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19016. The consent decree also may be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the proposed Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax No. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $46.50 (25 cents per page reproduction cost for a full copy) payable to the U.S. Treasury.

Maureen Katz,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2010–11088 Filed 5–10–10; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Publication of Model Notices for Health Care Continuation Coverage Provided Pursuant to the Consolidated Omnibus Budget Reconciliation Act (COBRA) and Other Health Care Continuation Coverage, as Required by the American Recovery and Reinvestment Act of 2009 (ARRA), as Further Amended by the Continuing Extension Act (CEA) of 2010, Notice

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Notice of the Availability of the Model Health Care Continuation Coverage Notices Required by ARRA, as further amended by CEA.

SUMMARY: On April 15, 2010, President Obama signed the Continuing Extension Act of 2010 (Pub. L. 111–157), which extended, for a third time, the availability of the health care continuation coverage premium reduction provided for COBRA and other health care continuation coverage as required by ARRA (Pub. L. 111–5). ARRA, as amended, retained the requirement that the Secretary of Labor (the Secretary), in consultation with the Secretaries of the Treasury and Health and Human Services, develop model notices. These models are for use by group health plans and other entities that, pursuant to ARRA, as amended, must provide notices of the availability of premium reductions and additional election periods for health care continuation coverage. This document announces the availability of the model health care continuation coverage notices required by ARRA, as further amended by CEA.

FOR FURTHER INFORMATION CONTACT: Kevin Horahan or Mark Connor, Office of Health Plan Standards and Compliance Assistance, Employee Benefits Security Administration, (202) 693–8335. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) created the health care continuation coverage provisions of Title I of the Employee Retirement Income Security Act of 1974 (ERISA), the Internal Revenue Code (Code), and the Public Health Service Act (PHS Act). These provisions are commonly referred to as the "COBRA continuation provisions," and the continuation coverage that they mandate is commonly referred to as "COBRA continuation coverage." Group health plans subject to the Federal COBRA continuation provisions are subject to ARRA's premium reduction provisions and notice requirements. The Federal COBRA continuation coverage provisions do not apply to group health plans sponsored by employers with fewer than 20 employees. Many States require health insurance issuers that provide group health insurance coverage to plans not subject to the COBRA continuation provisions to provide comparable continuation coverage. Such continuation coverage provided pursuant to State law is also subject to ARRA's premium reduction provisions and notice requirements.

II. Description of the Model Notices

a. In General

ARRA, as further amended, mandates the provision of certain notices. Each of these notices must include: a prominent description of the availability of the premium reduction, including any conditions on the entitlement; a model form to request treatment as an "Assistance Eligible Individual";[1] the name, address, and telephone number of the plan administrator (and any other person with information about the premium reduction); a description of the obligation of individuals paying reduced premiums who become eligible for other coverage to notify the plan; and (if applicable) a description of the opportunity to switch coverage options.

The Department of Labor (the Department) created these model notices to cover an array of situations in order to deal with the complexity of the various scenarios facing dislocated workers and their families. In an effort to ensure that the notices include all of the information required under ARRA, as amended, while minimizing the burden imposed on group health plans and issuers, the Department has created several packages. As with those models

[1] In general, an "*Assistance Eligible Individual*" is an individual who has experienced an involuntary termination of employment that is a COBRA "qualifying event" at any time from September 1, 2008 through May 31, 2010 if he or she elects such COBRA coverage. For purposes of ARRA, certain involuntary terminations are considered qualifying events despite the occurrence of a previous qualifying event.

previously developed by the Department, each of the new packages is designed for a particular group of qualified beneficiaries, and contains all of the information needed to satisfy the content requirements for ARRA's amended notice provisions. The packages include the following disclosures:

- A summary of ARRA's premium reduction provisions.
- A form to request the premium reduction.
- A form for plans (or issuers) that permit qualified beneficiaries to switch coverage options to use to satisfy ARRA's requirement to give notice of this option.
- A form for an individual to use to satisfy ARRA's requirement to notify the plan (or issuer) that the individual is eligible for other group health plan coverage or Medicare.
- COBRA election forms and information, as appropriate.

b. General Notice

Plans that are subject to the COBRA continuation provisions under Federal law are required to send the General Notice.[2] It must include the information described above and be provided to ALL qualified beneficiaries, not just covered employees, who experience a qualifying event through May 31, 2010.[3]

The Department has modified the previously updated version of this model notice so that it includes all of the information related to the premium reduction and other rights and obligations under ARRA, as further amended by CEA. This model also includes all of the information required in an election notice required pursuant to the Department's final COBRA notice regulations under 29 CFR 2590.606–4(b).[4] Using this model to provide notice to individuals who have experienced any qualifying event from September 1, 2008 through May 31, 2010 will satisfy the Department's existing requirements for the content of the COBRA election notice as well as those imposed by ARRA, as amended.

c. Alternative Notice

Issuers that offer group health insurance coverage that is subject to comparable continuation coverage requirements imposed by State law must provide the Alternative Notice. The Alternative Notice must include the information described above and be provided to ALL qualified beneficiaries, not just covered employees, who have experienced a qualifying event through May 31, 2010.[5] The Department has modified the previously updated version of this model notice. However, because continuation coverage requirements vary among States it should be further modified to reflect the requirements of the applicable State law. Issuers of group health insurance coverage subject to this notice requirement should feel free to use the model Alternative Notice, the model Notice of New Election Period, the model Supplemental Information Notice, the model Notice of Extended Election Period, or the model General Notice (as appropriate).

d. Notice of New Election Period

The Notice of New Election Period is required to be sent by plans that are subject to COBRA continuation provisions under Federal or State law. It must include the information described above and should be provided to ALL individuals who:

- Experienced a qualifying event that was a reduction in hours at any time from September 1, 2008 through May 31, 2010;
- Experienced a termination of employment at any point from March 2, 2010 through May 31, 2010; AND
- Either did not elect COBRA continuation coverage when it was first offered OR who elected but subsequently discontinued COBRA.

Generally, individuals who have experienced a qualifying event that consists of a reduction of hours and who, from March 2, 2010 through May 31, 2010, experience an involuntary termination of employment must be provided this notice within 60 days of the event. Pursuant to CEA, for the April 1, 2010 through April 14, 2010 period, the notice requirement attaches to any termination of employment. The Department strongly recommends that notice be provided to individuals who experienced any termination of employment because employers may be subject to civil penalties if it is later determined that the termination was involuntary and notice was not provided. The Department has updated its model Notice of New Election Period. Using this model to provide notice to these individuals satisfies the requirements of ARRA, as amended by CEA.

e. Supplemental Information Notice

The Supplemental Information Notice is required to be sent by plans that are subject to COBRA continuation provisions under Federal or State law. It must include the information described above and should be provided to ALL individuals who elected and maintained COBRA continuation coverage based on the following qualifying events:

- All qualifying events related to a termination of employment that occurred from March 1, 2010 through April 14, 2010 for which notice of the availability of the premium reduction available under ARRA was not given; or
- Reductions of hours that occurred during the period from September 1, 2008 through May 31, 2010 which were followed by a termination of the employee's employment that occurred on or after March 2, 2010 and by May 31, 2010.

For the first item above plans must provide this notice to all individuals with a qualifying event related to any termination of employment if they have not already been provided notice of their rights under ARRA. This notice must be provided before the end of the required time period for providing a COBRA election notice. For the second item above, generally, individuals who experience an involuntary termination of employment from March 2, 2010 through May 31, 2010 after experiencing a qualifying event that consists of a reduction of hours must be provided this notice within 60 days of the termination of employment. However, as has been noted, CEA requires plans to provide notices to all individuals with qualifying events related to ANY termination of employment that occurred from April 1, 2010 through April 14, 2010. In those cases, this notice must be provided before the end of the required time period for providing a COBRA election notice.[6]

[2] Under ARRA, as amended, the Secretary generally is responsible for developing all of the model notices with the exception of model notices relating to Temporary Continuation Coverage under 5 U.S.C. 8905a, which is the responsibility of the Office of Personnel Management (OPM). In developing the original ARRA model notices, the Department was required to, and did, consult with the Departments of the Treasury and Health and Human Services, OPM, the National Association of Insurance Commissioners, and plan administrators and other entities responsible for providing COBRA continuation coverage. This set of models was again created in consultation with staff at the Departments of the Treasury and Health and Human Services.

[3] This notice need not be provided to the extent that a notice including accurate information regarding rights under ARRA has already been provided.

[4] The 60-day period for electing COBRA continuation coverage is measured from when a complete notice is provided. ARRA provides that COBRA election notices provided for qualifying events occurring during the effective dates of the premium reduction period are not complete if they fail to include information on the availability of the premium reduction.

[5] See note 3 above.

[6] ARRA section 3001(a)(7) provides that COBRA election notices provided for qualifying events

Continued

Because employers may be subject to civil penalties if it is later determined that the termination was involuntary, the Department strongly recommends that notice be provided to individuals who experienced any termination of employment. The Department has updated its model Supplemental Information Notice. Using this model to provide notice to these individuals satisfies the requirements of ARRA, as amended by CEA.

f. Notice of Extended Election Period

The Notice of Extended Election Period is required to be sent by plans that are subject to COBRA continuation provisions under Federal or State law. It must include the information described above and be provided to ALL individuals who experienced a qualifying event that was a termination of employment from April 1, 2010 through April 14, 2010, were provided notice that did not inform them of their rights under ARRA, as amended by CEA, and either chose not to elect COBRA continuation coverage at that time OR elected COBRA but subsequently discontinued that coverage. This notice must be provided before the end of the required time period for providing a COBRA election notice.[7] The Department has updated its model Notice of Extended Election Period. Using this model to provide notice to these individuals satisfies the requirements of ARRA, as amended by CEA.

III. For Additional Information

For additional information about ARRA's COBRA premium reduction provisions as amended by CEA, contact the Department's Employee Benefits Security Administration's Benefits Advisors at 1–866–444–3272. In addition, the Employee Benefits Security Administration has developed a dedicated COBRA Web page *www.dol.gov/COBRA* that will contain information on the program as it is developed. Subscribe to this page to get up-to-date fact sheets, FAQs, model notices, and applications.

IV. Paperwork Reduction Act Statement

According to the Paperwork Reduction Act of 1995 (Pub. L. 104–13) (PRA), no persons are required to respond to a collection of information unless such collection displays a valid Office of Management and Budget (OMB) control number. The Department notes that a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA, and displays a currently valid OMB control number; further, the public is not required to respond to a collection of information unless it displays a currently valid OMB control number. *See* 44 U.S.C. 3507. Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number. *See* 44 U.S.C. 3512.

OMB has approved the Department's no-material, non-substantive change request for the updated notices under OMB Control Number 1210–0123. The public reporting burden for this collection of information is estimated to average approximately 3 minutes per respondent, including time for gathering and maintaining the data needed to complete the required disclosure. There is also an additional $0.44 average cost per response for mailing costs. Interested parties are encouraged to send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Office of the Chief Information Officer, Attention: Departmental Clearance Officer, 200 Constitution Avenue, NW., Room N–1301, Washington, DC 20210 or e-mail *DOL_PRA_PUBLIC@dol.gov* and reference the OMB Control Number 1210–0123.

V. Models

The Department has decided to make the model notices available in modifiable, electronic form on its Web site: *http://www.dol.gov/COBRA.*

VI. Statutory Authority

Authority: 29 U.S.C. 1027, 1059, 1135, 1161–1169; Sec. 3001, Pub. L. 111–5, 123 Stat. 115; Sec. 1010, Pub. L. 111–118, 123 Stat. 3409; Sec. 3, Pub. L. 111–144, 124 Stat. 42; Sec. 3, Pub. L. 111–157, 124 Stat. 1116; and Secretary of Labor's Order 6–2009, 74 FR 21524 (May 7, 2009).

Signed at Washington, DC, this 30th day of April 2010.

Phyllis C. Borzi,

Assistant Secretary, Employee Benefits Security Administration.

[FR Doc. 2010–11101 Filed 5–10–10; 8:45 am]

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occurring during the effective dates of the premium reduction program are not complete if they fail to include information on the availability of the premium reduction.

[7] *See* note 6 above.

LIBRARY OF CONGRESS

Copyright Office

[Docket No. RF 2009–1B]

The Register of Copyrights' and the Copyright Royalty Judges' authority to determine the constitutionality of 17 U.S.C. 114(f)(5)

AGENCY: Copyright Office, Library of Congress.

ACTION: Final Order.

SUMMARY: Two material questions of substantive law were referred to the Register of Copyrights concerning the authority of the Register of Copyrights and the Copyright Royalty Judges to determine the constitutionality of 17 U.S.C. 114(f)(5). The Register of Copyrights responded by delivering a Memorandum Opinion to the Copyright Royalty Board on April 30, 2010.

DATES: Effective Date: April 30, 2010.

FOR FURTHER INFORMATION CONTACT: Tanya Sandros, Deputy General Counsel, or Stephen Ruwe, Attorney Advisor, Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION: In the Copyright Royalty and Distribution Reform Act of 2004, Congress amended Title 17 to replace the copyright arbitration royalty panels with the Copyright Royalty Judges ("CRJs"). One of the functions of the CRJs is to make determinations and adjustments of reasonable terms and rates of royalty payments as provided in sections 112(e), 114, 115, 116, 118, 119 and 1004 of the Copyright Act. The CRJs have the authority to request from the Register of Copyrights ("Register") an interpretation of any material question of substantive law that relates to the construction of provisions of Title 17 and arises during the proceeding before the CRJs. See 17 U.S.C. 802(f)(1)(A)(ii).

On March 31, 2010, the Register received an Order from Copyright Royalty Judge William J. Roberts, Jr. referring the following two material questions of substantive law for her consideration:

> Does the Register of Copyrights have the authority under Chapter 7, or any other provisions of the Copyright Act, to determine the constitutionality of 17 U.S.C. 114(f)(5)?
>
> Do the Copyright Royalty Judges have the authority under Chapter 8, or any other provisions of the Copyright Act, to determine the constitutionality of 17 U.S.C. 114(f)(5)?

The Register also received the briefs filed with the CRJs by RealNetworks,

Inc. and SoundExchange, Inc., in connection with a February 12, 2010, motion filed by RealNetworks, Inc. seeking referral of novel material questions of substantive law, which was initially denied by the CRJs.

In the March 31, 2010, Order, Judge Roberts referred the questions to the Register on his own initiative pursuant to 17 U.S.C. 802(f)(1)(A)(ii), which provides in pertinent part that "[o]ne or more Copyright Royalty Judges may, or by motion to the Copyright Royalty Judges, any participant in a proceeding may, request from the Register of Copyrights an interpretation of any material questions of substantive law that relate to the construction of provisions of this title and arise in the course of the proceeding." Section 802(f)(1)(A)(ii) allows a 14–day response period. However, section 802(f)(1)(B)(i) provides that when the CRJs request a decision by the Register on "a *novel* material question of substantive law concerning an interpretation of those provisions of this title that are the subject of the proceeding" (emphasis added), the Register shall transmit her decision within a 30–day response period. A novel question of law is one that "has not been determined in prior decisions, determinations, and rulings described in section 803(a)." *Id*. On April 20, 2010, the Register advised the CRJs that she had determined that the material questions of law that are the subject of the Order are novel because they have not been determined in prior decisions, determinations, and rulings described in 17 U.S.C. 803(a). *See* 17 U.S.C. 802(f)(1)(B)(ii).

On April 30, 2010, the Register responded in a Memorandum Opinion to the CRJs that addressed the novel material questions of law. To provide the public with notice of the decision rendered by the Register, the Memorandum Opinion is reproduced in its entirety, below. The timely delivery of the Register's response requires that "the Copyright Royalty Judges shall apply the legal determinations embodied in the decision of the Register of Copyrights in resolving material questions of substantive law." *See* 17 U.S.C. 802(f)(1)(B)(i).

Dated: May 3, 2010

David O. Carson,

General Counsel.

Before the
U.S. Copyright Office
Library of Congress
Washington, D.C. 20559

In the Matter of

Digital Performance Right in Sound Recordings and Ephemeral Recordings

Docket No. RF 2009–1B
CRB Webcasting III

MEMORANDUM OPINION ON MATERIAL QUESTIONS OF SUBSTANTIVE LAW

I. Procedural Background

On February 12, 2010, RealNetworks, Inc. ("RealNetworks") filed a motion requesting referral to the Register of Copyrights of what it identified as two novel material questions of substantive law. That motion was denied by the Copyright Royalty Judges on March 30, 2010. *Order Denying Motion Requesting Referral of Novel Material Questions of Substantive Law*, Docket No. 2009–1 CRB Webcasting 111.

The second question proposed in RealNetworks' motion sought to identify whether the Register of Copyrights ("Register") or the Copyright Royalty Judges ("CRJs"), or both, have the authority to determine the constitutionality of 17 U.S.C. § 114(f)(5), a provision that inter alia calls upon the CRJs to allow agreements made pursuant to the Webcaster Settlement Acts to be admitted into evidence or otherwise considered *only* if both parties to such agreements authorize submission of the agreements in a CRJ proceeding. While RealNetworks' motion did not properly frame that question as novel within the meaning of 17 U.S.C. § 802(f)(l)(B), Copyright Royalty Judge William J. Roberts Jr., in an order issued subsequent to the CRJs' initial denial of RealNetworks' motion, determined that there were referable questions within the meaning of 17 U.S.C. § 802(f)(l)(A)(ii). That subsection provides, in pertinent part, that "one or more Copyright Royalty Judges may ... request from the Register of Copyrights an interpretation of any material questions of substantive law that relate to the construction of provisions of this title and arise in the course of the proceeding." On March 31, 2010, pursuant to 17 U.S.C. § 802(f)(1), Judge Roberts referred the following two questions of law to the Register of Copyrights.[1]

> Does the Register of Copyrights have the authority under Chapter 7, or any other provisions of the Copyright Act, to determine the constitutionality of 17 U.S.C. § 114(f)(5)?
>
> Do the Copyright Royalty Judges have the authority under chapter 8, or any other provisions of the Copyright Act, to determine the constitutionality of 17 U.S.C. § 114(f)(5)?

The order referring the two questions was accompanied by the briefs that had been submitted by the parties as part of the pleading cycle on RealNetworks' motion for referral.

As required by 17 U.S.C. § 802(f)(1)(B)(i), the Register hereby provides her response to the novel material questions of substantive law that were referred to her by Judge Roberts.

II. Summary of Parties' Arguments

In its motion requesting referral of novel material questions of law, RealNetworks argues that the CRJs and the Register lack authority to determine that section 114(f)(5) is unconstitutional. In doing so, it observes that the Supreme Court has repeatedly stated that "adjudication of the constitutionality of congressional enactments has generally been thought beyond the jurisdiction of administrative agencies." *Thunder Basin Coal Co. v. Reich*, 510 U.S. 200, 215 (1994) (citing *Johnson v. Robison*, 415 U.S. 361, 368 (1974)). Additionally, RealNetworks notes the D.C. Circuit's observation that agencies may lack the institutional competence to resolve certain issues, such as the constitutionality of a statute. *Hettinga v. United States*, 560 F.3d 498, 506 (D.C. Cir. 2009) (citing, *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992)).

SoundExchange Inc. ("SoundExchange") filed a brief opposing RealNetworks' motion requesting referral of novel material questions of law in which it echoed RealNetworks' views that the CRJs and the Register lack authority to determine that section 114(f)(5) is unconstitutional. In doing so, SoundExchange notes that RealNetworks does not attempt to argue that the present circumstances offer an exception to the general rule, set forth in *Thunder Basin*, that agencies do not have the authority to determine the constitutionality of congressional enactments.

In RealNetworks' reply in support of its motion for referral of novel material questions of law, it observes that RealNetworks and SoundExchange both cited *Thunder Basin* for the proposition that adjudication of the constitutionality of congressional enactments is generally beyond the jurisdiction of an administrative body. RealNetworks

[1] On April 20, 2010, the Register informed the CRJs that the referred questions are novel questions of law because they have not been determined in prior decisions, determinations or rulings (17 USC § 803(a)).

asserts that while the private parties agree that the general rule should apply in this case, the Court held in *Thunder Basin* that the general rule did not apply in that case, explaining: "This rule is not mandatory, however, and is perhaps of less consequence where, as here, the reviewing body is not the agency itself but an independent Commission" that "has addressed constitutional questions in previous enforcement proceedings." *Thunder Basin*, 510 U.S. at 215 (1994).

III.Register's Determination

The Register acknowledges the rule set forth in *Thunder Basin* that adjudication of the constitutionality of congressional enactments is *generally* beyond the jurisdiction of administrative agencies. *Thunder Basin*, 510 U.S. at 215 (1994) (citing *Johnson v. Robison*, 415 U.S. 361, 368 (1974) (adjudication of the constitutionality of congressional enactments has generally been thought beyond the jurisdiction of administrative agencies)); See also *Motor & Equipment Mfrs. Asso. v. Environmental Protection Agency*, 627 F.2d 1095, 1115 (D.C. Cir. 1979).[2] The parties are in agreement that this general rule applies to foreclose the Register and the CRJs from determining the constitutionality of 17 U.S.C. § 114(f)(5). However, in order to determine whether the Register or the CRJs do not have the authority under the provisions of the Copyright Act to determine the constitutionality of 17 U.S.C. § 114(f)(5), the exceptions to the general rule must be considered.

While the case law regarding exceptions to the general rule against agency adjudication of the constitutionality of congressional enactments is slim, in *Thunder Basin*, the general rule was not found to apply because the reviewing body was not the agency itself. Rather the Federal Mine Safety and Health Review Commission was an independent Commission established exclusively to adjudicate disputed enforcement measures undertaken by the Mine Safety and Health Administration pursuant to the statute in question. The court also observed that even if the agency or independent Commission were not authorized to determine the constitutionality of congressional enactments, the constitutional claims could be meaningfully addressed in the Court of Appeals, thus avoiding the "serious constitutional question" that would arise if an agency's organic statute were construed to preclude all judicial review of a constitutional claim. *Id.*

Case law reveals additional considerations that are relevant in determining whether it is proper to apply the general rule against agency adjudication of the constitutionality of congressional enactments. For instance, the general rule "is subject to Congress's allocation of adjudicative responsibility." *Riggin v. Office of Senate Fair Employment Practices*, 61 F.3d 1563, 1569 (Fed. Cir. 1995) (citing *Thunder Basin*, 510 U.S. at 215 (1994)). Additionally, a finding that the agency lacks jurisdiction to decide constitutional questions is especially likely when the constitutional claim asks the agency to act contrary to its statutory charter. Riggin, 61 F.3d at 1569; See also *Weinberger v. Salfi*, 422 U.S. 749, 765 (1975); *Johnson v. Robison*, 415 at 367; *Public Utilities Commission v. United States*, 355 U.S. 534, 539 (1958). In the Riggin case, the general rule was not applied in part because the constitutional issue did not require the agency to question its own statutory authority or to disregard any instructions Congress had given it.

In the case at hand, the established exceptions to the general rule against agency adjudication of the constitutionality of congressional enactments are not applicable. Nowhere in title 17 are either the Register or the CRJs allocated any adjudicative responsibility to determine the constitutionality of statutory provisions. Additionally, the CRJs are not the type of independent Commission at issue in *Thunder Basin*, which was established to review agency actions. While it is true that 17 U.S.C. § 802(f)(1) calls upon the Register to, in certain circumstances, offer either "an interpretation of any material questions of substantive law that relate to the construction of provisions of this title and arise in the course of the proceeding" or "an interpretation of those provisions of this title that are the subject of the proceeding," these provisions address interpretation of statutory provisions themselves and do not authorize determinations as to the constitutionality of such provisions. 17 U.S.C. § 802(f)(1)(A)&(B). Similarly, the Register's authority to review the CRJs' final determinations for errors of law is also directed toward material questions of substantive law under title 17, not toward the constitutionality of such provisions. 17 U.S.C. § 802(f)(1)(D). Like the Mine Safety and Health Administration ("MSHA") in Thunder Basin, the CRJs are tasked with carrying out statutory duties prescribed by Congress. However, unlike the independent Commission in Thunder Basin, which had broad authority to review the actions of the MSHA, the Register, as indicated above, has a narrower authority in these proceedings, which allows her only to determine issues of substantive law under title 17. Finally, unlike the constitutional claim in Riggin, a determination by the CRJs that 17 U.S.C. § 114(f)(5) is unconstitutional would necessarily require the CRJs to act contrary to their statutory charter, which pointedly directs the CRJs to act in accordance with the provisions of section 114(f)(5).[3] Under that provision, the CRJs may allow agreements made pursuant to the Webcaster Settlement Acts to be admitted into evidence or otherwise considered only if both parties to such agreements authorize submission of the agreements in a CRJ proceeding.

As neither the Register nor the CRJs have any specific authority under Chapter 7, or any other provisions of the Copyright Act, to determine the constitutionality of 17 U.S.C. § 114(f)(5), and because no other established exceptions to the general rule against agency adjudication of the constitutionality of congressional enactments are applicable, the Register concludes that neither the Register nor the CRJs have the authority under the Copyright Act to determine the constitutionality of 17 U.S.C. § 114(f)(5).

April 30, 2010

Marybeth Peters,

Register of Copyrights.

[FR Doc. 2010–11116 Filed 5–10–10; 8:45 am]

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[2] Various administrative agencies have come to the same conclusion when confronted with questions regarding their authority to determine the constitutionality of statutory provisions. 63 Fed. Reg. 6614, 6620 (February 9, 1998) (Department of Labor finding that, as the agency given the administrative authority to implement a statutory provision, it has no authority to question the constitutionality of the statute); 56 Fed. Reg. 11653, 11660 (March 20, 1991) (Federal Trade Commission finding that it does not have authority to determine the constitutionality of the statutes it enforces); 50 Fed. Reg. 35418, 35422 (August 30, 1985) (Federal Communications Commission finding that administrative agencies are not tasked with the duty to adjudicate the constitutionality of a federal statute, citing *Johnson v. Robison*, 415 U.S. at 368).

[3] 17 U.S.C. § 801(b)(1) calls upon the CRJs to "make determinations and adjustments of reasonable terms and rates of royalty payments as provided in sections 112(e), 114, 115, 116, 118, 119, and 1004." (emphasis added).

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before June 10, 2010. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting the Life Cycle Management Division (NWML) using one of the following means:

Mail: NARA (NWML), 8601 Adelphi Road, College Park, MD 20740–6001.

E-mail: request.schedule@nara.gov.

Fax: 301–837–3698.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Laurence Brewer, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. *Telephone:* 301–837–1539. *E-mail: records.mgt@nara.gov.*

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless specified otherwise. An item in a schedule is media neutral when the disposition instructions may be applied to records regardless of the medium in which the records are created and maintained. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is limited to a specific medium. (*See* 36 CFR 1225.12(e).)

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending:

1. Department of the Army, Agency-wide (N1–AU–09–10, 4 items, 4 temporary items). Policy and procedures documents, reports, evaluations, requests for information and other information relating to the Total Army Sponsorship Program.

2. Department of Defense, Defense Security Service (N1–446–09–6, 3 items, 3 temporary items). Master files of an electronic information system used for the secure transmission of fingerprints and demographic information submitted by contractors concerning applicants for security clearances.

3. Department of Education, Federal Student Aid (N1–441–09–22, 1 item, 1 temporary item). Master files of an electronic information system used to manage student loans and grants. Files include such information as name of student, type and amount of loan, loan period, and balance.

4. Department of Education, Federal Student Aid (N1–441–09–23, 9 items, 9 temporary items). Master files of electronic information systems used to process student aid applications and payments. Records relate to such matters as the application and selection process, disbursements of funds, and other financial transactions.

5. Department of Education, Office for Civil Rights (N1–441–08–6, 5 items, 4 temporary items). Case files relating to investigating complaints and reviewing educational programs in regard to compliance with laws prohibiting discrimination on the basis of race, gender, age, and other considerations. Included is an electronic case management system. Proposed for permanent retention are records documenting historically significant education discrimination cases.

6. Department of Education, Office of Postsecondary Education (N1–441–09–8, 1 item, 1 temporary item). Records relating to programs that assist educational institutions in providing housing and other facilities for students. Records include information that relates to such matters as applications, disbursements of funds, and the planning and construction of facilities.

7. Department of Health and Human Services, Centers for Medicare & Medicaid Services (N1–440–09–12, 1 item, 1 temporary item). Master files of an electronic information system used to account for and manage reimbursements provided to Plan Sponsors for Medicare-eligible retirees.

8. Department of Homeland Security, Directorate for Management (N1–563–09–12, 8 items, 8 temporary items). Records relating to the oversight and management of grant programs. Included are such records as grant

program announcements, grant guidance reference files, grant monitoring review case files, customer service correspondence, debarment and suspension case files, and grant program approval case files.

9. Department of Justice, Bureau of Prisons (N1–129–09–32, 1 item, 1 temporary item). Master files of an electronic information system that contains information on inmate work assignments.

10. Department of Justice, Executive Office for U.S. Attorneys (N1–60–10–9, 2 items, 2 temporary items). Inputs and master files of an electronic information system which contains information used in connection with notifying employees in the event of an emergency.

11. Department of Justice, Federal Bureau of Investigation (N1–65–09–5, 4 items, 3 temporary items). Records relating to agency equal employment opportunity programs, including administrative files and records of special emphasis programs that focus attention on specific employee groups. Proposed for permanent retention are case files relating to historically significant discrimination complaint cases.

12. Department of the Treasury, Internal Revenue Service (N1–58–09–103, 2 items, 2 temporary items). Master files and system documentation of an electronic information system used to automate the tax examination process and provide taxpayers with easily understood audit reports.

13. Department of the Treasury, Internal Revenue Service (N1–58–09–104, 2 items, 2 temporary items). Applications for tax credits for investments in manufacturing equipment used to produce clean energy.

14. Department of Veterans Affairs, Veterans Health Administration (N1–15–10–4, 5 items, 5 temporary items). Records that relate to providing prosthetics and sensory aids to military veterans.

15. National Capital Planning Commission, Agency-wide (N1–328–10–1, 6 items, 5 temporary items). Records relating to the agency Web site (including Web content), litigation files, and a geographic information system used for municipal planning and management that is no longer being created. Proposed for permanent retention are electronic records contained in an automated system that contains information concerning projects submitted to the agency for approval.

Dated: May 4, 2010.

Michael J. Kurtz,

Assistant Archivist for Records Services—Washington, DC.

[FR Doc. 2010–11029 Filed 5–10–10; 8:45 am]

BILLING CODE 7515–01–P

THE NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Notice of Proposed Information Collection Requests: State Library Administrative Agencies Survey, FY 2011–2013

AGENCY: Institute of Museum and Library Services, The National Foundation for the Arts and the Humanities.

ACTION: Notice, request for comments, collection of information.

SUMMARY: The Institute of Museum and Library Service (“IMLS”) as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). This pre-clearance consultation program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The purpose of this Notice is to solicit comments concerning the continuance of the State Library Administrative Agencies Survey from FY 2011–2013.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before July 8, 2010.

The IMLS is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information including 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 submissions of responses.

ADDRESSES: For a copy of the documents contact: Kim A. Miller, Management Analyst, Office of Policy, Planning, Research, and Communication, Institute of Museum and Library Services, 1800 M Street, NW., 9th Floor, Washington DC 20036. Ms. Miller can be reached by Telephone: 202–653–4762, Fax: 202–653–4600, or by e-mail at *kmiller@imls.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Institute of Museum and Library Services (IMLS) is an independent Federal grant-making agency and is the primary source of federal support for the Nation’s 123,000 libraries and 17,500 museums. IMLS provides a variety of grant programs to assist the Nation’s museums and libraries in improving their operations and enhancing their services to the public. IMLS is responsible for identifying national needs for, and trends of, museum and library services funded by IMLS; reporting on the impact and effectiveness of programs conducted with funds made available by IMLS in addressing such needs; and identifying, and disseminating information on, the best practices of such programs. (20 U.S.C. Chapter 72, 20 U.S.C. 9108).

II. Current Actions

The State Library Administrative Agencies Survey has been conducted by the Institute of Museum and Library Services under the clearance number 3137–0072, which expires 9/30/2010. State library administrative agencies (“StLAs”) are the official agencies of each state charged by state law with the extension and development of public library services throughout the state. (20 U.S.C. Chapter 72, 20 U.S.C. 9122.) The purpose of this survey is to provide state and federal policymakers with information about StLAs, including their governance, allied operations, developmental services to libraries and library systems, support of electronic information networks and resources, number and types of outlets, and direct services to the public.

Agency: Institute of Museum and Library Services.

Title: State Library Administrative Agencies Survey, FY 2011–2013.
OMB Number: 3137–0072.
Agency Number: 3137.
Affected Public: Federal, State and local governments, State library administrative agencies, libraries, general public.
Number of Respondents: 51.
Frequency: Annually.
Burden hours per respondent: 26.
Total burden hours: 1,326.
Total Annual Costs: $34,874.
Contact: Kim A. Miller, Management Analyst, Office of Policy, Planning, Research, and Communication, Institute of Museum and Library Services, 1800 M Street, NW., 9th Floor, Washington DC 20036. Ms. Miller can be reached by Telephone: 202–653–4762, Fax: 202–653–4600, or by e-mail at *kmiller@imls.gov.*

Dated: May 5, 2010.

Kim A. Miller,

Management Analyst, Office of Policy, Planning, Research, and Communication.

[FR Doc. 2010–11028 Filed 5–10–10; 8:45 am]

BILLING CODE 7036–01–P

THE NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Notice of Proposed Information Collection: IMLS Digital Collections and Content: Opening History of Evaluation

AGENCY: Institute of Museum and Library Services, National Foundation for the Arts and the Humanities.

ACTION: Notice, request for comments, collection of information.

SUMMARY: The Institute of Museum and Library Services (IMLS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). This pre-clearance consultation program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. By this notice, IMLS is soliciting comments concerning a proposed evaluation that would collect information to assess the usefulness to reference-service providers in museums and libraries of the IMLS Digital Collections and Content project's Opening History resource.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before July 5, 2010. IMLS is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including 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 submissions of responses.

ADDRESSES: Send comments to: Kim Miller, Management Analyst, Institute of Museum and Library Services, 1800 M St., NW., Washington, DC 20036. Telephone: 202–653–4762, Fax: 202–653–4600 or by e-mail at *kmiller@imls.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the information collection is to continue the development of the Institute of Museum and Library Services' Digital Collections and Content (DCC) project, which has created two publicly available portals to digital collections hosted at institutions across the country: (1) IMLS DCC, a publicly available registry of IMLS National Leadership Grant (NLG) and Library Services and Technology Act (LSTA) digital collections and a repository of item-level metadata available from these collections; and (2) Opening History, a publicly available registry of digital U.S. History collections from cultural heritage institutions and a repository of item-level metadata from these collections. The DCC, which is available to the public via the Internet, provides important information about and access to the digital collections funded through IMLS grant programs. Opening History, also available to the public via the Internet, provides possibly the largest aggregation of digital collections focusing on U.S. History. The proposed information collection, which is the subject of this notice, would collect information to assess the usefulness to reference-service providers in museums and libraries of the IMLS DCC Opening History resource.

Agency: Institute of Museum and Library Services.
Title: IMLS Digital Collections and Content Opening History Evaluation
OMB Number: To be determined.
Agency Number: 3137.
Frequency: One-time survey of no more than 450 reference-service providers.
Affected Public: General public, libraries, museums.
Number of Respondents: To be determined.
Estimated Time per Respondent: To be determined.
Total Annualized Capital/Startup Costs: To be determined
Total Costs: To be determined.

FOR FURTHER INFORMATION CONTACT: Chuck Thomas, Senior Program Officer, Institute of Museum and Library Services, 1800 M Street NW., 9th Floor, Washington, DC 20036. Telephone: 202/653–4663. E-mail: *cthomas@imls.gov.*

Dated: May 5, 2010.

Kim A. Miller,

Management Analyst, Institute of Museum & Library Services.

[FR Doc. 2010–11027 Filed 5–10–10; 8:45 am]

BILLING CODE 7036–01–P

THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Proposed Collection, Submission for OMB Review, Museums for America Grant Program Evaluation

AGENCY: Institute of Museum and Library Services, The National Foundation on the Arts and the Humanities.

ACTION: Notice, Proposed Collection, Submission for OMB Review.

SUMMARY: The Institute of Museum and Library Services announces the following information collection has been submitted to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 653–4614. This review helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly

understood, and the impact of collection requirements on respondents can be properly assessed.

A copy of the proposed information collection request, with applicable supporting documentation, may be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Comments must be submitted to the office listed in the contact section below on or before June 7, 2010. The OMB is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including 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 submissions of responses.

ADDRESSES: Erica Pastore, Program Analyst, Institute of Museum and Library Services, 1800 M St., NW., Washington, DC 20036. *Telephone:* 202–653–4647, *Fax:* 202–653–4611 or by e-mail at *epastore@imls.gov.*

SUPPLEMENTARY INFORMATION:

The Institute of Museum and Library Services (IMLS) is an independent Federal grant-making agency and is the primary source of federal support for the Nation's 123,000 libraries and 17,500 museums. IMLS provides a variety of grant programs to assist the Nation's museums and libraries in improving their operations and enhancing their services to the public. IMLS is responsible for identifying national needs for, and trends of, museum and library services funded by IMLS; reporting on the impact and effectiveness of programs conducted with funds made available by IMLS in addressing such needs; and identifying, and disseminating information on, the best practices of such programs. (20 U.S.C. Chapter 72, § 9108).

Abstract: A current IMLS research initiative is an analysis of grants made to museums through the IMLS Museums for America program between 2004 and 2009. The goal is to assess the outcomes and impact of such grants on institutions and their communities. As part of this research initiative, a survey, which is the subject of this Notice, will be undertaken to solicit information from past successful and unsuccessful grant applicants about the application process and the subsequent results on their programs. A small number of museum staff will be interviewed by phone or in person as part of the project case studies. These information collections will be developed based on what is needed to undertake an analysis and case studies of grant results. The information IMLS collects will build on, but not duplicate existing or ongoing collections.

Current Actions: This notice proposes clearance of the Museums for America Grant Program Evaluation. The 60-day Notice for "Museums for America Grant Program Evaluation" was published in the **Federal Register** on November 24, 2009 (FR vol. 74, no. 225, pg 61378–61379). One comment was received.

Agency: Institute of Museum and Library Services.

Title: Museums for America Grant Program Evaluation.

OMB Number: To be determined.

Agency Number: 3137.

Frequency: One time.

Affected Public: IMLS Museum for America Grant Program Applicants.

Number of Respondents: 900.

Estimated Time per Respondent: Dependent on level of questioning: 475—15 minutes; 250—30 minutes: 175—50 minutes.

Total Burden Hours: 346.

Total Annualized Capital/Startup Costs: $10,375.

Total Annual Costs: NA one time data collection effort.

Contact: Comments should be sent to Office of Information and Regulatory Affairs, *Attn.:* OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503 (202) 395–7316.

Dated: May 5, 2010.

Kim Miller,

Management Analyst, Office of Policy, Planning, Research, and Communication.

[FR Doc. 2010–11025 Filed 5–10–10; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Federal Advisory Committee on International Exhibitions

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Federal Advisory Committee on International Exhibitions (FACIE) will be held on June 15, 2010 in Room 714 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 (ending time is approximate). This meeting, from 9:30 a.m. to 4:30 p.m., is for application review and will be closed.

The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of November 10, 2009, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5691.

Dated: May 5, 2010.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 2010–11067 Filed 5–10–10; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Arts Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that nine meetings of the Arts Advisory Panel to the National Council on the Arts will be held at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 as follows (ending times are approximate):

Presenting (application review): May 26, 2010 by teleconference. This meeting, from 3 p.m. to 3:30 p.m. EDT, will be closed.

Folk and Traditional Arts (application review): June 3–4, 2010 in Room 716. This meeting, from 9 a.m. to 6 p.m. on June 3rd and from 9 a.m. to 5:30 p.m. on June 4th, will be closed.

Local Arts Agencies (application review): June 9–10, 2010 in Room 714. This meeting, from 9 a.m. to 5:30 p.m. on June 9th and from 9 a.m. to 2:30 p.m. on June 10th, will be closed.

Media Arts (application review): June 8–9, 2010 in Room 730. This meeting, from 9 a.m. to 6 p.m. on June 8th and from 9 a.m. to 2:30 p.m. on June 9th, will be closed.

Media Arts (application review): June 10–11, 2010 in Room 730. This meeting, from 9 a.m. to 6 p.m. on June 10th and from 9 a.m. to 2:30 p.m. on June 11th, will be closed.

Dance (application review): June 7–11, 2010 in Room 716. This meeting, from 9 a.m. to 6 p.m. on June 7th through 10th and from 9 a.m. to 3 p.m. on June 11th, will be closed.

Presenting (application review): June 17–18, 2010 in Room 716. This meeting, from 9 a.m. to 5:30 p.m. on June 17th and from 9 a.m. to 3 p.m. on June 18th, will be closed.

Opera (application review): June 21–22, 2010 in Room 714. This meeting, from 8:45 a.m. to 5:30 p.m. on June 21st and from 9 a.m. to 5:30 p.m. on June 22nd, will be closed.

Opera (application review): June 23, 2010 in Room 714. This meeting, from 8:45 a.m. to 6 p.m., will be closed.

The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of November 10, 2009, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels that are open to the public, and if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman. If you need any accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TDY–TDD 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202–682–5691.

Dated: May 5, 2010.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 2010–11068 Filed 5–10–10; 8:45 am]

BILLING CODE 7537–01–P

THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of Humanities Panels will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Michael P. McDonald, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* June 2, 2010.
   Time: 9 a.m. to 5 p.m.
   Room: 402.
   Program: This meeting will review applications for Digital Humanities Start-Up Grants, submitted to the Office of Digital Humanities at the March 23, 2010 deadline.
2. *Date:* June 3, 2010.
   Time: 9 a.m. to 5 p.m.
   Room: 402.
   Program: This meeting will review applications for Digital Humanities Start-Up Grants, submitted to the Office of Digital Humanities at the March 23, 2010 deadline.
3. *Date:* June 4, 2010.
   Time: 9 a.m. to 5 p.m.
   Room: 402.
   Program: This meeting will review applications for Digital Humanities Start-Up Grants, submitted to the Office of Digital Humanities at the March 23, 2010 deadline.
4. *Date:* June 7, 2010.
   Time: 9 a.m. to 5 p.m.
   Room: 402.
   Program: This meeting will review applications for Digital Humanities Start-Up Grants, submitted to the Office of Digital Humanities at the March 23, 2010 deadline.
5. *Date:* June 14, 2010.
   Time: 8:30 a.m. to 5:30 p.m.
   Room: 415.
   Program: This meeting will review applications for Bridging Cultures: Planning and Implementation Grants for Academic Forums and Program Development Workshops, submitted to the Division of Public Programs at the June 1, 2010 deadline.

Michael P. McDonald,

Advisory Committee Management Officer.

[FR Doc. 2010–11126 Filed 5–10–10; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL LABOR RELATIONS BOARD

Sunshine Act Meeting

TIME AND DATE: Thursday, May 6, 2010, immediately following the previously announced meeting at 2:30 p.m.

PLACE: Board Agenda Room, No. 11820, 1099 14th St., NW., Washington DC 20570.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Pursuant to § 102.139(c)(2) of the Board's Rules and Regulations, the Board or a panel thereof will consider "internal personnel rules and practices." *See also* 5 U.S.C. 552b(c)(2).

By unanimous vote on May 6, 2010, the National Labor Relations Board voted to meet to consider internal personnel rules and practices. The Board determined that, pursuant to § 102.139(c)(2) of the Board's Rules and Regulations and 5 U.S.C. 552b(c)(2), this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act, and that the public interest does not require that the meeting be open to public observation. The Board also determined, by unanimous vote, that, pursuant to 5 U.S.C. 552b(e)(1), agency business required that this meeting be called without seven days' public notice of the meeting.

In accordance with 5 U.S.C. 552b(f)(1), the Solicitor of the National Labor Relations Board has certified that in his opinion the meeting may properly be closed to public observation pursuant to 5 U.S.C. 552b(c)(2) and § 102.139(c)(2) of the Board's Rules and Regulations.

CONTACT PERSON FOR MORE INFORMATION: Lester A. Heltzer, Executive Secretary, (202) 273–1067.

Lester A. Heltzer,

Executive Secretary.

[FR Doc. 2010–11355 Filed 5–7–10; 4:15 pm]

BILLING CODE 7545–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 75 FR 9000, and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.* Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (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 should be addressed to: Office of Information and Regulatory Affairs of OMB, *Attention:* Desk Officer for National Science Foundation, 725–17th Street, NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send e-mail to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7556.

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION:

Title of Collection: "National Science Foundation Proposal and Award Information—NSF Proposal and Award Policies & Procedures Guide."

OMB Approval Number: 3145–0058.

Type of Request: Intent to seek approval to extend with revision an information collection for three years.

Proposed Project: The National Science Foundation (NSF) is an independent Federal agency created by the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–75). The Act states the purpose of the NSF is "to promote the progress of science; [and] to advance the national health, prosperity, and welfare by supporting research and education in all fields of science and engineering."

The Act authorized and directed NSF to initiate and support:

- Basic scientific research and research fundamental to the engineering process;
- Programs to strengthen scientific and engineering research potential;
- Science and engineering education programs at all levels and in all the various fields of science and engineering;
- Programs that provide a source of information for policy formulation; and
- Other activities to promote these ends.

The Foundation fulfills this responsibility by initiating and supporting merit-selected research and education projects in all the scientific and engineering disciplines. It does this through grants and cooperative agreements to more than 2,800 colleges, universities, K–12 school systems, businesses, informal science organizations and other research institutions throughout the U.S. The awards are based mainly on evaluations of proposal merit submitted to the Foundation. The Foundation accounts for about one-fourth of Federal support to academic institutions for basic research.

Use of the Information: The regular submission of proposals to the Foundation is part of the collection of information and is used to help NSF fulfill this responsibility by initiating and supporting merit-selected research and education projects in all the scientific and engineering disciplines. NSF receives more than 40,000 proposals annually for new projects, and makes approximately 10,500 new awards.

Burden on the Public: It has been estimated that the public expends an average of approximately 120 burden hours for each proposal submitted. NSF received approximately 64,000 proposals in FY 2009, for an estimated 7,680,000 burden hours.

The Foundation has based its reporting burden on the review of approximately 64,000 new proposals received during FY 2009. It has been estimated that anywhere from one hour to 20 hours may be required to review a proposal. We have estimated that approximately 5 hours are required to review an average proposal. Each proposal receives an average of 3 reviews, resulting in approximately 960,000 burden hours each year.

The information collected on reviewer background questionnaire (NSF 428A) is used by managers to maintain an automated database of reviewers for the many disciplines represented by the proposals submitted to the Foundation. Information collected on gender, race, and ethnicity is used in meeting NSF needs for data to permit response to Congressional and other queries into equity issues. These data also are used in the design, implementation, and monitoring of NSF efforts to increase the participation of various groups in science, engineering, and education. The estimated burden for the Reviewer Background Information (NSF 428A) is estimated at 5 minutes per respondent with up to 10,000 potential new reviewers for a total of 83 hours.

The aggregate number of burden hours is estimated to be 8,640,083. The actual burden on respondents has not changed.

Dated: May 5, 2010.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2010–11075 Filed 5–10–10; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Pub. L. 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by June 10, 2010. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy at the above address or (703) 292–7405.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

The applications received are as follows:

Permit Application No. 2011–003

1. *Applicant,* Diana H. Wall, Natural Resource Ecology Laboratory, Colorado State University, 200 West Lake, Fort Collins, CO 80523–1499.

Activity for Which Permit is Requested

Enter Antarctic Specially Protected Areas (ASPA) and Import into the USA. The applicant plans to enter the Canada Glacier area (ASPA 131) to collect a number of soil and sediment samples that represent all microhabitats found in the area. The microhabitats in question includes barren dry soils, moist to wet soils, and soils and sediment associated with mosses, lichens and algal mats. The applicant will extract nematodes, tardigrades and rotifers from these soils for identification and classification. The collection of these samples will help to investigate the distribution of soil fauna within the McMurdo Dry Valleys and their influence on the ecosystem function, and to understand the implications of future climate changes.

Location

Canada Glacier (ASPA 131), Taylor Dry Valley.

Dates

December 2, 2010 to January 31, 2011.

Nadene G. Kennedy,

Permit Officer, Office of Polar Programs.

[FR Doc. 2010–11023 Filed 5–10–10; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[NRC–2010–0168]

Notice; Applications and Amendments to Facility Operating Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

I. Background

Pursuant to section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This notice includes notices of amendments containing sensitive unclassified non-safeguards information (SUNSI).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.92(c), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules, Announcements and Directives Branch (RADB), TWB–05–B01M, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal**

Register notice. Written comments may also be faxed to the RADB at 301–492–3446. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland, or at *http://www.nrc.gov/reading-rm/doc-collections/cfr/part002/part002-0309.html.* Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm.html.* If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov,* or by telephone at (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in NRC's "Guidance for Electronic Submission," which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through EIE, users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web

site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html*, by e-mail at *MSHD.Resource@nrc.gov,* or by a toll-free call at (866) 672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, *Attention:* Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Non-timely filings will not be entertained absent a determination by the presiding officer that the petition or request should be granted or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

For further details with respect to this amendment action, see the application for amendment which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.*

Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Date of amendment request: January 27, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendments would revise the Operating License and Technical Specifications (TS) to implement an increase of approximately 1.65 percent in rated thermal power from the current licensed thermal power (CLTP) of 3,489 megawatts thermal (MWt) to 3,546 MWt.

The proposed changes are based on increased feedwater (FW) flow measurement accuracy, which will be achieved by utilizing Cameron International (formerly Caldon) CheckPlus™ Leading Edge Flow Meter (LEFM) ultrasonic flow measurement instrumentation. LEFM instrumentation is currently installed in LaSalle County Station (LaSalle), Unit 1 and will be installed in LaSalle, Unit 2 in refueling outage L2R13, currently scheduled to complete in March 2011.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The reviews and evaluations performed to support the proposed uprate conditions included all components and systems that could be affected by this change. All systems will function as designed, and all performance requirements for these systems have been evaluated and were found acceptable.

The primary loop components (*e.g.,* reactor vessel, reactor internals, control rod drive housings, piping and supports, and recirculation pumps) remain within their applicable structural limits and will continue to perform their intended design functions. Thus, there is no increase in the probability of a structural failure of these components.

The nuclear steam supply systems will continue to perform their intended design functions during normal and accident conditions. The balance of plant systems and components continue to meet their applicable structural limits and will continue to perform their intended design functions. Thus, there is no increase in the probability of a failure of these components. The safety relief valves and containment isolation valves meet design sizing requirements at the uprated power level. Because the integrity of the plant will not be affected by operation at

the uprated condition, Exelon Generation Company, LLC (EGC) has concluded that all structures, systems, and components required to mitigate a transient remain capable of fulfilling their intended functions.

A majority of the current safety analyses remain applicable, since they were performed at power levels that bound operation at a core power of 3546 MWt. Other analyses previously performed at the current power level have either been evaluated or re-performed for the increased power level. The results demonstrate that acceptance criteria of the applicable analyses continue to be met at the uprated conditions. As such, all applicable accident analyses continue to comply with the relevant event acceptance criteria. The analyses performed to assess the effects of mass and energy releases remain valid. The source terms used to assess radiological consequences have been reviewed and determined to bound operation at the uprated condition.

The proposed changes to add test requirements to the revised TS instrument function ensure that instruments will function as required to initiate protective systems or actuate mitigating systems at the point assumed in the applicable safety analysis. Surveillance tests are not an initiator to any accident previously evaluated. As such, the probability of any accident previously evaluated is not affected. The added test requirements ensure that the systems and components required by the TS are capable of performing any mitigation function assumed in the accident analysis.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of the proposed changes. All systems, structures, and components previously required for the mitigation of a transient remain capable of fulfilling their intended design functions. The proposed changes have no adverse effects on any safety-related system or component and do not challenge the performance or integrity of any safety-related system.

The proposed changes to add test requirements to the revised TS instrument function do not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed, nor will there be a change in the methods governing normal plant operation). The change does not alter assumptions made in the safety analysis, but ensures that the instruments behave as assumed in the accident analysis. The proposed change is consistent with the safety analysis assumptions.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Operation at the uprated power condition does not involve a significant reduction in a margin of safety. Analyses of the primary fission product barriers have concluded that relevant design criteria remain satisfied, both from the standpoint of the integrity of the primary fission product barrier, and from the standpoint of compliance with the required acceptance criteria. As appropriate, all evaluations have been performed using methods that have either been reviewed or approved by the Nuclear Regulatory Commission (NRC), or that are in compliance with regulatory review guidance and standards.

The proposed changes to add test requirements to the revised TS instrument function establish instrument performance criteria in TS that are currently required by plant procedures. The testing methods and acceptance criteria for systems, structures, and components, specified in applicable codes and standards (or alternatives approved for use by the NRC) will continue to be met as described in the plant licensing basis including the updated final safety analysis report. There is no impact to safety analysis acceptance criteria as described in the plant licensing basis because no change is made to the accident analysis assumptions.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. Bradley J. Fewell, Associate General Counsel, Exelon Nuclear, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Stephen J. Campbell.

Northern States Power Company—Minnesota, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2 (PINGP), Goodhue County, Minnesota

Date of amendment request: December 22, 2009.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment requests approval for application of leak-before-break (LBB) methodology to piping systems attached to the reactor coolant pressure boundary. No Technical Specification changes are requested.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Overall protection system performance will remain within the bounds of the previously performed accident analyses. The design of the protection systems will be unaffected. The reactor protection system and engineered safety feature actuation system will continue to function in a manner consistent with the plant design basis. All design, material, and construction standards that were applicable prior to the request are maintained.

For the PINGP, the bounding accident for pipe breaks is a Large Break Loss of Coolant Accident (LBLOCA). Since the application of the LBB Analysis verifies the integrity of the piping attached to the reactor coolant system, the probability of a previously evaluated accident is not increased. The consequences of a LBLOCA have been previously evaluated and found to be acceptable. The application of the LBB Analysis will cause no change in the dose analysis associated with a LBLOCA, and therefore, does not affect the consequences of an accident.

The proposed amendment will not alter any assumptions or change any mitigation actions in the radiological consequence evaluations in the Updated Safety Analysis Report (USAR).

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

No new accident scenarios, failure mechanisms, or single failures are introduced as a result of the proposed change. All systems, structures, and components previously required for the mitigation of an event remain capable of fulfilling their intended design function. The proposed change has no adverse effects on any safety related systems or components and does not challenge the performance or integrity of any safety related system. Further, there are no changes in the method by which any safety-related plant system performs its safety function. This amendment will not affect the normal method of power operation or change any operating parameters.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is related to the ability of the fission product barriers to perform their design functions during and following accident conditions. These barriers include the fuel cladding, the reactor coolant system, and the containment. The proposed amendment request does not involve a change to any of these barriers.

The proposed change does not involve a significant reduction in a margin of safety because the proposed changes do not reduce the margin of safety that exists in the present PINGP Technical Specifications or USAR. The operability requirements of the Technical Specifications are consistent with the initial condition assumptions of the safety analyses. The proposed change does not affect any Technical Specification Action statement requirements.

This proposed amendment uses LBB technology combined with leakage monitoring to show that it is acceptable to exclude the dynamic effects associated with postulated pipe ruptures from the licensing basis for the systems evaluated that are attached to the [reactor coolant system] RCS. The enclosed analysis demonstrates that the LBB margins discussed in NUREG–1061 Volume 3 are satisfied.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Peter M. Glass, Assistant General Counsel, Xcel Energy Services, Inc., 414 Nicollet Mall, Minneapolis, MN 55401.

NRC Branch Chief: Robert J. Pascarelli.

Northern States Power Company—Minnesota, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2, Goodhue County, Minnesota

Date of amendment request: December 28, 2009.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment would increase the licensed rated thermal power (RTP) as a result of a measurement uncertainly recapture (MUR) power uprate (PU). The proposed change would increase the licensed RTP level by 1.64 percent from 1650 megawatts thermal (MWt) to 1677 MWt for both units. The request is based on reduced uncertainty in the RTP measurement achieved by installation of a Caldon Leading Edge Flow Meter (LEFM) Checkplus™ System used to measure feedwater flow and temperature.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

There are no changes as a result of the MUR PU to the design or operation of the plant that could affect system, component, or accident mitigative functions. All systems and components will function as designed and the applicable performance requirements have been evaluated and found to be acceptable.

The reduction in power measurement uncertainty allows for the accident and transient safety analyses to continue to be used without modification. This is because the preceding safety analyses were performed or evaluated at either 102 percent of 1650 MWt or higher. Those accidents or transients that were reanalyzed for MUR concluded that the existing analyses remain bounding and the conclusions presented in the Updated Safety Analysis Report remain valid.

Analyses at these power levels support a core power level of 1677 MWt with a measurement uncertainty of 0.36 percent. Radiological consequences were performed at 102 percent of 1650 MWt (or higher) and continue to be bounding.

The primary loop components were evaluated for the effects of MUR PU conditions. These analyses also demonstrate the components will continue to perform their intended design functions.

All of the Nuclear Steam Supply System (NSSS) systems will continue to perform their intended design functions during normal and accident conditions. The auxiliary systems and components continue to comply with the applicable structural limits and will continue to perform their intended design functions. The NSSS/Balance of Plant interface systems were evaluated and will continue to perform their intended design functions. Plant electrical equipment was also evaluated and will continue to perform within their design ratings.

Based on the above, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

No new accident scenarios, failure mechanisms, or single failures are introduced as a result of the proposed change. The LEFM has been analyzed, and system failures will not adversely affect any safety-related system or any structures, systems or components required for transient mitigation. Structures, systems and components previously required for mitigation of an event remain capable of fulfilling their intended function at the uprated power level. The proposed change has no adverse effects on any safety-related systems or components and does not challenge the performance or integrity of any safety-related system.

The proposed changes do not adversely affect any current system interfaces or create any new interfaces that could result in an accident or malfunction of a different kind than previously evaluated. Operating at the proposed RTP does not create any new accident initiators or precursors. Credible malfunctions are bounded by the current accident analyses of record or recent evaluations demonstrating that applicable criteria are still met with the proposed changes.

Based on the above, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in the margin of safety.

Operation at the 1677 MWt core power does not involve a significant reduction in the margin of safety. The current accident analyses have been previously performed with a 2-percent power measurement uncertainty or at a core power bounding the 1677 MWt. System and component analyses have been completed at operating conditions that envelop the MUR uprated operating conditions. Analyses of the primary fission product barriers at uprated core powers have concluded that all relevant plant operating conditions remain satisfied in regard to integrity and compliance with the regulatory acceptance criteria. Evaluations have been reviewed and approved by the NRC or are in compliance with applicable regulatory review guidance and standards.

Based on the above, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Peter M. Glass, Assistant General Counsel, Xcel Energy Services, Inc., 414 Nicollet Mall, Minneapolis, MN 55401.

NRC Branch Chief: Robert J. Pascarelli.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Northern States Power Company—Minnesota, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2 (PINGP), Goodhue County, Minnesota

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing and opportunity to

petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request such access. A "potential party" is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The e-mail address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1);

(3) The identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly-available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention;

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after the requestor is granted access to that information. However, if more than 25 days remain between the date the petitioner is granted access to the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff either after a determination on standing and need for access, or after a determination on trustworthiness and reliability, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 3rd day of May 2010.

For the Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

Attachment 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in This Proceeding

Day	Event/activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's "E-Filing Rule," the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[3] Requestors should note that the filing requirements of the NRC's E–Filing Rule (72 FR 49139; August 28, 2007) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

Day	Event/activity
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 requestor/petitioner reply).
20	Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for requestor/petitioner to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2010–10820 Filed 5–10–10; 8:45 am]
BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2010–0002]

Sunshine Federal Register Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Weeks of May 10, 17, 24, 31, June, 7, 14, 2010.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

Week of May 10, 2010

Tuesday, May 11, 2010

9:30 a.m. Briefing on Federal and State Materials and Environmental Management Programs (FSME) Programs, Performance, & Future Plans (Public Meeting). (Contact: George Deegan, 301–415–7834).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov.*

Week of May 17, 2010—Tentative

There are no meetings scheduled for the week of May 17, 2010.

Week of May 24, 2010—Tentative

Thursday, May 27, 2010

9:30 a.m. Briefing on the Results of the Agency Action Review Meeting (AARM) (Public Meeting). (Contact: Nathan Sanfilippo, 301–415–3951.)

This meeting will be Webcast live at the Web address—*http://www.nrc.gov.*

Week of May 31, 2010—Tentative

There are no meetings scheduled for the week of May 31, 2010.

Week of June 7, 2010—Tentative

Wednesday, June 9, 2010

1:30 p.m. Meeting with the Advisory Committee on Reactor Safeguards (Public Meeting). (Contact: Cayetano Santos, 301–415–7270).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov.*

Week of June 14, 2010—Tentative

There are no meetings scheduled for the week of June 14, 2010.

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415–1292. Contact person for more information: Rochelle Bavol, (301) 415–1651.

Additional Information

By a vote of 4–1 on April 29 and 30, 2010, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules to have a closed meeting—Discussion of Adjudicatory Issues (Closed—Ex. 10) on April 30, 2010, with less than one week notice to the public.

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/about-nrc/policy-making/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.* braille, large print), please notify Angela Bolduc, Chief, Employee/Labor Relations and Work Life Branch, at 301–492–2230, TDD: 301–415–2100, or by e-mail at *angela.bolduc@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an e-mail to *darlene.wright@nrc.gov.*

Dated: May 6, 2010.

Rochelle C. Bavol,

Office of the Secretary.

[FR Doc. 2010–11291 Filed 5–7–10; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0487]

Notice of Availability of the Models for Plant-Specific Adoption of Technical Specifications Task Force Traveler TSTF–493, Revision 4, "Clarify Application of Setpoint Methodology for LSSS Functions"

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of Availability.

SUMMARY: The NRC is announcing the availability of model applications (with model no significant hazards consideration determinations) and model safety evaluations (SEs) of the options for plant-specific adoption of Technical Specifications Task Force (TSTF) Traveler TSTF–493, Revision 4, "Clarify Application of Setpoint Methodology for LSSS Functions." TSTF–493, Revision 4, and an errata sheet are available in the Agencywide Documents Access and Management System (ADAMS) under Accession Numbers ML100060064 and ML101160026, respectively. The proposed changes revise Standard Technical Specifications (TSs) with respect to limiting safety system settings (LSSSs) assessed during periodic testing and calibration of instrumentation that may have an adverse effect on equipment operability. This model SEs will facilitate expedited approval of plant-specific adoption of TSTF–493, Revision 4.

Documents: You can access publicly available documents related to this notice using the following methods:

NRC's Public Document Room (PDR): The public may examine and have copied for a fee publicly available documents at the NRC's PDR, Public File Area O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

NRC's Agencywide Documents Access and Management System (ADAMS): Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html*. From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov*.

The model applications (with model no significant hazards consideration determinations) and model SEs of the options for plant-specific adoption of TSTF–493, Revision 4, are available electronically under ADAMS Accession Numbers: ML100710442 and ML100710443. The NRC staff disposition of comments received to the Notice of Opportunity for Comment announced in the **Federal Register** on November 10, 2009 (74 FR 58065–58067), is available electronically under ADAMS Accession Number ML100780154.

Federal Rulemaking Website: Public comments received and supporting materials related to this notice can be found at *http://www.regulations.gov* by searching on Docket ID: NRC–2009–0487.

FOR FURTHER INFORMATION CONTACT: Mr. Carl S. Schulten, Senior Reactor Systems Engineer, Technical Specifications Branch, Mail Stop: O–7 C2A, Division of Inspection and Regional Support, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC, 20555–0001; telephone 301–415–1192 or e-mail at *carl.schulten@nrc.gov* or Ms. Michelle C. Honcharik, Senior Project Manager, Licensing Processes Branch, Mail Stop: O–12 D1, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone 301–415–1774 or e-mail at *michelle.honcharik@nrc.gov*.

SUPPLEMENTARY INFORMATION:

TSTF–493, Revision 4, is applicable to all nuclear power reactors. Licensees opting to apply for this TS change are responsible for reviewing the NRC staff's model SE, referencing the applicable technical justifications, and providing any necessary plant-specific information. The NRC will process each amendment application responding to this notice of availability according to applicable NRC rules and procedures.

The models do not prevent licensees from requesting an alternate approach or proposing changes other than those proposed in TSTF–493, Revision 4. However, significant deviations from the approach recommended in this notice or the inclusion of additional changes to the license require additional NRC staff review. This may increase the time and resources needed for the review or result in NRC staff rejection of the license amendment request (LAR). Licensees desiring significant deviations or additional changes should instead submit an LAR that does not claim to adopt TSTF–493, Revision 4.

The NRC staff requests that each licensee applying for the changes proposed in TSTF–493, Revision 4, include documentation regarding the following in their LAR:

Adoption of TSTF–493, Option A With Changes to Setpoint Values

- The licensee must propose to add footnotes to the applicable functions identified in TSTF–493, Revision 4, Appendix A.
- The licensee must provide summary calculations for the revised setpoints as documentation of the plant-specific instrument setpoint methodology for Option A. This includes the calculation basis for the Limiting Trip Setpoint (LTSP), Nominal Trip Setpoint (NTSP), Allowable Value (AV), As-Found Tolerance band, and As-Left Tolerance band, for each change to an automatic protection instrumentation function setpoint value. If multiple similar setpoints are proposed to be revised, a summary calculation for each type of setpoint being changed may be submitted instead of calculations for individual Functions, provided the LAR contains a reasoned quantitative or qualitative analysis, as appropriate, of how the summary calculation(s) represent the type of setpoint values proposed to be changed.

Adoption of TSTF–493, Option A Without Changes to Setpoint Values

- The licensee must add footnotes to all the functions identified in TSTF–493, Revision 4, Appendix A. No changes to any setpoint values are proposed. Since no setpoint changes are being proposed, there is no need to provide the setpoint methodology for review or to provide any full or summary calculations.

Adoption of TSTF–493 With Option B—the Setpoint Control Program Option

- The licensee must provide the plant-specific evaluation for the list of instrument Functions that are described in Setpoint Control Program (SCP) TS 5.5.[18] Paragraph a.
- The licensee must provide the content and application of the plant-specific setpoint methodology required by the SCP TS 5.5.[18] Paragraph b. This includes the calculation basis for the LTSP, NTSP, AV, As-Found Tolerance band, and As-Left Tolerance band for each automatic protection instrumentation function. The licensee must also describe the program methods

for ensuring the requirements in Paragraph d will function as required by verifying the As-Left and As-Found settings are consistent with those established by the setpoint methodology. Discussion should include how the plant licensing basis meets the guidance provided in Regulatory Information Summary 2006–17, "NRC Staff Position on the Requirements of 10 CFR 50.36, 'Technical Specifications,' Regarding Limiting Safety System Settings During Periodic Testing and Calibration of Instrument Channels," and Regulatory Guide 1.105, Revision 3, "Setpoints for Safety-Related Instrumentation." Describe the measures to be taken to ensure that the associated instrument channel is capable of performing its safety function(s) in accordance with applicable design requirements and associated analyses. Include information on the controls employed to ensure that the As-Left trip setting after completion of periodic surveillance is consistent with the setpoint methodology. Also, discuss the plant corrective action processes (including plant procedures) for restoring channels to operable status. If the controls are located in a document other than the TS (e.g., plant test procedure), describe how it is ensured that the controls will be implemented.

• The licensee must provide the plant-specific evaluation identifying the Functions required by SCP TS 5.5.[18] Paragraph d. In accordance with Paragraph d, Functions described in SCP TS 5.5.[18] Paragraph a are evaluated to identify Functions that are automatic protective devices related to variables having significant safety functions as delineated by 10 CFR 50.36(c)(1)(ii)(A). Identify any deviation from TSTF–493, Revision 4, and explain the basis for each deviation. Paragraph d contains three exclusion criteria to be applied during the evaluation. Paragraph d also requires specifying TS Surveillance Requirements which are applicable to the performance testing criteria of Paragraph d. This requirement of Paragraph d should also be included. For Functions which are not under the scope of SCP Paragraph d, but are included in SCP Paragraph a, explain how the requirements of Paragraph c will be met.

Dated at Rockville, Maryland, this 30th day of April 2010.

For the Nuclear Regulatory Commission.

Eric E. Bowman,

Acting Chief, Licensing Processes Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2010–11130 Filed 5–10–10; 8:45 am]

BILLING CODE 7590–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

DATES: Submit comments on or before July 12, 2010.

ADDRESSES: Send all comments regarding whether these information collections are necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collections, to Carol Fendler, System Accountant, Office of Investment, Small Business Administration, 409 3rd Street, 6th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Carol Fendler, Office of Investment, 202–205–7559 *carol.fendler@sba.gov;* Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: The information collected by SBA Form 480 is a certification of small business size status. This information collection is used to ensure that SBIC financial assistance is provided only to small business concerns as defined in the Small Business Investment Act and SBA size regulations. Without this certification, larger businesses that do not conform to SBA's size standards could benefit from program resources meant for small businesses.

Title: "Size Standards Declaration."

Description of Respondents: On Occasion.

Form Number: 480.

Annual Responses: 3,200.

Annual Burden: 533.

SUPPLEMENTARY INFORMATION: Small businesses seeking financing from specialized small business investment companies (SBICs) will complete this form for the purpose of demonstrating their eligibility for such financing based on their ownership by individuals who are either socially or economically disadvantaged. Written certification of eligibility is required by the Small Business Investment Act of 1958.

Title: "Financing Eligibility Statement—Social Disadvantage/ Economic Disadvantage."

Description of Respondents: On Occasion.

Form Numbers: 1941A, B, C.

Annual Responses: 80.

Annual Burden: 160.

Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Sandra Johnston, Program Analyst, Office of Financial Assistance, Small Business Administration, 409 3rd Street, 8th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Sandra Johnston, Office of Financial Assistance, 202–205–7528 *sandra.johnston@sba.gov;* Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: 13 CFR 120.830 requires CDCs to submit an annual report which contains financial statements and operational and management information. It is used by the district offices, Office of Financial Assistance, and Office of Lender Oversight to obtain information from the CDCs. The 1253 is a valuable tool for SBA to ensure that CDCs are operating according to the statutes, regulations and policies governing the CDC loan program (504 program).

Title: "CDC Annual Report Guide."

Description of Respondents: On Occasion.

Form Number: 1253.

Annual Responses: 276.

Annual Burden: 7,728.

Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Rachel Karton-Newman, Program Analyst, Office of Small Business Development Centers, Small Business Administration, 409 3rd Street, 6th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Rachel Karton-Newman, Office of Small Business Development Centers, 202–619–1816 *rachel.karton-newman@sba.gov;* Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: The Entrepreneurial Development Management Information System (EDMIS) is needed to collect information using a uniform method in order to provide appropriate business counseling and training programs and to report to Congress and the President on

these programs. Respondents are small business owners and potential small business owners from throughout the U.S. and the territories also SBA staff and resource partners. policies governing the CDC loan program (504 program).

Title: "Entrepreneurial Development Management Information System (EDMIS) Counseling Information."

Description of Respondents: On Occasion.

Form Numbers: 641, 888.

Annual Responses: 481,925.

Annual Burden: 54,443.

Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Veronica Dymond, Public Affairs Specialist, Office of Public Commendations and Public Liaison, Small Business Administration, 409 3rd Street, 7th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Veronica Dymond, Office of Communications and Public Liaison, 202–205–6764 *veronica.dymond@sba.gov;* Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: Small Business owners or advocate who has been nominated for an SBA recognition award submit this information for use in evaluating nominee's eligibility for an award: Verifying accuracy of information submitted, and determining whether there are any actual or potential conflicts of interest.

Title: "Small Business Administration Award Nomination."

Description of Respondents: On Occasion.

Form Number: 3300.

Annual Responses: 600.

Annual Burden: 1,200.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 2010–11063 Filed 5–10–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12149 and #12150]

Mississippi Disaster Number MS–00036

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Mississippi (FEMA–1906–DR), dated 04/29/2010.

Incident: Severe Storms, Tornadoes, and Flooding.

Incident Period: 04/23/2010 through 04/24/2010.

Effective Date: 05/01/2010.

Physical Loan Application Deadline Date: 06/28/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 01/29/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Mississippi, dated 04/29/2010, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Attala, Holmes.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Joseph P. Loddo,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2010–11053 Filed 5–10–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12147 and #12148]

Mississippi Disaster Number MS–00035

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Mississippi (FEMA–1906–DR), dated 04/29/2010.

Incident: Severe Storms, Tornadoes, and Flooding.

Incident Period: 04/23/2010 through 04/24/2010.

Effective Date: 05/02/2010.

Physical Loan Application Deadline Date: 06/28/2010.

EIDL Loan Application Deadline Date: 01/29/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of Mississippi, dated 04/29/2010 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties: (Physical Damage and Economic Injury Loans):

Monroe, Oktibbeha, Union.

Contiguous Counties: (Economic Injury Loans Only):

Mississippi: Benton, Chickasaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall, Noxubee, Pontotoc, Prentiss, Tippah.

Alabama: Lamar, Marion.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Joseph P. Loddo,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2010–11054 Filed 5–10–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12151 and #12152]

North Dakota Disaster #ND–00022

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of North Dakota (FEMA–1907–DR), dated 04/30/2010.

Incident: Flooding

Incident Period: 02/26/2010 and continuing.

Effective Date: 04/30/2010.

Physical Loan Application Deadline Date: 06/29/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 01/31/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on

04/30/2010, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Barnes, Benson, Cass, Dickey, Emmons, Foster, Grand Forks, Lamoure, Logan, Mercer, Morton, Nelson, Pembina, Ramsey, Ransom, Richland, Sargent, Steele, Stutsman, Traill, Walsh, Wells.

And the portions of the Spirit Lake Reservation that lie within these counties.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	3.625
Non-Profit Organizations Without Credit Available Elsewhere	3.000
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 121516 and for economic injury is 121526.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Joseph P. Loddo,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2010–11062 Filed 5–10–10; 8:45 am]

BILLING CODE 8025–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 31; SEC File No. 270–537; OMB Control No. 3235–0597.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee.) ("Exchange Act") requires the Commission to collect fees and assessments from national securities exchanges and national securities associations (collectively, "self-regulatory organizations" or "SROs") based on the volume of their securities transactions. To collect the proper amounts, the Commission adopted Rule 31 (17 CFR 240.31) and Form R31 (17 CFR 249.11) under the Exchange Act whereby the SROs must report to the Commission the volume of their securities transaction and the Commission, based on that data, calculates the amount of fees and assessments that the SROs owe pursuant to Section 31. Rule 31 and Form R31 require the SROs to provide this data on a monthly basis.

The Commission estimates that each respondent makes 12 such filings on an annual basis at an average hourly burden of approximately 1.47 hours per response. Currently, there are 16 respondents. However, based on past experience, the Commission is estimating an increase to 18 respondents, including 13 national securities exchanges, two security futures exchanges, and one national securities association subject to the collection of information requirements of Rule 31 and two registered clearing agencies are required to provide certain data in their possession needed by the SROs to complete Form R31. The Commission estimates that the total burden for all 18 respondents is 318 hours (12 filings/respondent per year × 1.47 hours/filing × 18 respondents = 317.52, rounded to 318 hours) per year.

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 control number.

Comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Charles Boucher, Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, Virginia, 22312 or by sending an e-mail to: *PRA_Mailbox@sec.gov.* Comments must be submitted to the Office of Management and Budget within 30 days of this notice.

Dated: May 5, 2010.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–11098 Filed 5–10–10; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension: Rule 248.30; SEC File No. 270–549; OMB Control No. 3235–0610.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the "Commission") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 248.30 (17 CFR 248.30) under Regulation S–P, is titled "Procedures to Safeguard Customer Records and Information; Disposal of Consumer Report Information." Rule 248.30 (the "safeguard rule") requires brokers, dealers, investment companies, and investment advisers registered with the Commission ("registered investment advisers") (collectively "covered institutions") to adopt written policies and procedures for administrative, technical, and physical safeguards to protect customer records and information. The safeguards must be reasonably designed to "insure the security and confidentiality of customer records and information," "protect against any anticipated threats or hazards to the security and integrity" of those records, and protect against unauthorized access to or use of those records or information, which "could result in substantial harm or inconvenience to any customer." The safeguard rule's requirement that covered institutions' policies and procedures be documented in writing constitutes a collection of information and must be maintained on an ongoing basis. This requirement eliminates uncertainty as to required employee actions to protect customer records and information and promotes more systematic and organized reviews of safeguard policies and procedures by institutions. The information collection also assists the Commission's examination staff in assessing the

existence and adequacy of covered institutions' safeguard policies and procedures.

We estimate that as of the end of 2009, there are 5253 broker-dealers, 4522 investment companies, and 11,450 investment advisers currently registered with the Commission, for a total of 21,225 covered institutions. We expect that all of these covered institutions have already documented their safeguard policies and procedures in writing and therefore will incur no hourly burdens related to the initial documentation of policies and procedures.

However, we expect that approximately 10 percent of the 21,225 covered institutions currently registered with the Commission will review and update their policies and procedures each year, for a total of 2123 covered institutions that will spend time to update their policies and procedures. The amount of time spent reviewing and updating safeguard policies and procedures is likely to vary widely, based on the size of the entity, the complexity of its operations, and any significant changes in the security environment. We estimate that it will take a typical covered institution that reviews and updates its safeguard policies and procedures approximately 20 hours to complete such a review and document the results, for a total hourly burden for all institutions of 42,460 hours.

Although existing covered institutions would not incur any initial hourly burden in complying with the safeguards rule, we expect that newly registered institutions would incur some hourly burdens associated with documenting their safeguard policies and procedures. We estimate that approximately 1500 broker-dealers, investment companies, or investment advisers register with the Commission annually. However, we also expect that approximately 70% of these newly registered covered institutions (1050) are affiliated with an existing covered institution, and will rely on an organization-wide set of previously documented safeguard policies and procedures created by their affiliates. We estimate that these affiliated newly registered covered institutions will incur a significantly reduced hourly burden in complying with the safeguards rule, as they will need only to review their affiliate's existing policies and procedures, and identify and adopt the relevant policies for their business. Therefore, we expect that newly registered covered institutions with existing affiliates will incur an hourly burden of approximately 15 hours in identifying and adopting safeguard policies and procedures for their business, for a total hourly burden for all affiliated new institutions of 15,750 hours.

Finally, we expect that the 450 newly registered entities that are not affiliated with an existing institution will incur a significantly higher hourly burden in reviewing and documenting their safeguard policies and procedures. We expect that virtually all of the newly registered covered entities that do not have an affiliate are likely to be small entities and are likely to have smaller and less complex operations, with a correspondingly smaller set of safeguard policies and procedures to document, compared to other larger existing institutions with multiple affiliates. We estimate that it will take a typical newly registered unaffiliated institution approximately 65 hours to review, identify, and document their safeguard policies and procedures, for a total of 29,250 hours for all newly registered unaffiliated entities.

Therefore, we estimate that the total annual hourly burden associated with the safeguards rule is 87,460 hours. We also estimate that all covered institutions will be respondents each year, for a total of 21,225 respondents.

These estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act. 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 control number. The safeguard rule does not require the reporting of any information or the filing of any documents with the Commission. The collection of information required by the safeguard rule is mandatory.

Please direct general comments regarding the above information to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or send an e-mail to Shagufta Ahmed at *Shagufta_Ahmed@omb.eop.gov;* and (ii) Charles Boucher, Director/CIO, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, VA 22312; or send an e-mail to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

May 5, 2010.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–11097 Filed 5–10–10; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investors Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 605 of Regulation NMS; SEC File No. 270–488; OMB Control No. 3235–0542

Rule 606 of Regulation NMS; SEC File No. 270–489; OMB Control No. 3235–0541.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget requests for approval of extension of the existing collections of information for the following rules: Rule 605 and Rule 606 (17 CFR 242.605 and 17 CFR 242.606) (formerly Rule 11Ac1–5 and Rule 11Ac1–6) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) ("Exchange Act").

Rule 605 of Regulation NMS,[1] formerly known as Rule 11Ac1–5, requires market centers to make available to the public monthly order execution reports in electronic form. The Commission believes that many market centers retain most, if not all, the underlying raw data necessary to generate these reports in electronic format. Once the necessary data is collected, market centers could either program their systems to generate the statistics and reports, or transfer the data to a service provider (such as an independent company in the business of preparing such reports or a self-regulatory organization ("SRO") that would generate the statistics and reports.

The collection of information obligations of Rule 605 apply to all market centers that receive covered orders in national market system securities. The Commission estimates that approximately 408 market centers are subject to the collection of

[1] Regulation NMS, adopted by the Commission in June 2005, redesignated the national market system rules previously adopted under Section 11A of the Exchange Act. Rule 11Ac1–5 under the Exchange Act was redesignated Rule 605 of Regulation NMS, and Rule 11Ac1–6 under the Exchange Act was redesignated Rule 606 of Regulation NMS. No substantive amendments were made to Rule 605 and Rule 606 of Regulation NMS. *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

information obligations of Rule 605. Each of these respondents is required to respond to the collection of information on a monthly basis.

The Commission staff estimates that, on average, Rule 605 causes respondents to spend 6 hours per month in additional time to collect the data necessary to generate the reports, or 72 hours per year. With an estimated 408 market centers subject to Rule 605, the total data collection cost to comply with the monthly reporting requirement is estimated to be 29,376 hours per year.

Rule 606 of Regulation NMS ("Rule 606"), formerly known as Rule 11Ac1–6, requires broker-dealers to prepare and disseminate quarterly order routing reports. Much of the information needed to generate these reports already should be collected by broker-dealers in connection with their periodic evaluations of their order routing practices. Broker-dealers must conduct such evaluations to fulfill the duty of best execution that they owe their customers.

The collection of information obligations of Rule 606 applies to broker-dealers that route non-directed customer orders in covered securities. The Commission estimates that out of the currently 5178 broker-dealers that are subject to the collection of information obligations of Rule 606, clearing brokers bear a substantial portion of the burden of complying with the reporting and recordkeeping requirements of Rule 606 on behalf of small to mid-sized introducing firms. There currently are approximately 527 clearing brokers. In addition, there are approximately 2426 introducing brokers that receive funds or securities from their customers. Because at least some of these firms also may have greater involvement in determining where customer orders are routed for execution, they have been included, along with clearing brokers, in estimating the total burden of Rule 606.

The Commission staff estimates that each firm significantly involved in order routing practices incurs an average burden of 40 hours to prepare and disseminate a quarterly report required by Rule 606, or a burden of 160 hours per year. With an estimated 2953 [2] broker-dealers significantly involved in order routing practices, the total burden per year to comply with the quarterly reporting requirement in Rule 606 is estimated to be 472,480 hours.

Rule 606 requires broker-dealers to respond to individual customer requests for information on orders handled by the broker-dealer for that customer. Clearing brokers generally bear the burden of responding to these requests. The Commission staff estimates that an average clearing broker incurs an annual burden of 400 hours (2000 responses x 0.2 hours/response) to prepare, disseminate, and retain responses to customers required by Rule 606. With an estimated 527 clearing brokers subject to Rule 606, the total burden per year to comply with the customer response requirement in Rule 606 is estimated to be 210,800 hours.

The collection of information obligations imposed by Rule 605 and Rule 606 are mandatory. The response will be available to the public and will not be kept confidential. Persons should note that an agency may not conduct or sponsor, and a person is not required to comply with, a collection of information unless it displays a currently valid OMB control number.

Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an e-mail to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Charles Boucher, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312, or send an e-mail to *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

May 5, 2010.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–11099 Filed 5–10–10; 8:45 am]

BILLING CODE 8010–01–P

[2] 527 clearing brokers + 2426 introducing brokers = 2953.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62031; File No. SR–NYSEArca–2010–39]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by NYSE Arca, Inc. Adding 75 Options Classes to the Penny Pilot Program

May 4, 2010.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the "Act") [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on April 28, 2010, NYSE Arca, Inc. ("NYSE Arca" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to designate 75 options classes to be added to the Penny Pilot Program for Options ("Penny Pilot" or "Pilot") on May 3, 2010. There are no changes to the rule text. A copy of this filing is available on the Exchange's Web site at *http://www.nyse.com,* at the Exchange's principal office and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

NYSE Arca proposes to identify the next 75 options classes to be added to the Penny Pilot effective May 3, 2010. The Exchange recently received approval to extend and expand the Pilot through December 31, 2010.[4] In that filing, the Exchange had proposed expanding the Pilot on a quarterly basis to add the next 75 most actively traded multiply listed options classes based on national average daily volume for the six months prior to selection, closing under $200 per share on the Expiration Friday prior to expansion, except that the month immediately preceding their addition to the Penny Pilot will not be

[4] *See* Exchange Act Release No. 60711 (September 23, 2009), 74 FR 49419 (September 28, 2009) (order approving SR–NYSEArca–2009–44).

used for the purpose of the six month analysis.[5]

NYSE Arca proposes adding the following 75 options classes to the Penny Pilot on May 3, 2010, based on national average daily volume from October 1, 2009 through March 31, 2010:

Nat'l Ranking	Symbol	Security name
153	XLV	Health Care Select Sector SPDR Fund.
155	CIEN	Ciena Corp.
157	AMLN	Amylin Pharmaceuticals Inc.
158	CTIC	Cell Therapeutics Inc.
159	MDT	Medtronic Inc.
162	TIVO	TiVo Inc.
163	MNKD	MannKind Corp.
171	MDVN	Medivation Inc.
176	BRKB	Berkshire Hathaway Inc.
178	APOL	Apollo Group Inc.
181	BSX	Boston Scientific Corp.
185	XLY	Consumer Discretionary Sel. Sec. SPDR Fund.
188	CLF	Cliffs Natural Resources Inc.
190	ZION	Zions Bancorporation.
194	IOC	InterOil Corp.
197	ITMN	InterMune Inc.
204	GME	GameStop Corp.
209	XLK	Technology Select Sector SPDR Fund.
210	AKS	AK Steel Holding Corp.
212	GRMN	Garmin Ltd.
213	MRVL	Marvell Technology Group Ltd.
215	XLP	Consumer Staples Select Sector SPDR Fund.
216	UNP	Union Pacific Corp.
220	DTV	DIRECTV.
223	WMB	Williams Cos Inc/The.
225	MEE	Massey Energy Co.
227	CELG	Celgene Corp.
229	GMCR	Green Mountain Coffee Roasters Inc.
231	WDC	Western Digital Corp.
234	DAL	Delta Air Lines Inc.
235	FXE	CurrencyShares Euro Trust.
237	COST	Costco Wholesale Corp.
239	MJN	Mead Johnson Nutrition Co.
240	ALL	Allstate Corp/The.
241	SII	Smith International Inc.
242	RTN	Raytheon Co.
243	DVN	Devon Energy Corp.
244	MT	ArcelorMittal.
247	JCP	JC Penney Co Inc.
248	ACL	Alcon Inc.
249	STP	Suntech Power Holdings Co Ltd.
250	TLB	Talbots Inc.
251	SYMC	Symantec Corp.
253	AMED	Amedisys Inc.
255	TM	Toyota Motor Corp.
257	HK	Petrohawk Energy Corp.
258	ENER	Energy Conversion Devices Inc.
259	STT	State Street Corp.
260	BHP	BHP Billiton Ltd.
261	NFLX	NetFlix Inc.
262	LDK	LDK Solar Co Ltd.
263	SPG	Simon Property Group Inc.
264	TIF	Tiffany & Co.
265	BUCY	Bucyrus International Inc.
266	WAG	Walgreen Co.
268	IP	International Paper Co.
271	XME	SPDR S&P Metals & Mining ETF.
272	KGC	Kinross Gold Corp.
273	EP	El Paso Corp.
274	SEED	Origin Agritech Ltd.
275	WIN	Windstream Corp.
279	DHI	DR Horton Inc.
280	ADBE	Adobe Systems Inc.
281	PCX	Patriot Coal Corp.
282	SPWRA	SunPower Corp.
284	LCC	US Airways Group Inc.
285	PRU	Prudential Financial Inc.
286	LEN	Lennar Corp.
287	EWT	iShares MSCI Taiwan Index Fund.
288	KBH	KB Home.
289	CREE	Cree Inc.
290	SIRI	Sirius XM Radio Inc.
291	MMR	McMoRan Exploration Co.
292	CENX	Century Aluminum Co.
293	GFI	Gold Fields Ltd.

[5] Index products would be included in the expansion if the underlying index level was under 200.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with and furthers the objectives of Section 6(b)(5) of the Act, in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest, by identifying the options classes to be added to the Pilot in a manner consistent with prior approvals and filings.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change is effective upon filing pursuant to Section 19(b)(3)(A)(i) [6] of the Act and Rule 19b–4(f)(1) [7] thereunder, in that it constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the Exchange. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2010–39 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2010–39. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site *(http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be

[6] 15 U.S.C. 78s(b)(3)(A)(i).

[7] 17 CFR 240.19b–4(f)(1).

available for Web site viewing and copying in the Commission's Public Reference Section, 100 F Street, NE., Washington, DC 20549–1090 on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing will also be available for inspection and copying at NYSE Arca's principal office. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2010–39 and should be submitted on or before June 1, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–11093 Filed 5–10–10; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62033; File No. SR–BATS–2010–009]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Add Seventy-Five Options Classes to the Penny Pilot Program

May 4, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 30, 2010, BATS Exchange, Inc. (the "Exchange" or "BATS") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposal for the BATS Exchange Options Market ("BATS Options") to designate seventy-five options classes to be added to the Penny Pilot Program ("Penny Pilot") on May 3, 2010.[3] The Exchange is not proposing to amend any rule text, but simply administering or enforcing an existing rule.[4]

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to identify the next seventy-five options classes to be added to the Penny Pilot effective May 3, 2010. In the Exchange's filing to adopt rules to govern BATS Options,[5] the Exchange proposed commencing operations for BATS Options by trading all options classes that were, as of such date, traded by other options exchanges pursuant to the Penny Pilot and then expanding the Penny Pilot on a quarterly basis, 75 classes at a time, through August 2010. Each such quarterly expansion would be of the seventy-five most actively traded multiply listed options classes based on the national average daily volume ("ADV") for the six months prior to selection, closing under $200 per share on the Expiration Friday prior to expansion, except that the month immediately preceding the addition of options to the Penny Pilot would not be used for the purpose of the six month analysis. Index option products would be included in the quarterly expansions if the underlying index levels were under 200.

The Exchange is identifying, in the chart below, seventy-five options classes that it will add to the Penny Pilot on May 3, 2010, based on ADVs for the six months ending March 31, 2010.

Nat'l ranking	*Symbol*	*Security name*	*Nat'l ranking*	*Symbol*	*Security name*
153	XLV	Health Care Select Sector SPDR Fund	247	JCP	JC Penney Co Inc.
155	CIEN	Ciena Corp	248	ACL	Alcon Inc.
157	AMLN	Amylin Pharmaceuticals Inc	249	STP	Suntech Power Holdings Co Ltd.
158	CTIC	Cell Therapeutics Inc	250	TLB	Talbots Inc.
159	MDT	Medtronic Inc	251	SYMC	Symantec Corp.
162	TIVO	TiVo Inc	253	AMED	Amedisys Inc.
163	MNKD	MannKind Corp	255	TM	Toyota Motor Corp.
171	MDVN	Medivation Inc	257	HK	Petrohawk Energy Corp.
176	BRKB	Berkshire Hathaway Inc	258	ENER	Energy Conversion Devices Inc.
178	APOL	Apollo Group Inc	259	STT	State Street Corp.
181	BSX	Boston Scientific Corp	260	BHP	BHP Billiton Ltd.
185	XLY	Consumer Discretionary Sel. Sec. SPDR Fund.	261	NFLX	NetFlix Inc.
188	CLF	Cliffs Natural Resources Inc	262	LDK	LDK Solar Co Ltd.
190	ZION	Zions Bancorporation	263	SPG	Simon Property Group Inc.
194	IOC	InterOil Corp	264	TIF	Tiffany & Co.

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The rules of BATS Options, including rules applicable to BATS Options' participation in the Penny Pilot, were approved on January 26, 2010. *See* Securities Exchange Act Release No. 61419 (January 26, 2010), 75 FR 5157 (February 1, 2010) (SR–BATS–2009–031). BATS Options commenced operations on February 26, 2010. This proposal represents the first expansion of classes subject to the Penny Pilot since BATS Options commenced operations.

[4] *See* Rule 21.5 regarding the Penny Pilot.

[5] *See* Securities Exchange Act Release No. 61097 (December 2, 2009), 74 FR 64788 (December 8, 2009) (SR–BATS–2009–031) (Notice of Filing of Proposed Rule Change to Establish Rules Governing the Trading of Options on the BATS Options Exchange.

Nat'l ranking	*Symbol*	*Security name*	*Nat'l ranking*	*Symbol*	*Security name*
197	ITMN	InterMune Inc	265	BUCY	Bucyrus International Inc.
204	GME	GameStop Corp	266	WAG	Walgreen Co.
209	XLK	Technology Select Sector SPDR Fund	268	IP	International Paper Co.
210	AKS	AK Steel Holding Corp	271	XME	SPDR S&P Metals & Mining ETF.
212	GRMN	Garmin Ltd	272	KGC	Kinross Gold Corp.
213	MRVL	Marvell Technology Group Ltd	273	EP	El Paso Corp.
215	XLP	Consumer Staples Select Sector SPDR Fund.	274	SEED	Origin Agritech Ltd.
216	UNP	Union Pacific Corp	275	WIN	Windstream Corp.
220	DTV	DIRECTV	279	DHI	DR Horton Inc.
223	WMB	Williams Cos Inc/The	280	ADBE	Adobe Systems Inc.
225	MEE	Massey Energy Co	281	PCX	Patriot Coal Corp.
227	CELG	Celgene Corp	282	SPWR A	SunPower Corp.
229	GMCR	Green Mountain Coffee Roasters Inc	284	LCC	US Airways Group Inc.
231	WDC	Western Digital Corp	285	PRU	Prudential Financial Inc.
234	DAL	Delta Air Lines Inc	286	LEN	Lennar Corp.
235	FXE	CurrencyShares Euro Trust	287	EWT	iShares MSCI Taiwan Index Fund.
237	COST	Costco Wholesale Corp	288	KBH	KB Home.
239	MJN	Mead Johnson Nutrition Co	289	CREE	Cree Inc.
240	ALL	Allstate Corp/The	290	SIRI	Sirius XM Radio Inc.
241	SII	Smith International Inc	291	MMR	McMoRan Exploration Co.
242	RTN	Raytheon Co	292	CENX	Century Aluminum Co.
243	DVN	Devon Energy Corp	293	GFI	Gold Fields Ltd.
244	MT	ArcelorMittal			

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[6] In particular, the Exchange believes that the proposal is consistent with Section 6(b)(5) of the Act,[7] because it would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, by identifying the options classes to be added to the Penny Pilot in a manner consistent with prior approvals and filings.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change imposes any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A)(i) of the Act[8] and paragraph (f)(1) of Rule 19b–4 thereunder,[9] the Exchange has designated this proposal as one constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–BATS–2010–009 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–BATS–2010–009. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A)(i).

[9] 17 CFR 240.19b–4(f)(1).

available publicly. All submissions should refer to File No. SR–BATS–2010–009 and should be submitted on or before June 1, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–11095 Filed 5–10–10; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62034; File No. SR–CBOE–2010–035]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending CBOE Rules 9.11, 9.18 and 9.21 To Correspond and Harmonize With Rules of the Financial Industry Regulatory Authority, Inc.

May 4, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that the Chicago Board Options Exchange, Incorporated ("Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "Commission") on April 9, 2010, the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. The Exchange has designated the proposed rule change as constituting a "non-controversial" rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of the filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its guarantees and profit sharing, confirmation to customers, and options communication rules to harmonize the Exchange's requirements with those of the Financial Industry Regulatory Authority ("FINRA"). The text of the proposed rule change is available on the Exchange's Web site at *http://www.cboe.org/Legal*, at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Pursuant to Rule 17d–2 under the Act,[4] the BATS Exchange, Inc. ("BATS"), CBOE, C2 Options Exchange, Incorporated ("C2"), the International Securities Exchange, LLC ("ISE"), FINRA, the New York Stock Exchange LLC ("NYSE"), NYSE Amex LLC ("Amex"), NYSE Arca, Inc. ("Arca"), The NASDAQ Stock Market LLC ("NASDAQ"), NASDAQ OMX BX, Inc. ("BX"), and NASDAQ OMX PHLX, Inc. ("Phlx"), (collectively the "Options Self Regulatory Council"), entered into an agreement dated February 9, 2010 (the "17d–2 Agreement") to allocate regulatory responsibility for common rules.

First, by this proposal, the Exchange seeks to harmonize its "Sharing in Accounts" rule with FINRA's rule pursuant to the terms of the 17d–2 Agreement. In order to maintain substantial similarity with FINRA rules, the Exchange proposes to amend CBOE Rule 9.18(a) to clarify that the prohibition against guarantees also applies to persons associated with a member and to delete the language of CBOE Rule 9.18 related to profit sharing of a customer account, and replace it with the language of FINRA Rule 2150(c), Sharing in Accounts; Extent Permissible. FINRA Rule 2150(c) contains the same prohibition against sharing in accounts as CBOE Rule 9.18, but with additional limited exceptions. The general prohibition contained in CBOE Rule 9.18 against sharing in the profits or losses of a customer account is currently covered by the 17d–2 Agreement. However, the limited exceptions of FINRA Rule 2150(c) are not covered by the 17d–2 Agreement. The Exchange proposes to add those limited exceptions to CBOE Rule 9.18 to harmonize its rule with the FINRA rule and add those limited exceptions pursuant to the 17d–2 Agreement. The portion of the rule prohibiting the guarantee of a customer against loss will remain unchanged.

Second, CBOE proposes to amend its confirmation rule, CBOE Rule 9.11, to add a requirement that confirmations disclose whether the transaction was an opening or closing transaction to harmonize the rule with FINRA Rule 2360(b)(12).

Third, CBOE proposes to amend its options communication rule, CBOE Rule 9.21, by deleting the term "market letters" in the definition of "sales literature" and adding the term "market letters" to the definition of "correspondence" to harmonize the rule with FINRA Rule 2220 and NASD Rule 2210(a)(2).

2. Statutory Basis

CBOE believes that the proposed rule change is consistent with the provisions of, and furthers the objectives of, Section 6(b)(5) of the Act,[5] which requires, among other things, that the Exchange's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, the proposed rule changes, by harmonizing CBOE rules with FINRA rules, would provide CBOE Members with a clearer regulatory scheme. The Exchange further notes that the proposed rule changes are neither novel nor controversial and are modeled on existing FINRA rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] 17 CFR 240.17d–2.

[5] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[6] and Rule 19b–4(f)(6) thereunder.[7] A proposed rule change filed under Rule 19b–4(f)(6)[8] normally does not become operative prior to 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii),[9] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. CBOE has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. Because the proposed rule change will harmonize the CBOE rules pertaining to guarantees and profit sharing, confirmations to customers, and options communications with the comparable FINRA rules pursuant to the 17d–2 Agreement, the Commission finds that it is consistent with the protection of investors and the public interest to waive the 30-day operative delay, and hereby grants such waiver.[10]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2010–035 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2010–035. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–CBOE–2010–035 and should be submitted on or before June 1, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–11096 Filed 5–10–10; 8:45 am]

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[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(6).

[8] *Id.*

[9] 17 CFR 240.19b–4(f)(6)(iii).

[10] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62032; File No. SR–NYSEArca-2010–31]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by NYSE Arca, Inc. Amending NYSE Arca Rule 3.3(a) and Section 401(a) of the Exchange's Bylaws to Eliminate the Exchange's Audit Committee, Compensation Committee, and Regulatory Oversight Committee

May 4, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1], and Rule 19b–4[2] thereunder, notice is hereby given that on April 20, 2010, NYSE Arca, Inc. ("Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Arca Rule 3.3 to eliminate its audit committee (the "NYSE Arca Audit Committee"), its compensation committee (the "NYSE Arca Compensation Committee") and its regulatory oversight committee ("ROC") as committees of the board of directors of the Exchange. References to those board committees will also be deleted from Section 4.01(a) of the Exchange's Bylaws. The formal responsibilities of the NYSE Arca Audit Committee and the NYSE Arca Compensation Committee will, following elimination, be exercised by the committees of the board of directors of the Exchange's ultimate parent company, NYSE Euronext. The formal responsibilities of the ROC will be exercised by the board of directors of NYSE Regulation, Inc. ("NYSER") in part, pursuant to the terms of a regulatory services agreement with the Exchange, and the board of directors of the Exchange in other respects.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nyse.com,* at the principal office of the Exchange, on the Commission's Web site at *http://www.sec.gov,* and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to delete NYSE Arca Rule 3.3(a)(3) and the NYSE Arca Audit Committee provided for therein, thereby making the audit committee of the NYSE Euronext board (the "NYSE Euronext Audit Committee") the sole committee responsible for all Exchange-related audit functions. Similarly, the Exchange proposes to delete NYSE Arca Rule 3.3(a)(4) and the NYSE Arca Compensation Committee provided for therein, thereby making the human resources and compensation committee of the NYSE Euronext board (the "NYSE Euronext Human Resources and Compensation Committee") the sole committee responsible for all Exchange-related compensation functions. Finally, the Exchange proposes to delete NYSE Arca Rule 3.3(a)(2) and the ROC provided for therein, with the board of directors of NYSER and the board of directors of the Exchange each exercising some portion of the former responsibilities of the ROC related to ensuring (i) the independence of Exchange regulation, (ii) adequate resources for the Exchange to properly fulfill its SRO regulatory obligations and (iii) that Exchange management fully supports the execution of the regulatory process. NYSER performs regulatory responsibilities on behalf of the Exchange pursuant to the terms of a regulatory services agreement ("RSA") between NYSER and the Exchange. As described in more detail below, the Exchange board receives reports on regulatory matters from NYSER and from the Exchange's Chief Regulatory Officer ("CRO"), and the Exchange will still retain ultimate legal responsibility for the performance of its regulatory obligations as well as the ability to take action as required to meet that responsibility. References to the three aforementioned NYSE Arca board committees will also be deleted from Section 4.01(a) of the Exchange's Bylaws.

Background

Since the demutualization of the New York Stock Exchange LLC ("NYSE") in 2006 in connection with the merger of New York Stock Exchange, Inc. and Archipelago Holdings, Inc. ("Archipelago"), the audit and compensation functions of NYSE have been carried out at the parent holding company level.[3] This principle was extended in 2007 with the merger of NYSE Group, Inc. ("NYSE Group") and Euronext, N.V. to form NYSE Euronext (the "NYSE–Euronext Merger"). As noted in the Commission's order approving the NYSE–Euronext Merger,[4] upon consummation, the board of directors of NYSE Euronext (the "Company') was expected to have an audit committee, a human resource and compensation committee, and a nominating and governance committee, each consisting solely of directors meeting the independence requirements of the Company.[5] The order further stated that these committees also would perform relevant functions for NYSE Group, NYSE, NYSE Market, Inc., NYSE Regulation, Inc., Archipelago, NYSE Arca Equities, Inc., and the Exchange, as well as other subsidiaries of the Company, except that the board of directors of NYSE Regulation, Inc. would continue to have its own compensation committee and nominating and governance committee.[6]

In addition, on October 1, 2008, the American Stock Exchange LLC ("Amex") was acquired by the Company. In connection with the merger, the Amex self-regulatory organization ultimately became known as NYSE Amex LLC ("NYSE Amex"). In its order approving the acquisition,[7] the Commission again noted that, "Amex expects that the committees of the NYSE Euronext board of directors will perform for NYSE [Amex] the board committee functions relating to audit, governance and compensation."[8]

The NYSE Euronext Audit Committee Will Become the Sole Committee To Handle All Audit Responsibilities for the Exchange

Among the various U.S. consolidated subsidiary corporations of the Company, only the Exchange has an audit committee that is separate and apart from the NYSE Euronext Audit Committee. Moreover, in practice, the audit responsibilities of the NYSE Arca Audit Committee overlap with those of the NYSE Euronext Audit Committee because the latter reviews the financial condition of the Exchange as part of its audit responsibilities.

Under its charter, the NYSE Euronext Audit Committee has broad authority to assist the board of directors of the Company in its oversight of (a) the integrity of the Company's financial statements and internal controls, (b) compliance with legal and regulatory requirements, including the Company's ethical standards and policies, (c) the qualifications, independence and performance of the Company's independent auditor, (d) the process relating to internal risk management and control systems, (e) the performance of the Company's internal audit function and its independent auditors, and (f) the Company's tax policy. It also prepares the Audit Committee report to shareholders for inclusion in the Company's annual proxy statement. Because the Company's financial statements are prepared on a consolidated basis that includes the financial results of all of the Company's subsidiaries, including the Exchange and any subsidiaries of the Exchange, the NYSE Euronext Audit Committee's purview necessarily includes these subsidiaries. The committee is composed of at least three members, all of whom must meet the independence and experience requirements of the New York Stock Exchange and Rule 10A–3 under the Securities Exchange Act of 1934 (the "Act"). Each member of the committee must be financially literate or become financially literate within a reasonable time after appointment to the committee, and at least one member must have accounting or related financial management expertise.

By contrast, the NYSE Arca Audit Committee has a more limited role, focused solely on the exchange entity and its subsidiary NYSE Arca Equities,

[3] *See* Securities Exchange Act Release No. 53382 (February 27, 2006), 71 FR 11251 (March 6, 2006) (SR–NYSE–2005–77) (order approving NYSE's business combination with Archipelago Holdings, Inc.) at 11257.

[4] Securities Exchange Act Release No. 55293 (February 14, 2007), 72 FR 8033 (February 22, 2007) (SR–NYSE–2006–120) ("NYSE Euronext Approval Order").

[5] *See* NYSE Euronext Approval Order, 72 FR at 8036.

[6] *Id.*

[7] Securities Exchange Act Release No. 58673 (September 29, 2008), 73 FR 57707 (October 3, 2008) (SR–Amex–2008–62, SR–NYSE–2008–60) ("NYSE Amex Approval Order").

[8] NYSE Amex Approval Order, 73 FR at 57712. Note 66 following this language reiterates that, "Each of these NYSE Euronext committees is composed solely of directors meeting the independence requirements of NYSE Euronext."

Inc. which operates as a facility of the Exchange. As described in current Exchange Rule 3.3(a)(3)(B), the primary functions of that audit committee are (i) to conduct an annual review with the independent auditors, to determine the scope of their examination and the cost thereof, (ii) to periodically review with the independent auditors and the internal auditor the Exchange's internal controls and the adequacy of the internal audit program, (iii) to review the annual reports submitted both internally and externally, and take such action with respect thereto as it may deem appropriate, and (iv) to recommend to the board independent public accountants as auditors of the Exchange and its subsidiaries. However, to the extent that the committee performs these functions, its activities are duplicative of the activities of the NYSE Euronext Audit Committee which, for example, is specifically responsible under its charter for appointing, overseeing the work of, evaluating the qualifications, performance and independence of, and determining compensation for, the independent auditor. That responsibility also specifically includes reviewing and pre-approving the scope and general extent of the auditor's services and the estimated fees for those services. The independent auditor, in turn, is required to report directly to the NYSE Euronext Audit Committee.

Similarly, the NYSE Euronext Audit Committee is responsible under its charter for assessing the effectiveness of the internal audit function and reviewing with management and the independent auditor any major issues as to the adequacy of the Company's internal risk management and internal controls. The NYSE Euronext Audit Committee is also charged with meeting to review and discuss with management and the independent auditor the Company's annual audited financial statements, quarterly financial statements prior to the filing of Form 10–Q, and significant financial reporting issues and judgments made in connection with the preparation of the financial statements. These specific responsibilities of the NYSE Euronext Audit Committee, as well as numerous others in its charter relating to oversight of both the independent and internal auditors, financial statement and disclosure matters, and corporate oversight, result in the responsibilities of the NYSE Arca Audit Committee being fully duplicated by the responsibilities of the NYSE Euronext Audit Committee.

To make the practices of the Exchange consistent with the company-wide corporate practices of the Company, the Exchange is now proposing to delete NYSE Arca Rule 3.3(a)(3) to eliminate the NYSE Arca Audit Committee and thereby formally establish the NYSE Euronext Audit Committee as the sole committee responsible for audit functions with regard to the Exchange. As has been the case since the creation of the NYSE Euronext Audit Committee, it will continue to be composed at all times of independent directors and will continue to review the financial condition of the Exchange as part of its oversight of the financial processes of the Company and of each of its consolidated subsidiaries.

NYSER, a not-for-profit indirect subsidiary of the Company, has broad authority to oversee the regulatory activities of the Exchange and the other self-regulatory organizations whose ultimate parent is the Company, through delegated authority and regulatory services agreements. It is the practice of the Company's Global Risk and Audit Services Department ("RAS"), which performs internal audit functions, to report to the board of directors of NYSER ("NYSER Board") on all internal audit matters relating to the Exchange's regulatory responsibilities. The Exchange represents that, to ensure that NYSER has the appropriate authority to oversee RAS's activities with respect to the Exchange's regulatory responsibilities pursuant to the provisions of the RSA between the Exchange and NYSER as described below, RAS's written procedures will be amended to stipulate that the NYSER Board may, at any time, request that RAS conduct an audit of a matter of concern to it and report the results of the audit both to the NYSER Board and the NYSE Euronext Audit Committee. The CRO of the Exchange, whose role is described below in more detail and who attends meetings of both the NYSER Board and the Exchange's board of directors, would be in attendance at any meeting of the NYSER Board at which the results of any such audit would be reported by RAS. The CRO would discuss these audit results with each of the NYSER Board and the Exchange's board of directors, as appropriate. NYSER also provides reports on regulatory matters at Exchange board meetings. The Exchange retains the authority to direct NYSER to request that RAS conduct such an audit of a matter of concern to it.

The NYSE Euronext Human Resources and Compensation Committee Will Become the Sole Committee To Handle All Human Resources and Compensation Responsibilities for the Exchange

The Exchange also currently has a separate Compensation Committee whose assigned responsibilities with respect to compensation and personnel matters overlap with the broader mandate of the NYSE Euronext Human Resources and Compensation Committee. The latter committee is charged under its charter with discharging the responsibilities of the Company's board of directors relating to human resources policies and procedures, executive benefit plans, and compensation and compensation disclosure with respect to the Company.

The primary functions of the NYSE Arca Compensation Committee, as described in current Exchange Rule 3.3(a)(4)(B), are relatively limited. The committee is required to (i) review and approve corporate goals and objectives relevant to the Exchange CEO's compensation, (ii) evaluate the CEO's performance in light of those goals and objectives, (iii) set the CEO's compensation level based on this evaluation, and (iv) make recommendations to the board of the Exchange with respect to the design of incentive compensation and equity-based plans. The first three of these functions relate to the determination of the Exchange CEO's compensation. However, the Exchange CEO, as an executive officer of the Company, already has his/her compensation established by the Company's board of directors, in conjunction with recommendations from the NYSE Euronext Human Resources and Compensation Committee.

Regarding the fourth and last primary function of the NYSE Arca Compensation Committee as stated in Exchange Rule 3.3(a)(4)(B), involving recommendations to the Exchange board "with respect to the design of incentive compensation and equity-based plans," the charter of the NYSE Euronext Human Resources and Compensation Committee states that a primary responsibility of that committee of the Company is to "[r]eview and make recommendations to the Board with respect to incentive-compensation and equity based plans that are subject to Board approval." The direct responsibility of the NYSE Euronext Human Resources and Compensation Committee for making such recommendations to the board of the Company is also a requirement for the

Company as a listed company, as provided in Section 303A.05 of the NYSE Listed Company Manual. Because there is no incentive compensation nor any equity-based plans for employees other than as determined at the parent company level, the NYSE Arca Compensation Committee is precluded from exercising its stated function of making such recommendations to the Exchange board (which could not act on any such recommendations in any case).

To make the practices of the Exchange consistent with the company-wide corporate practices of the Company, the Exchange is now proposing to delete NYSE Arca Rule 3.3(a)(4) to eliminate the NYSE Arca Compensation Committee and thereby formally establish the NYSE Euronext Human Resources and Compensation Committee as the sole committee responsible for human resources and compensation functions with regard to the Exchange as anticipated in those Commission orders referenced herein. As has been the case since the creation of the NYSE Euronext Human Resources and Compensation Committee, it will continue to be composed at all times of independent directors and will continue to address human resources policies and procedures, executive benefit plans, and compensation and compensation disclosure with respect to the Company and of each of its consolidated subsidiaries, including the Exchange (and excepting, with respect to certain items, NYSE Regulation, Inc.).

The NYSER Board and the Board of Directors of the Exchange Will Each Exercise a Portion of the Current Responsibilities of the ROC, and the Board of Directors of the Exchange Will Retain Ultimate Legal Responsibility for the Regulation of Its Permit Holders and Its Market

The proposed elimination of the ROC will result in the exercise of the current formal responsibilities of that position being divided between the NYSER Board and the board of directors of the Exchange as described below. Those responsibilities are to ensure (i) the independence of Exchange regulation, (ii) adequate resources for the Exchange to properly fulfill its SRO regulatory obligations and (iii) that Exchange management fully supports the execution of the regulatory process. The Exchange believes that the performance of its regulatory functions following elimination of the ROC will closely parallel the current performance by NYSE Amex of its regulatory functions as previously considered and approved by the Commission.

In the NYSE Amex Approval Order, the Commission noted that "upon the consummation of the Mergers and the Related Transactions, NYSE [Amex] will no longer have a Regulatory Oversight Committee ("ROC"). Instead, NYSE [Amex] will contract with NYSE Regulation to perform all of its regulatory functions. The Commission believes that it is consistent with the Act for NYSE [Amex] to eliminate its ROC and instead contract with NYSE Regulation to perform its regulatory functions because the governance of NYSE Regulation will provide a comparable level of independence that a ROC would provide." [9] The Exchange has previously entered into the RSA with NYSER to perform all of the Exchange's regulatory functions on the Exchange's behalf. The Financial Industry Regulatory Authority ("FINRA") performs some of the regulatory functions contracted out to NYSER pursuant to a separate multi-party regulatory services agreement with FINRA. These regulatory contractual arrangements closely parallel the regulatory arrangements for NYSE Amex that the Commission reviewed and approved in the NYSE Amex Approval Order.[10]

Regarding the ROC's current formal responsibility to ensure the independence of Exchange regulation, the Exchange notes the Commission's comment cited in the prior paragraph that the governance of NYSER will provide a comparable level of independence as that of a ROC. The Exchange represents that the aforementioned statement in the NYSE Amex Approval Order will be equally valid with respect to regulation of the Exchange because of the very similar regulatory contractual arrangements.[11]

Further, regarding the ROC's current formal responsibility to ensure adequate resources for the Exchange to properly fulfill its SRO regulatory obligations, the Exchange notes the Commission's statement in the NYSE Amex Approval Order that "NYSE Euronext has agreed to provide adequate funding to NYSE Regulation to conduct its regulatory activities with respect to NYSE, NYSE Arca and * * * NYSE [Amex]." [12] That funding arrangement led the Commission to state that "the Commission believes that NYSE Euronext's commitment to provide adequate funding to NYSE Regulation to conduct its regulatory activities is designed to ensure that NYSE [Amex] can perform its obligations under the Act." [13] Because that funding commitment by NYSE Euronext is also applicable by its terms to the Exchange, the Commission's conclusion in the preceding sentence regarding adequate funding of NYSER for the conduct of regulatory activities is equally valid as applied to the Exchange's SRO regulatory obligations.

As with NYSE Amex, and notwithstanding these regulatory agreements, the Exchange retains ultimate legal responsibility for the regulation of its permit holders [14] and its market and has full authority to take action to assure that its regulatory responsibilities are met. In addition, the Exchange board of directors will directly assume the ROC's current formal responsibility to ensure that Exchange management fully supports the execution of the regulatory process.

In connection with the foregoing arrangements, as stated above, the Exchange retains the authority to direct NYSER and FINRA to take any action necessary to fulfill the Exchange's statutory and self-regulatory obligations, and NYSER provides a report on regulatory matters at each meeting of the Exchange board. The Exchange board appoints its CRO who is also an officer of NYSER and reports to the Chief Executive Officer of NYSER. The CRO is also an officer of the Exchange, and in that capacity is charged with reporting on regulatory matters to the Exchange

[9] NYSE Amex Approval Order, 73 FR at 57717.

[10] *See id.* ["First, NYSE [Amex] will enter into a regulatory contract with NYSE Regulation * * * under which NYSE [Amex] will contract with NYSE Regulation to perform all of NYSE [Amex]'s regulatory functions on NYSE [Amex]'s behalf. However, FINRA may perform some of the regulatory functions contracted out to NYSE Regulation pursuant to a separate multi-party regulatory services agreement * * *. Notwithstanding these regulatory contracts, NYSE [Amex] will retain ultimate legal responsibility for the regulation of its members and its market."] The Exchange represents that its contractual arrangements with NYSER and FINRA with respect to the performance of its regulatory functions are fully equivalent to the contractual arrangements that NYSE Amex has entered into with NYSER and FINRA as described in this footnote, and that the Exchange retains ultimate legal responsibility for the performance of its regulatory functions and the ability to take action to assure the performance of those functions.

[11] Some of the specific reasons cited by the Commission in support of its conclusion that independence of SRO regulation would exist under NYSE Amex's contractual arrangements with NYSER are that "all directors on the Board of NYSE Regulation (other than its CEO) are, and will be, required to be independent of management of NYSE Euronext and its subsidiaries, as well as of NYSE, NYSE Arca, and NYSE [Amex] members and listed companies." The Commission further noted that, "In addition, a majority of the members of the NYSE Regulation board must be directors that are not also directors of NYSE Euronext." *See id.*

[12] *Id.*

[13] *Id.*

[14] Permit holders at the Exchange are "members" of the Exchange as that term is defined in Section 3 of the Act.

board. These arrangements also closely track the current arrangements for NYSE Amex that were considered by the Commission in issuing the NYSE Amex Approval Order [15] and will assure that the Exchange board receives reports on regulatory matters that are sufficient to enable it to take action as necessary in the performance of its regulatory responsibilities.

As a consequence of realigning its regulatory arrangements to closely match those of NYSE Amex, which arrangements were previously considered and approved by the Commission, the Exchange believes that the proposed rule change is non-controversial and presents no new or novel issues. In the NYSE Amex Approval Order, the Commission found that NYSE Amex's proposed regulatory structure "is consistent with the Act, including Section 6(b)(1) of the Act * * *" and further stated that, "The Commission believes that it is consistent with the Act to allow NYSE [Amex] to contract with NYSE Regulation and FINRA to perform its regulatory functions, including its examination, enforcement, and disciplinary functions." [16] The Commission also determined that NYSE Amex's "proposal to appoint a CRO reporting to the NYSE [Amex] Board will further NYSE [Amex]'s ability to satisfy these self-regulatory obligations consistent with Section 6(b)(1) of the Act." [17] Because all of the same elements will be present in the Exchange's regulatory arrangements following the elimination of the ROC, the Exchange believes that the proposed rule change is fully consistent with the Act.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) [18] of the Act,[19] in general, and furthers the objectives of Section 6(b)(1) [20] of the Act, which requires a national securities exchange to be so organized and have the capacity to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Act. The proposed rule change is also consistent with, and furthers the objectives of Section 6(b)(5) [21] of the Act, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

More specifically, the Exchange believes that the proposed rule change will promote efficiency and just and equitable principles of trade by simplifying the corporate structure of the Exchange through allowing the Exchange to eliminate two board committees whose responsibilities overlap with, and are adequately handled by, corresponding committees of the board of directors of the Exchange's ultimate parent. This will allow directors of the Exchange to focus their attention on matters falling directly within the purview of the Exchange's board. Similarly, elimination of the ROC will further simplify the corporate structure of the Exchange, thereby promoting efficiency, by aligning the structure relating to the performance of the regulatory functions of the Exchange more closely with the structure of NYSE Amex relating to its performance of those same functions. As discussed above, the Commission has previously determined that the regulatory structure of NYSE Amex is consistent with the Act, including Section 6(b)(1) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which NYSE consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml;* or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2010–31 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2010–31. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All

[15] *See* NYSE Amex Approval Order, 73 FR at 57717. ["NYSE [Amex] also will retain the authority to direct NYSE Regulation, FINRA, or any other SRO that provides regulatory services to take any action necessary to fulfill NYSE [Amex]'s statutory and self-regulatory obligations. In addition, the NYSE [Amex] Board will appoint a CRO, who will be an officer of NYSE [Amex] and will report directly to the NYSE [Amex] Board."]

[16] NYSE Amex Approval Order, 73 FR at 57717.

[17] *Id.*

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78.

[20] 15 U.S.C. 78f(b)(1).

[21] 15 U.S.C. 78f(b)(5).

submissions should refer to File Number SR–NYSEArca–2010–31 and should be submitted on or before June 1, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–11094 Filed 5–10–10; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62043; File No. SR–BX–2010–033]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Options Regulatory Fee

May 5, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on April 30, 2010, NASDAQ OMX BX, Inc. (the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b-4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ OMX BX, Inc. (the "Exchange") proposes to amend the Fee Schedule of the Boston Options Exchange Group, LLC ("BOX") to eliminate the minimum one-cent Options Regulatory Fee charged per trade. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room, on the Exchange's Internet Web site at *http://nasdaqomxbx.cchwallstreet.com/NASDAQOMXBX/Filings/*, and on the Commission's Web site at *http://www.sec.gov*.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange charges an Options Regulatory Fee ("ORF") of $0.0030 per contract to each BOX Options Participant for all options transactions executed or cleared by the BOX Options Participant that are cleared by the Options Clearing Corporation ("OCC") in the customer range, excluding Linkage orders, regardless of the exchange on which the transaction occurs.[5] The ORF is collected indirectly from BOX Options Participants through their clearing firms by OCC on behalf of the Exchange.

There is presently a minimum one-cent ($0.01) ORF charged per trade. The Exchange proposes to eliminate this minimum charge from its fee schedule and that this fee change be operative on May 3, 2010.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[6] in general, and Section 6(b)(4) of the Act,[7] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. In particular, the Exchange believes that this proposal will align the calculation of the ORF with that of other options exchanges[8] while also simplifying the Exchange's administration of the ORF.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act[9] and Rule 19b-4(f)(2)[10] thereunder, because it establishes or changes a due, fee, or other charge applicable only to a member.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR–BX–2010–033 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington DC 20549–1090.

[22] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The ORF was established in January 2010. *See* Securities Exchange Act Release No. 61388 (January 20, 2010), 75 FR 4431 (January 27, 2010) (SR–BX–2010–001) (Notice of Filings and Immediate Effectiveness of Proposed Rule Change Relating to Registered Representative Fee and Options Regulatory Fee).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

[8] *See* Securities Exchange Act Release Nos. 61529 (February 17, 2010), 75 FR 8421 (February 24, 2010) (SR–PHLX–2010–17) and 61641 (March 3, 2010) 75 FR 11220 (March 10, 2010) (SR–CBOE–2010–20).

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 240.19b–4(f)(2).

All submissions should refer to File Number SR–BX–2010–033. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–BX–2010–033 and should be submitted on or before June 1, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–11136 Filed 5–10–10; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62042; File No. SR–ISE–2010–42]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Add 75 Options Classes to the Penny Pilot Program

May 5, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on April 29, 2010, the International Securities Exchange, LLC (the "Exchange" or the "ISE") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE proposes to designate 75 options classes to be added to the pilot program to quote and to trade certain options in pennies (the "Penny Pilot") on May 3, 2010.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Purpose—ISE proposes to identify the next 75 options classes to be added to the Penny Pilot effective May 3, 2010. The Exchange recently received approval to extend and expand the Penny Pilot through December 31, 2010.[3] In that filing, the Exchange had proposed expanding the Penny Pilot on a quarterly basis to add the next 75 most actively traded multiply listed options classes based on national average daily volume for the six months prior to selection, closing under $200 per share on the Expiration Friday prior to expansion, except that the month immediately preceding their addition to the Penny Pilot will not be used for the purpose of the six month analysis.[4]

ISE proposes to add the following 75 options classes to the Penny Pilot on May 3, 2010, based on national average daily volume for the six months ending March 31, 2010:

Nat'l ranking	Symbol	Security name	Nat'l ranking	Symbol	Security name
153	XLV	Health Care Select Sector SPDR Fund.	247	JCP	JC Penney Co Inc.
155	CIEN	Ciena Corp.	248	ACL	Alcon Inc.
157	AMLN	Amylin Pharmaceuticals Inc.	249	STP	Suntech Power Holdings Co Ltd.
158	CTIC	Cell Therapeutics Inc.	250	TLB	Talbots Inc.
159	MDT	Medtronic Inc.	251	SYMC	Symantec Corp.
162	TIVO	TiVo Inc.	253	AMED	Amedisys Inc.
163	MNKD	MannKind Corp.	255	TM	Toyota Motor Corp.
171	MDVN	Medivation Inc.	257	HK	Petrohawk Energy Corp.
176	BRKB	Berkshire Hathaway Inc.	258	ENER	Energy Conversion Devices Inc.
178	APOL	Apollo Group Inc.	259	STT	State Street Corp.
181	BSX	Boston Scientific Corp.	260	BHP	BHP Billiton Ltd.
185	XLY	Consumer Discretionary Sel. Sec. SPDR Fund.	261	NFLX	NetFlix Inc.
188	CLF	Cliffs Natural Resources Inc.	262	LDK	LDK Solar Co Ltd.
190	ZION	Zions Bancorporation.	263	SPG	Simon Property Group Inc.
194	IOC	InterOil Corp.	264	TIF	Tiffany & Co.
197	ITMN	InterMune Inc.	265	BUCY	Bucyrus International Inc.

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 60865 (October 22, 2009), 74 FR 55880 (October 29, 2009) (SR–ISE–2009–82). The Commission notes that this proposed rule change was submitted pursuant to Section 19(b)(3)(A)(iii) of the Act and was, therefore, effective upon filing. The Commission does not approve proposed rule changes submitted pursuant to this section of the Act.

[4] Index products would be included in the expansion if the underlying index level was under 200.

Nat'l ranking	Symbol	Security name	Nat'l ranking	Symbol	Security name
204	GME	GameStop Corp.	266	WAG	Walgreen Co.
209	XLK	Technology Select Sector SPDR Fund.	268	IP	International Paper Co.
210	AKS	AK Steel Holding Corp.	271	XME	SPDR S&P Metals & Mining ETF.
212	GRMN	Garmin Ltd.	272	KGC	Kinross Gold Corp.
213	MRVL	Marvell Technology Group Ltd.	273	EP	El Paso Corp.
215	XLP	Consumer Staples Select Sector SPDR Fund.	274	SEED	Origin Agritech Ltd.
216	UNP	Union Pacific Corp.	275	WIN	Windstream Corp.
220	DTV	DIRECTV.	279	DHI	DR Horton Inc.
223	WMB	Williams Cos Inc/The.	280	ADBE	Adobe Systems Inc.
225	MEE	Massey Energy Co.	281	PCX	Patriot Coal Corp.
227	CELG	Celgene Corp.	282	SPWRA	SunPower Corp.
229	GMCR	Green Mountain Coffee Roasters Inc.	284	LCC	US Airways Group Inc.
231	WDC	Western Digital Corp.	285	PRU	Prudential Financial Inc.
234	DAL	Delta Air Lines Inc.	286	LEN	Lennar Corp.
235	FXE	CurrencyShares Euro Trust.	287	EWT	iShares MSCI Taiwan Index Fund.
237	COST	Costco Wholesale Corp.	288	KBH	KB Home.
239	MJN	Mead Johnson Nutrition Co.	289	CREE	Cree Inc.
240	ALL	Allstate Corp/The.	290	SIRI	Sirius XM Radio Inc.
241	SII	Smith International Inc.	291	MMR	McMoRan Exploration Co.
242	RTN	Raytheon Co.	292	CENX	Century Aluminum Co.
243	DVN	Devon Energy Corp.	293	GFI	Gold Fields Ltd.
244	MT	ArcelorMittal.			

(b) *Basis*—The basis under the Securities Exchange Act of 1934 (the "Exchange Act") for this proposed rule change is found in Section 6(b)(5), in that the proposed rule change is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest. In particular, the proposed rule change identifies the options classes to be added to the Penny Pilot in a manner consistent with prior approvals and filings.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change is effective upon filing pursuant to Section 19(b)(3)(A)(i) [5] of the Exchange Act and Rule 19b-4(f)(1) [6] thereunder, in that it constitutes a stated policy, practice or interpretation with respect to the meaning, administration or enforcement of an existing rule of the Exchange.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *http://www.sec.gov/rules/sro.shtml);* or
- Send an E-mail to *rule-comments@sec.gov.* Please include File No. SR–ISE–2010–42 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2010–42. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commissions Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2010–42 and should be submitted by June 1, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–11135 Filed 5–10–10; 8:45 am]

BILLING CODE 8010–01–P

[5] 15 U.S.C. 78s(b)(3)(A)(i).

[6] 17 CFR 240.19b–4(f)(1).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62041; File No. SR–NYSEAmex–2010–42]

Self-Regulatory Organizations; NYSE Amex LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Adding 75 Options Classes to the Penny Pilot Program

May 5, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")[1], and Rule 19b-4 thereunder,[2] notice is hereby given that on April 28, 2010, NYSE Amex LLC ("NYSE Amex" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to identify the next 75 options classes to be added to the Penny Pilot Program for Options ("Penny Pilot" or "Pilot") on May 3, 2010. There are no changes to the Rule text. A copy of this filing is available on the Exchange's Web site at *http://www.nyse.com,* at the Exchange's principal office, at the Commission's Public Reference Room and on the Commission's Web site at *http://www.sec.gov.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. *Purpose*

NYSE Amex proposes to identify the next 75 options classes to be added to the Penny Pilot effective May 3, 2010. The Exchange recently filed to extend and expand the Pilot through December 31, 2010.[3] In that filing, the Exchange had proposed expanding the Pilot on a quarterly basis to add the next 75 most actively traded multiply listed options classes based on national average daily volume for the six months prior to selection, closing under $200 per share on the Expiration Friday prior to expansion, except that the month immediately preceding their addition to the Penny Pilot will not be used for the purpose of the six month analysis.[4]

NYSE Amex proposes adding the following 75 options classes to the Penny Pilot on May 3, 2010, based on national average daily volume from October 1, 2009 through March 31, 2010:

Nat'l ranking	Symbol	Security name	Nat'l ranking	Symbol	Security name
153	XLV	Health Care Select Sector SPDR Fund.	247	JCP	JC Penney Co Inc.
155	CIEN	Ciena Corp.	248	ACL	Alcon Inc.
157	AMLN	Amylin Pharmaceuticals Inc.	249	STP	Suntech Power Holdings Co Ltd.
158	CTIC	Cell Therapeutics Inc.	250	TLB	Talbots Inc.
159	MDT	Medtronic Inc.	251	SYMC	Symantec Corp.
162	TIVO	TiVo Inc.	253	AMED	Amedisys Inc.
163	MNKD	MannKind Corp.	255	TM	Toyota Motor Corp.
171	MDVN	Medivation Inc.	257	HK	Petrohawk Energy Corp.
176	BRKB	Berkshire Hathaway Inc.	258	ENER	Energy Conversion Devices Inc.
178	APOL	Apollo Group Inc.	259	STT	State Street Corp.
181	BSX	Boston Scientific Corp.	260	BHP	BHP Billiton Ltd.
185	XLY	Consumer Discretionary Sel. Sec. SPDR Fund.	261	NFLX	NetFlix Inc.
188	CLF	Cliffs Natural Resources Inc.	262	LDK	LDK Solar Co Ltd.
190	ZION	Zions Bancorporation.	263	SPG	Simon Property Group Inc.
194	IOC	InterOil Corp.	264	TIF	Tiffany & Co.
197	ITMN	InterMune Inc.	265	BUCY	Bucyrus International Inc.
204	GME	GameStop Corp.	266	WAG	Walgreen Co.
209	XLK	Technology Select Sector SPDR Fund.	268	IP	International Paper Co.
210	AKS	AK Steel Holding Corp.	271	XME	SPDR S&P Metals & Mining ETF.
212	GRMN	Garmin Ltd.	272	KGC	Kinross Gold Corp.
213	MRVL	Marvell Technology Group Ltd.	273	EP	El Paso Corp.
215	XLP	Consumer Staples Select Sector SPDR Fund.	274	SEED	Origin Agritech Ltd.
216	UNP	Union Pacific Corp.	275	WIN	Windstream Corp.
220	DTV	DIRECTV.	279	DHI	DR Horton Inc.
223	WMB	Williams Cos Inc/The.	280	ADBE	Adobe Systems Inc.
225	MEE	Massey Energy Co.	281	PCX	Patriot Coal Corp.
227	CELG	Celgene Corp.	282	SPWRA	SunPower Corp.
229	GMCR	Green Mountain Coffee Roasters Inc.	284	LCC	US Airways Group Inc.
231	WDC	Western Digital Corp.	285	PRU	Prudential Financial Inc.
234	DAL	Delta Air Lines Inc.	286	LEN	Lennar Corp.
235	FXE	CurrencyShares Euro Trust.	287	EWT	iShares MSCI Taiwan Index Fund.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 61106 (December 3, 2009) FR 74–65193 (December 9, 2009) (order approving SR–NYSE Amex 2009–74). The Commission notes that this proposed rule change was submitted pursuant to Section 19(b)(3)(A)(iii) of the Act and was, therefore, effective upon filing. The Commission does not approve proposed rule changes submitted pursuant to this section of the Act.

[4] Index products would be included in the expansion if the underlying index level was under 200.

Nat'l ranking	Symbol	Security name	Nat'l ranking	Symbol	Security name
237	COST	Costco Wholesale Corp.	288	KBH	KB Home.
239	MJN	Mead Johnson Nutrition Co.	289	CREE	Cree Inc.
240	ALL	Allstate Corp/The.	290	SIRI	Sirius XM Radio Inc.
241	SII	Smith International Inc.	291	MMR	McMoRan Exploration Co.
242	RTN	Raytheon Co.	292	CENX	Century Aluminum Co.
243	DVN	Devon Energy Corp.	293	GFI	Gold Fields Ltd.
244	MT	ArcelorMittal.			

2. *Statutory Basis*

The Exchange believes that the proposed rule change is consistent with and furthers the objectives of Section 6(b)(5) of the Act, in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest, by identifying the options classes to be added to the Pilot in a manner consistent with prior approvals and filings.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change is effective upon filing pursuant to Section 19(b)(3)(A)(i) of the Exchange Act [5] and Rule 19b-4(f)(1) thereunder,[6] in that it constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the Exchange. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act.

[5] 15 U.S.C. 78s(b)(3)(A)(i).

[6] 17 CFR 240.19b-4(f)(1).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEAmex-2010–42 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington DC 20549–1090.

All submissions should refer to File Number SR–NYSEAmex-2010–42. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at NYSE Amex's principal office and on its Web site at *http://www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–NYSEAmex–2010–42 and should be submitted on or before June 1, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–11134 Filed 5–10–10; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62039; File No. SR–BX–2010–032]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Add 75 Classes to the Penny Pilot Program

May 5, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1], and Rule 19b–4 thereunder,[2] notice is hereby given that on April 27, 2010, NASDAQ OMX BX, Inc. (the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ OMX BX, Inc. (the "Exchange") proposes to designate 75 options classes to be added to the Penny Pilot Program, as referenced in Chapter V, Section 33 of the Rules of the Boston Options Exchange Group, LLC ("BOX").

[7] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

The Exchange intends to notify BOX Options Participants of the classes to be added to the Penny Pilot Program via Regulatory Circular. The text of the proposed Regulatory Circular is attached as Exhibit 2.[3]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On October 19, 2009 the Exchange submitted a proposed rule change[4] with the Securities and Exchange Commission ("Commission") to, among other things, expand the number of classes included in the Penny Pilot Program over four successive quarters, with 75 classes added in each of November 2009, February 2010, May 2010, and August 2010.[5] Options classes with high premiums will be excluded for the quarterly additions.[6]

Based on trading activity for the six months ending March 31, 2010, the Exchange proposes to add the following 75 classes to the Penny Pilot Program on May 3, 2010:

Symbol	Company name	Symbol	Company name
XLV	Health Care Select Sector SPDR Fund.	JCP	JC Penney Co Inc.
CIEN	Ciena Corp.	ACL	Alcon Inc.
AMLN	Amylin Pharmaceuticals Inc.	STP	Suntech Power Holdings Co Ltd.
CTIC*	Cell Therapeutics Inc.	TLB	Talbots Inc.
MDT	Medtronic Inc.	SYMC	Symantec Corp.
TIVO	TiVo Inc.	AMED	Amedisys Inc.
MNKD*	MannKind Corp.	TM	Toyota Motor Corp.
MDVN	Medivation Inc.	HK	Petrohawk Energy Corp.
BRKB	Berkshire Hathaway Inc.	ENER	Energy Conversion Devices Inc.
APOL	Apollo Group Inc.	STT	State Street Corp.
BSX	Boston Scientific Corp.	BHP	BHP Billiton Ltd.
XLY	Consumer Discretionary Sel. Sec. SPDR Fund.	NFLX	NetFlix Inc.
CLF	Cliffs Natural Resources Inc.	LDK	LDK Solar Co Ltd.
ZION	Zions Bancorporation.	SPG	Simon Property Group Inc.
IOC	InterOil Corp.	TIF	Tiffany & Co.
ITMN	InterMune Inc.	BUCY	Bucyrus International Inc.
GME	GameStop Corp.	WAG	Walgreen Co.
XLK	Technology Select Sector SPDR Fund.	IP	International Paper Co.
AKS	AK Steel Holding Corp.	XME	SPDR S&P Metals & Mining ETF.
GRMN	Garmin Ltd.	KGC	Kinross Gold Corp.
MRVL	Marvell Technology Group Ltd.	EP	El Paso Corp.
XLP	Consumer Staples Select Sector SPDR Fund.	SEED	Origin Agritech Ltd.
UNP	Union Pacific Corp.	WIN	Windstream Corp.
DTV	DIRECTV.	DHI	DR Horton Inc.
WMB	Williams Cos Inc/The.	ADBE	Adobe Systems Inc.
MEE	Massey Energy Co.	PCX	Patriot Coal Corp.
CELG	Celgene Corp.	SPWRA	SunPower Corp.
GMCR	Green Mountain Coffee Roasters Inc.	LCC	US Airways Group Inc.
WDC	Western Digital Corp.	PRU	Prudential Financial Inc.
DAL	Delta Air Lines Inc.	LEN	Lennar Corp.
FXE	CurrencyShares Euro Trust.	EWT	iShares MSCI Taiwan Index Fund.
COST	Costco Wholesale Corp.	KBH	KB Home.
MJN	Mead Johnson Nutrition Co.	CREE	Cree Inc.
ALL	Allstate Corp/The.	SIRI[7]	Sirius XM Radio Inc.
SII	Smith International Inc.	MMR	McMoRan Exploration Co.
RTN	Raytheon Co.	CENX	Century Aluminum Co.
DVN	Devon Energy Corp.	GFI	Gold Fields Ltd.
MT	ArcelorMittal.		

[3] The Commission notes that the text of the proposed Regulatory Circular is attached at Exhibit 2 to the Form 19b–4, but is not attached to this Notice.

[4] *See* Securities and Exchange Act Release No. 60886 (October 27, 2009), 74 FR 56897 (November 3, 2009) (SR–BX–2009–067). This proposal was effective immediately upon filing.

[5] The quarterly additions will be effective on November 2, 2009, February 1, 2010, May 3, 2010 and August 2, 2010, respectively. For purposes of identifying the classes to be added per quarter, the Exchange shall use data from the prior six calendar months preceding the implementation month, except that the month immediately preceding their addition to the Pilot would not be utilized for purposes of the six month analysis. For example, the quarterly additions to be added on May 3, 2010 shall be determined using data from the six month period ending March 31, 2010. The Exchange has filed two (2) previous proposals similar to the present proposal, for the November 2, 2009 and February 1, 2010 expansions of 75 classes, respectively. *See* Securities and Exchange Act Release Nos. 60950 (November 6, 2009), 74 FR 58666 (November 6, 2009) (SR–BX–2009–069) and 61456 (February 1, 2010), 75 FR 6235 (February 8, 2010) (SR–BX–2010–011). These proposals were effective immediately upon filing.

[6] The threshold for designation as "high priced" at the time of selection of new classes to be included in the Penny Pilot Program is $200 per share or a calculated index value of 200. The determination of whether a security is trading above $200 or above a calculated index value of 200 shall be based on the price at the close of trading on the Expiration Friday prior to being added to the Penny Pilot Program.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[8] in general, and Section 6(b)(5) of the Act,[9] in particular, in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism for a free and open market and a national market system and, in general, to protect investors and the public interest, by identifying the options classes added to the Penny Pilot Program in a manner consistent with prior rule changes.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(i) of the Exchange Act [10] and Rule 19b–4(f)(1) thereunder,[11] because it constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing BOX rule. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–BX–2010–032 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington DC 20549–1090.

All submissions should refer to File Number SR–BX–2010–032. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–BX–2010–032 and should be submitted on or before June 1, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–11133 Filed 5–10–10; 8:45 am]

BILLING CODE 8010–01–P

[7] Please note that the class is presently not listed for trading on BOX. If the class is listed for trading on BOX at a later date it will be subject to the applicable minimum trading increments as set forth in Chapter V, Section 6(b) of the BOX Rules.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A)(i).

[11] 17 CFR 240.19b–4(f)(1).

[12] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 6997]

In the Matter of the Designation of Nayif Bin-Muhammad al-Qahtani also known as Nayef Bin Muhammad al-Qahtani also known as Nayif Muhammad al-Qahtani also known as Nayf Mohammed al-Qahtani also known as Naif Mohammad Said al-Qahtani Alkodri also known as Naif Mohammed Saeed al-Kodari al-Qahtani also known as Nayef Bin Mohamed al-Khatani also known as Mohammed Naif al-Khatani also known as Nayef bin Mohamed al-Khatany also known as Al-Qahtani Abohemem also known as Abi Hamam also known as Abu-Hamam also known as Abu Humam also known as Abu Hammam also knows as al-Qahtani as a Specially Designated Global Terrorist pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as Nayif Bin-Muhammad al-Qahtani and also known as Nayef Bin Muhammad al-Qahtani, also known as Nayif Muhammad al-Qahtani, also known as Nayf Mohammed al-Qahtani, also known as Naif Mohammad Said al-Qahtani Alkodri, also known as Naif Mohammed Saeed al-Kodari al-Qahtani, also known as Nayef Bin Mohamed al-Khatani, also known as Mohammed Naif al-Khatani, also known as Nayef bin Mohamed al-Khatany, also known as Al-Qahtani Abohemem, also known as Abi Hamam, also known as Abu-Hamam, also known as Abu-Humam, also known as Abu-Hammam, also known as Abu Hammam al-Qahtani committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that "prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously," I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render

ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register.**

Dated: April 6, 2010.

Hillary Rodham Clinton,

Secretary of State,

Department of State.

[FR Doc. 2010–11192 Filed 5–10–10; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice 6996]

In the Matter of the Designation of Eric Breininger, Also Known as Abdul-Gaffar, Also Known as Abdulgaffar el Almani, as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as Eric Breininger, and also known as Abdul-Gaffar, also known as Abdulgaffar el Almani, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that "prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously," I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register.**

Dated: April 6, 2010.

Hillary Rodham Clinton,

Secretary of State, Department of State.

[FR Doc. 2010–11203 Filed 5–10–10; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice 6998]

In the Matter of the Designation of Qasim al-Rimi, Also Known as Qasim Yahya Mahda 'abd al-Rimi, Also Known as Qasim al-Raymi, also Known as Qassim al-Raimi, also Known as Qassim al-Raymi, Also Known as Qassem al-Remi, Also Known as Qasim al-Rami, Also Known as Abu Harayrah, Also Known as Abu Hurayrah al-San'ai, Also Known as Abu 'Ammar, as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as Qasim al-Rimi and also known as Qasim Yahya Mahda 'abd al-Rimi, also known as Qasim al-Raymi, also known as Qassim al-Raymi, also known as Qasim al-Rami, also known as Abu Harayrah, also known as Abu Hurayrah al-San'ai, also known as Abu 'Ammar committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that "prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously," I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register.**

Dated: April 6, 2010.

Hillary Rodham Clinton,

Secretary of State, Department of State.

[FR Doc. 2010–11196 Filed 5–10–10; 8:45 am]

BILLING CODE 4710–10–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Allocation of Additional Fiscal Year (FY) 2010 In-Quota Volume for Raw Cane Sugar

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice of country-by-country allocations of additional fiscal year (FY) 2010 in-quota quantity of the tariff-rate quota (TRQ) for imported raw cane sugar.

DATES: *Effective Date:* May 11, 2010.

ADDRESSES: Inquiries may be mailed or delivered to Leslie O'Connor, Director of Agricultural Affairs, Office of Agricultural Affairs, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Leslie O'Connor, Office of Agricultural Affairs, 202–395–6127.

SUPPLEMENTARY INFORMATION: Pursuant to Additional U.S. Note 5 to chapter 17 of the Harmonized Tariff Schedule of the United States (HTS), the United States maintains TRQs for imports of raw cane and refined sugar.

Section 404(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3601(d)(3)) authorizes the President to allocate the in-quota quantity of a TRQ for any agricultural product among supplying countries or customs areas. The President delegated this authority to the United States Trade Representative under Presidential Proclamation 6763 (60 FR 1007).

On April 23, 2010, the Secretary of Agriculture announced an additional in-quota quantity of the FY 2010 TRQ for imported raw cane sugar for the remainder of FY 2010 (ending September 30, 2010) in the amount of 181,437 metric tones * raw value (MTRV). This quantity is in addition to the minimum amount to which the United States is committed pursuant to the World Trade Organization (WTO) Uruguay Round Agreements (1,117,195 MTRV). Based on consultations with quota holders, USTR is allocating the 181,437 MTRV to the following countries in the amounts specified below:

Country	Additional FY 2010 allocation
Argentina	7,826

* Conversion factor: 1 metric ton = 1.10231125 short tons.

Country	Additional FY 2010 allocation
Australia	15,106
Belize	2,002
Bolivia	1,456
Brazil	26,391
Colombia	4,368
Congo	7,258
Costa Rica	2,730
Dominican Republic	32,033
Ecuador	2,002
El Salvador	4,732
Guatemala	8,736
Guyana	2,184
Honduras	1,820
India	1,456
Jamaica	2,002
Malawi	1,820
Mauritius	2,185
Mozambique	2,366
Nicaragua	3,822
Panama	5,278
Peru	7,462
Philippines	24,571
South Africa	4,186
Swaziland	2,912
Thailand	2,548
Zimbabwe	2,185

These allocations are based on the countries' historical shipments to the United States. The allocations of the raw cane sugar TRQ to countries that are net importers of sugar are conditioned on receipt of the appropriate verifications of origin and certificates for quota eligibility must accompany imports from any country for which an allocation has been provided.

Ronald Kirk,

United States Trade Representative.

[FR Doc. 2010–11210 Filed 5–10–10; 8:45 am]

BILLING CODE 3190–W0–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

[DOT Docket No. DOT–OST–2010–0074]

The Future of Aviation Advisory Committee (FAAC); Notice of Federal Advisory Committee Meeting

AGENCY: U.S. Department of Transportation, Office of the Secretary of Transportation.

ACTION: The Future of Aviation Advisory Committee (FAAC); Notice of Federal Advisory Committee Meeting.

SUMMARY: The Department of Transportation, Office of the Secretary of Transportation, announces the first meeting of the FAAC which will be held in the Metropolitan Washington, DC area. This notice announces the date, time and location of the meeting, which will be open to the public. The purpose of FAAC is to provide advice and recommendations to the Secretary of Transportation to ensure the competitiveness of the U.S. aviation industry and its capability to manage effectively the evolving transportation needs, challenges, and opportunities of the global economy.

DATES: The meeting will be held on May 25, 2010, from 9:30 a.m. to 3:30 p.m.

ADDRESSES: The meeting will be held at the offices of the Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, on the ground floor of the West Building Atrium located across the street from the Navy Yard (Green Line) Metro station.

Public Access: The meeting is open to the public. (*See below* for registration instructions)

Public Comments: Five priorities were identified by the aviation industry as topics for the Federal Advisory Committee to consider in discussing the future of the aviation Industry. These topics were published in the Federal Advisory Charter at *http://www.regulations.gov* (Docket DOT–OST–2010–0074). We request your comments on the five topics. In order for the committee to read and consider your views and question expeditiously, please include one of the following in the subject line when making your e-mail submission; "Financing", "Safety", "Environment", "workforce", "Competition", and/or "General comment". Comments for the May 25 meeting must be received by Wednesday, May 19. All public comments will be posted in Docket DOT–OST–2010–0074, which is accessible from *http://www.Regulations.gov*. Please note that even after the closing date, we will continue to review public comments for future meetings.

SUPPLEMENTARY INFORMATION:

Background

To carry out its duties, the advisory committee will meet on the following dates this year:

- May 25
- July 14
- August 25
- October 20
- December 15

Meetings of sub groups or work groups may occur more frequently.

Members of the public may review the FAAC charter and minutes of FAAC meetings at *http://www.regulations.gov* in docket number DOT–OST–2010–0074 or the FAAC Web site at *http://www.dot.gov/faac.*

Registration

- Space is limited. Registration will be available on a first-come, first-serve basis. Once the maximum number of 300 registrants has been reached, registration will close. All requests to attend the FAAC must be received by close of business on Wednesday, May 19.
- All foreign nationals must provide their date of birth and passport number by Monday, May 17.
- Persons with disabilities who require special assistance should advise the Department at *FAAC@dot.gov,* under the subject line of "Special Assistance" of their anticipated special needs as early as possible.
- *To register:* Send an e-mail to *FAAC@dot.gov* under the subject line "Registration" with the following information:
  - Last name, First name
  - Title
  - Company or affiliation
  - Address
  - Phone number
  - E-mail address in order for us to confirm your registration
- The DOT Headquarters building is a secure Federal building. All attendees will be escorted to and from the meeting area.
- Please inform us if you have protection detail that will accompany you to the event.
- Due to security requirements, leaving the building is discouraged.
- A continental breakfast will be available in the morning (beginning at 7:30) for $5.00 (cash only)
- Lunch (beginning at 11:30) sandwich buffet will be available onsite for $10.00 (cash only).
- No Automated Teller Machines are available at the meeting site.
- An e-mail will be sent to you confirming your registration along with details on security procedures for entering the U.S. Department of Transportation building.
- Entering the U.S. Department of Transportation Building:
  - A picture ID is required.
  - Admission will be at the New Jersey Avenue entrance only.
  - Registration is from 7:30 to 9 a.m.
  - Only pre-registered attendees may attend the meeting.
  - Attendees must be screened and pass through a metal detector.
  - No firearms are allowed in the building, including with protection detail.
  - Special accessibility requirements should be noted at time of e-mail registration.
  - There is no facility parking and parking at public parking lots is extremely limited.

○ For convenience, we recommend use of public transportation. The Navy Yard metro stop on the Green Line (at M Street and New Jersey Ave., SE.) is across the street from DOT's New Jersey Ave entrance. There are several buses with stops nearby. See *http://www.wmata.com* for more information on trip planning.

• The FAAC meeting will be broadcast on the Internet at *http://www.dot.gov/faac.*

• There is no Internet access and laptop computers are discouraged as additional security procedures are required.

Public Comments: Public may provide comments to the FAAC on the future of the aviation industry at *http://www.regulations.gov* (DOT–OST–2010–0074) or at *faac@dot.gov.* Please be sure to title your subject line as follows:

○ Comments on Financing: "Financing"

○ Comments on Safety: "Safety"

○ Comments on Competition: "Competition"

○ Comments on Environment: "Environment"

○ Comments on Labor: "Labor"

○ Comments on other topics: "General Comments"

○ To register for the meeting: "Registration"

○ To seek additional information: "Further Information"

○ To request special assistance for persons with disabilities: "Special Assistance"

FOR FURTHER INFORMATION CONTACT: Aloha Ley, Associate Director, Small Community Development Program, 202–366–5903, *FAAC@dot.gov.*

Issued on: May 6, 2010.

Ray LaHood,

Secretary of Transportation.

[FR Doc. 2010–11247 Filed 5–10–10; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Request Extension From the Office of Management and Budget of a Currently Approved Information Collection Activity, Request for Comments; Flight Standards Customer Satisfaction Survey

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FAA invites public comments about our intention to request the Office of Management and Budget (OMB) to approve a current information collection. The FAA has initiated customer service surveys throughout the agency, requiring that every element have contact with their customers to assure that their needs are being met and that service is improved.

DATES: Please submit comments by July 12, 2010.

FOR FURTHER INFORMATION CONTACT: Carla Mauney on (202) 267–9895, or by e-mail at: *Carla.Mauney@faa.gov.*

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Flight Standards Customer Satisfaction Survey.

Type of Request: Extension without change of an approved collection.

OMB Control Number: 2120–0568.

Forms(s): There are no FAA forms associated with this collection.

Affected Public: A total of 5,000 Respondents.

Frequency: The information is collected on occasion.

Estimated Average Burden Per Response: Approximately 10 minutes per response.

Estimated Annual Burden Hours: An estimated 542 hours annually.

Abstract: The FAA has initiated customer service surveys throughout the agency, requiring that every element have contact with their customers to assure that their needs are being met and that service is improved. Data from these surveys will be analyzed by Flight Standards Service, Organizational Resources and Program Management Division, and the General Aviation and Commercial Division.

ADDRESSES: Send comments to the FAA at the following address: Ms. Carla Mauney, Room 712, Federal Aviation Administration, IT Enterprises Business Services Division, AES–200, 800 Independence Ave., SW., Washington, DC 20591.

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 estimates of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on May 5, 2010.

Carla Mauney,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. 2010–11228 Filed 5–10–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of Applications for Modification of Special Permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modification of special permits (*e.g.* to provide for additional hazardous materials, packaging design changes, additional mode of transportation, *etc.*) are described in footnotes to the application number. Application numbers with the suffix "M" denote a modification request. These applications have been separated from the new application for special permits to facilitate processing.

DATES: Comments must be received on or before May 26, 2010.

Address Comments to: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue, Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for modification of special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on April 30, 2010.

Delmer F. Billings,

Director, Office of Hazardous Materials, Special Permits and Approvals.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
MODIFICATION SPECIAL PERMITS				
3121–M	.....	U.S. Department of Defense, Scott Air Force Base, IL.	49 CFR 172.101 (Column (8c)); 177.841.	To modify the special permit to authorize the transportation in commerce of dinitrogen tetroxide with an updated emergency response plan. (HERP dated 1 April 2008).
10326–M	.....	Honeywell International, Inc., Morristown, NJ.	49 CFR 178.44; 173.302(a)(2); 175.3.	To modify the special permit to authorize the plating on the EED Cartridge connector pins to be gold and to add drawing 3258082–2 to the special permit.
11598–M	.....	Metalcraft, Inc., Baltimore, MD	49 CFR 175.3; 180.209.	To modify the special permit to authorize an additional Division 2.2 hazardous material.
11761–M	.....	Eli Lilly & Company, Clinton, MD	49 CFR 173.31(d)(1)(vi); 172.302(c).	To modify the special permit to add an additional Class 8 hazardous material.
12087–M	.....	LND, Inc., Oceanside, NY	49 CFR 172.101, (Col. 9); 173.306; 175.3.	To modify the special permit to decrease the maximum allowable pressure from 25 PSIG to 5 PSIG; to add two new design types; and allow the maximum volume of the radiation sensor to be a function of the fill pressure not to exceed 57 grams of BF3 per sensor.
12561–M	.....	Rhodia, Inc., Cranbury, NJ	49 CFR 172.203 (a); 173.31; 179.13.	To modify the special permit by amending Paragraph 7 to reflect existing AAR and 49 CFR construction specifications for DOT 111 tank cars.
14372–M	.....	Garrett Aviation Services LLC, dba Standard Aero, Augusta, GA.	49 CFR 173.301(a)(1); 173.304.	To modify the special permit to add an additional type certificate to 7.b.(2) and to allow production markings to be obliterated as part of the retest.
14447–M	.....	SNF Holding Company, Riceboro, GA.	49 CFR 177.834	To modify the special permit to authorize the addition of Class 3, 8 and Division 6.1 hazardous materials.
14457–M	.....	Amtrol Alfa Metalomecanica SA, Portugal.	49 CFR 173.304a(a)(1); 175.3.	To modify the special permit to extend the authorized cylinder service life from 15 years to 30 years.
14617–M	.....	Western International Gas & Cylinders, Inc., Bellville, TX.	49 CFR 172.203(a), 172.301(c), 180.205(f)(4), 180.205(g), 180.209(a).	To modify the special permit to add DOT 3AL cylinders to paragraph 2.a. and to add longitudinal and circumferential crack detection for DOT 3AL cylinders.
14656–M	.....	PurePak Technology Corporation, Chandler, AZ.	49 CFR 173.158(f)(3)	To modify the special permit to authorize the use of a 38 mm closure in addition to the currently authorized 45 mm tamper evident closure.
14772–M	.....	GE Hitachi Nuclear Energy Americas, LLC, Sunsol, CA.	49 CFR 173.413	To modify the special permit to authorize an increase of the total number of authorized shipments from eight (8) to twenty (20) shipments.
14815–M	.....	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.315	To reissue the special permit originally issued on an emergency basis to authorize transportation in commerce of nitrous oxide, refrigerated liquid in fifteen non-DOT specification portable tanks that were manufactured to the EN 13530 standard instead of the ASME Code Section VIII.

[FR Doc. 2010–10912 Filed 5–10–10; 8:45 am]
BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Intent To Prepare an Environmental Impact Statement; West Waukesha Bypass, Waukesha County, WI

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for transportation improvements in the planned West Waukesha Bypass corridor in Waukesha County, Wisconsin. The EIS is being prepared in conformance with 40 CFR part 1500 and FHWA regulations.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration (FHWA), in cooperation with the Wisconsin Department of Transportation (WisDOT), and Waukesha County will prepare an Environmental Impact Statement (EIS) on improvements needed to safely accommodate local and regional traffic in an approximate five mile corridor from I–94 on the north to STH 59 on the south. The EIS will evaluate no build and build alternatives for the West Waukesha Bypass.

Participation by the public, local officials, state and federal regulatory agencies, American Indian Tribes, and other interests will be solicited through public information meetings, agency coordination meetings, and a public hearing. Opportunities to be participating and/or cooperating agencies and to provide input on the project's coordination plan and impact assessment methodology will also be provided under Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU).

This study shall comply with Title VI of the Civil Rights Act and of Executive Order 12898, which prohibits discrimination on the basis of race, color, age, sex, or country of national origin in the implementation of this action. To ensure that the full range of issues related to this proposed action is addressed and all substantive issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action should be directed to FHWA or WisDOT at the addresses provided below (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction).

FOR FURTHER INFORMATION CONTACT: Tracey McKenney, P.E., Major Projects/Field Operations Manager, Federal Highway Administration, 525 Junction Road, Suite 8000, Madison, WI 53717–2157; Telephone: (608) 829–7510. You may also contact Eugene Johnson, Director, Bureau of Equity and Environmental Services, Wisconsin Department of Transportation, P.O. Box 7916, Madison, Wisconsin 53707–7916: Telephone: (608) 267–9527.

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

Authority: 23 U.S.C. 315; 49 CFR 1.48.

* Issued on: May 5, 2010.

Tracey McKenney,

Major Projects/Field Operations Manager, Federal Highway Administration, Madison, Wisconsin.

[FR Doc. 2010–11181 Filed 5–10–10; 8:45 am]
BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Fourteenth Plenary Meeting, RTCA Special Committee 205/EUROCAE WG 71: Software Considerations in Aeronautical Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 205/EUROCAE WG 71: Software Considerations in Aeronautical Systems meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 205/EUROCAE WG 71: Software Considerations in Aeronautical Systems.

DATES: The meeting will be held June 21–June 25, 2010.

ADDRESSES: The meeting will be held at Ecole Centrale Marseille, Pôle de l'Etoile, Technopôle de Château-Gombert, 38, rue Frédéric Joliot-Curie, 13451 MARSEILLE Cedex 20.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW, Suite 805, Washington, DC, 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 205: EUROCAE WG 71: Software Considerations in Aeronautical Systems meeting. The agenda will include:

Day 1—Monday June 21, 2010

- 8:30 a.m.—Registration
- 9 a.m.—Chair's Introductory Remarks
- 9:10 a.m.—Facilities Review
- 9:15 a.m.—Recognition of the FAA Federal and EASA Representatives
- 9:20 a.m.—Review of Meeting Agenda and Agreement of Previous Minutes
- 9:30 a.m.—Host Presentation
- 9:45 a.m.—Reports of Sub-Group Activity
- 10 a.m.—Other Committee/Other Documents Interfacing Personnel Reports (CAST, Unmanned Aircraft Systems, Security, WG–63/SAE S–18)
- 10:20 a.m.—Break
- 10:45 a.m.—Sub-Group Break Out Sessions
- 10:45 a.m.—New Member Introduction Session

All new committee members are invited to attend an introduction session to explain the operation of the committee, the various sub-groups and the topics they are dealing with and the web site.

- 12 p.m.—Lunch
- 1:15 p.m.—Sub-Group Break Out Sessions
- 1:15 p.m.—CAST Meeting
- 3 p.m.—Break
- 3:15 p.m.—Plenary Session: Text Acceptance (for papers posted, commented on and reworked prior to Plenary)
- 5 p.m.—Close of Day
- 5–6 p.m.—Executive Committee and SG Chairs/Secretaries Meeting

Day 2—Tuesday, June 22, 2010

- 8:30 a.m.—Sub-Group Break Out Sessions
- 10 a.m.—Break
- 10:30 a.m.—Sub-Group Break Out Sessions
- 12:30 p.m.—Milestone: IP submittals due for Wednesday Plenary
- 12:30 p.m.—Lunch
- 1:30 p.m.—Sub-Group Break Out Sessions
- 14:45 p.m.—Break
- 3 p.m.—Mandatory Paper Reading Session
- 5 p.m.—Close
- 5 p.m.—Executive Committee and SG Chairs/Secretaries Meeting

Day 3—Wednesday, June 23, 2010

- 08:30 a.m.—IP Comment Reply & Sub-Group Break Out Sessions (focused on finalizing any changes to papers being presented later in the morning)
- 10 a.m.—Break
- 10:30 a.m.—Plenary Text Acceptance (for papers posted, commented on and reworked prior to Plenary)
- 12:30 p.m.—Lunch
- 1:30 p.m.—Sub-Group Break Out Sessions
- 1:30 p.m.—CAST Meeting (to 17:00)
- 2:45 p.m.—Break
- 3 p.m.—Sub-Group Break Out Sessions
- 5 p.m.—Close
- Evening—Social Event

Day 4—Thursday, June 24, 2010

- 8:30 a.m.—Sub-Group Break Out Sessions
- 10 a.m.—Break
- 10:30 a.m.—Sub-Group Break Out Sessions
- 12:30 p.m.—Milestone: IP submittals due for Friday Plenary
- 12:30 p.m.—Lunch
- 1:30 p.m.—Plenary Session
- 2:45 p.m.—Break
- 3 p.m.—Mandatory Paper Reading Session
- 5 p.m.—Close
- 5 p.m.—Executive Committee and SG Chairs/Secretaries Meeting

Day 5—Friday, June 25, 2010

- 8 a.m.—IP Comment Reply & Sub-Group Break Out Sessions (focused on finalizing any changes to papers being presented during the morning)
- 9:30 a.m.—Break
- 10 a.m.—Plenary Text Approval (reworked and late posted papers—with late posted papers only being accepted if (a) the changes are very minor in nature, and (b) adequate time has been allowed for the review of the papers).
- 12 p.m.—SG1: SCWG Document Integration Sub-Group Report
- 12:05 p.m.—SG2: Issue & Rationale Sub-Group Report
- 12:10 p.m.—SG3: Tool Qualification Sub-Group Report
- 12:15 p.m.—SG4: Model Based Design & Verification Sub-Group Report
- 12:20 p.m.—SG5: Object Oriented Technology Sub-Group Report
- 12:25 p.m.—SG6: Formal Methods Sub-Group Report
- 12:30 p.m.—SG7: Special Considerations Sub-Group Report
- 12:35 p.m.—Next Meeting Information
- 12:40 p.m.—Any Other Business, Closing Remarks & Meeting Adjourned
- 12:45 p.m.—Meeting Evaluation (Round Robin)

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the "**FOR FURTHER INFORMATION CONTACT**" section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on May 5, 2010.

Francisco Estrada C.,

RTCA Advisory Committee.

[FR Doc. 2010–11217 Filed 5–10–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Seventeenth Plenary Meeting: RTCA Special Committee 203: Unmanned Aircraft Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 203: Unmanned Aircraft Systems.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 203: Unmanned Aircraft Systems.

DATES: The meeting will be held June 8–10, 2010 at 9 a.m.

ADDRESSES: The meeting will be held at the Willie Miller Instructional Center, Embry-Riddle Aeronautical University, 600 S. Clyde Morris Blvd., Daytona Beach, FL 32124–3900.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 203: Unmanned Aircraft Systems meeting. The agenda will include:

Tuesday, June 8

- 9 a.m.—Opening Plenary
- Introductory Remarks and Introductions
- Leadership Updates
- FAA Status Reports
- Workgroup reorganization
- TOR Update—Discussion on Changes
- RTCA Workspace Web Tool
- Special Committee Status Overview
- Workgroup Updates
- WG1—Systems Engineering
- WG2—Control and Communications
- WG3—Sense and Avoid
- WG4—Safety
- Close Plenary
- Breakout sessions–Remainder of June 8, 2010; June 9—10, 2010
- June 10, 2010 will conclude with Work Group briefings

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on May 5, 2010.

Francisco Estrada C.,

RTCA Advisory Committee.

[FR Doc. 2010–11222 Filed 5–10–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Meeting on Future Policy and Rulemaking for Normal, Utility, Acrobatic, and Commuter Category Small Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FAA Small Airplane Directorate is issuing this notice to advise the public of a meeting to discuss ideas for future policy and rulemaking for small airplanes. We are attempting to determine the adequacy of the current airworthiness standards thoughout a small airplane's service life while anticipating future requirements. The outcome could affect the next 20 years of small airplane design, certification, and operations.

DATES: The meeting will be held June 8–9, 2010, from 8 a.m. to 5 p.m. each day.

ADDRESSES: The meeting will be held at the Hilton Garden Inn Scottsdale North/Perimeter Center; 8550 East Princess Drive; Scottsdale, AZ 85255; phone number 480–515–4944.

FOR FURTHER INFORMATION CONTACT: Mr. Lowell Foster, Regulations and Policy, ACE–111, Federal Aviation Administration, 901 Locust St., Kansas City, MO 64106; *telephone:* (816) 329–4125; facsimile (816) 329–4090; *e-mail: lowell.foster@faa.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public meeting to review 14 CFR part 23 regulations. We

encourage the public's participation and feedback in developing or amending new and existing policy, guidance, and rulemaking. Specifically, we would like feedback from manufacturers, pilots, owners, mechanics, instructors and anyone else with an interest in the small airplane industry.

The Small Airplane Directorate is responsible for 14 CFR part 23, the design standard for small airplanes. 14 CFR part 23 contains the design standards for small airplanes in the normal, utility, acrobatic, and commuter categories, with a maximum gross weight of 19,000 pounds.

The FAA's Small Airplane Directorate plans to host this second meeting to review the part 23 requirements June 8–9, 2010. The meeting will not follow a fixed agenda, but the discussions will generally follow the findings from a recent two-year study. That study, the "Part 23 Small Airplane Certification Process Study," addressed the following areas:

- Structure and Process of Part 23
- Design Certification
- Continued Airworthiness
- Data Management
- Pilot Interface

The report is available on-line at: *http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/air/directorates_field/small_airplanes/*.

Included in the study are recommendations associated with certification, maintenance, modifications, and pilot training. Also included in the report is the recommendation to revise part 23 such that requirements are based on airplane performance and complexity. Since the beginning, small airplane certification requirements have been based on propulsion and weight. Many previous assumptions for small airplanes are no longer accurate. This is discussed in detail in the Certification Process Report.

The FAA plans to open this meeting with a detailed presentation from the Certification Process Study findings followed by opening the floor for discussions. There will be an official recorder participating at the meeting. The meeting minutes, as well as any comments, feedback, recommendations or action items will become public record.

Attendance is open to the interested public but limited to space availability. Since seating is limited, we ask anyone interested in attending to RSVP (notify) Lowell Foster at the phone or e-mail address listed in the **FOR FURTHER INFORMATION CONTACT** section.

Issued in Kansas City, Missouri, on May 3, 2010.

Wes Ryan,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–11080 Filed 5–10–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration (FAA)

[Docket No. FAA–2010–0109]

Notice on Petition for Waiver of the Terms of the Order Limiting Scheduled Operations at LaGuardia Airport

ACTION: Grant of petition with conditions.

SUMMARY: The Secretary and the FAA are granting, subject to conditions, the joint waiver request of Delta Air Lines and US Airways from the prohibition on purchasing operating authorizations ("slots" or "slot interests") at LaGuardia Airport (LGA). The grant permits the carriers to consummate a transaction in which Delta would transfer 42 pairs of slot interests to US Airways at Ronald Reagan Washington National Airport (DCA), international route authorities to São Paulo and Tokyo; and terminal space at the Marine Air Terminal at LGA. US Airways would transfer 125 pairs of slot interests to Delta at LGA, and would lease an additional 15 pairs of LGA slot interests with a purchase option, together with terminal space in LGA's Terminal C. The grant is subject to the conditions that the carriers dispose of 14 pairs of slot interests at DCA and 20 pairs of slot interests at LGA to eligible new entrant and limited incumbent carriers, pursuant to procedures set out in this Notice, and achieve a mutually satisfactory agreement regarding gates and associated facilities with any such purchaser.

If you wish to review the background documents or comments received in this proceeding, you may go to *http://www.regulations.gov* at any time and follow the online instructions for accessing the electronic docket. You may also go to the U.S. Department of Transportation's Docket Operations in Room W12–140 on the ground floor of the West Building at 1200 New Jersey Avenue, SE., Washington, DC between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays.

DATES: The waiver is effective upon Delta and US Airways satisfying the conditions required by this Notice. On February 9, 2010, the FAA issued the Notice of petition for waiver and solicited comments through March 22, in this Docket, on the grant of the petition with conditions. (75 FR 7306, Feb. 18, 2010). On March 30, 2010, the FAA reopened the comment period and solicited rebuttal comments through April 5, 2010. (75 FR 16574, Apr. 1, 2010).

FOR FURTHER INFORMATION CONTACT: Rebecca MacPherson, Assistant Chief Counsel for Regulations, by telephone at (202) 267–3073 or by electronic mail at *Rebecca.macpherson@faa.gov;* or Jonathan Moss, Deputy Assistant General Counsel for Operations, by telephone at (202) 366–4710 or by electronic mail at *jonathan.moss@dot.gov.*

SUPPLEMENTARY INFORMATION:

The Proposed Transaction and the Waiver Request

In the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR–21), Public Law 106–181 (2000), Congress required a phase out and termination of the High Density Rule (HDR) [1] at LGA by January 1, 2007.[2] Congress expressly retained the FAA's authority for "safety and the movement of air traffic." [3] The FAA eliminated the terms of the HDR applicable at LGA; however, the demand for flights at LGA and resultant severe congestion prompted the FAA to re-impose quotas by means of an order published in 2006 and subsequently amended ("LGA Order" or "Order").[4] The LGA Order, issued under the FAA's authority to regulate the use of navigable airspace,[5] assigned to the incumbent carriers at LGA their slot interest holdings and authorized them to lease or trade authorizations for any consideration for the duration of the Order. The Order, originally scheduled to expire October 24, 2009, was extended through October 29, 2011. The Order does not allow for the purchase or sale of slot interests at LGA, and the

[1] The HDR is codified at 14 C.F.R. Part 93, Subparts K and S.

[2] 49 U.S.C. 41715(a)(2).

[3] 49 U.S.C. 41715(b)(1).

[4] Operating Limitations at New York LaGuardia Airport, 71 FR 77,854 (Dec. 27, 2006); 72 FR 63,224 (Nov. 8, 2007) (transfer, minimum usage, and withdrawal amendments); 72 FR 48,428 (Aug. 19, 2008) (reducing the reservations available for unscheduled operations); 74 FR 845 (Jan. 8, 2009) (extending the expiration date through Oct. 24, 2009); 74 FR 2,646 (Jan. 15, 2009) (reducing the peak-hour cap on scheduled operations to 71); 74 FR 51,653 (Oct. 7, 2009) (extending the expiration date through Oct. 29, 2011).

[5] 49 U.S.C. 40103(b) directs the FAA to develop plans and policy for the use of the navigable airspace and, by order or rule, to regulate the use of the airspace as necessary to ensure its efficient use.

only way for a carrier to purchase or sell such interests is therefore through obtaining a waiver of the Order. The FAA is authorized to grant waivers when it determines that "the exemption is in the public interest." 49 U.S.C. 40109.

In addition to limitations on the number of operations, both airports also are subject to "perimeter rules" that prohibit nonstop flights to and from airports beyond an established perimeter. DCA's, at 1,250 miles, is set by Federal statute.[6] The perimeter rule at LGA was imposed by the Port Authority of New York and New Jersey.[7] Banning flights to cities more than 1,500 miles away, the Rule was imposed in 1984 in an effort to ease ground congestion at the airport.

Two air carriers, Delta and US Airways, have proposed an exchange of slot interests at these two airports. This exchange, which could potentially impact as many as 182 round-trip operations at the two airports,[8] would qualify as a purchase under both the Order and the HDR.[9] The carriers consider the slot interest exchanges to be part of an integrated transaction because the sale of US Airways' slot interests to Delta at LGA is conditional upon the purchase by US Airways of Delta's slot interests at DCA.

FAA's Tentative Determination

On February 9, 2010, we issued a Notice for publication in the **Federal Register** that we had received from US Airways and Delta a petition for waiver of the LGA Order, and tentatively approved the proposed transaction subject to certain conditions.[10] In conditionally approving the transaction, we stated our tentative determination that, while the proposed transaction had a number of benefits, a grant of the waiver in its entirety would result in a substantial increase in market concentration that would harm consumers. The public interest would best be served, we tentatively found, by creating new and/or additional competition at the airports to counterbalance that harm, specifically through divestiture of 14 pairs of slot interests at DCA and 20 pairs of slot interests at LGA to new entrant and limited incumbent carriers. We proposed the divestiture of two slot-pair bundles at DCA with Bundle A containing 8 pairs and Bundle B containing 6 pairs; and four slot-pair bundles at LaGuardia, with Bundle A containing 8 pairs and Bundles B–D containing 4 pairs per bundle.

In the Notice, we noted that if the proposed transaction were approved as presented, it would lead to significantly increased concentration at DCA for US Airways and at LGA for Delta. Based on their February 2010 schedules, US Airways would raise its share of departures at DCA from 47 to 58%, with its share of slots (including regional affiliates) increasing from 44 to 54%. This increase would make it three times the size of its closest competitor (American Airlines). At LGA, Delta (with its affiliates) would ascend to a dominant position, raising its share of departures from 26 to 51% and its share of slots from 24 to 49%. Delta would become two and one-half times the size of its closest competitor (also American), and LGA would transition from an airport with three competing carriers of similar size to one having a single dominant carrier.

The Notice stated concern that due to a dominance of this magnitude, other incumbent carriers would be limited in exerting competitive pressures and disciplining fares. This concern was further compounded by the fact that low-cost carriers ("LCCs")—which create the most competitive impact by the ability to dramatically lower fares and increase the volume of passengers in a market—had only a limited presence at DCA and LGA. Together, they have only 3.3% of slot interest holdings at DCA, and 6.8% at LGA.[11]

Another concern raised in the Notice was that, if the proposed transaction were approved as submitted, more markets would be served on a monopoly or dominant basis. In a number of instances either US Airways or Delta would depart a market in which they both compete, leaving the other in a monopoly position. In others, where only one of the two currently compete, the serving carrier would depart the market and the other would enter it, assuming a monopoly or dominant position in which it would have even greater pricing power by virtue of its increased concentration at DCA or LGA. We tentatively concluded that the transaction would produce higher fares for consumers in certain domestic markets, as the fewer the number of carriers competing in a market the more likely it is that the fares will be higher. Moreover, our analysis of US Airways' and Delta's fares at DCA and LGA showed that they tended to charge higher fares when they operate monopoly or dominant routes from those airports.[12]

We also considered whether the three airports in the New York area, and the three in the Washington area, effectively disciplined fares at one another, such that if fares are perceived to be rising too high at one airport, the harm would be mitigated by consumers simply shifting to the other two. In analyzing both overlap and all markets at the airports, we found that yields *(i.e.,* revenue per passenger mile) were substantially different among the airports.[13] The average yield in all markets at BWI is 48% less than DCA, and the average yield in all markets at Dulles is 37% less than DCA. Similarly, the average yield at JFK is 28% less than at LGA, and Newark is 9% less than at LGA. We reasoned that if the airports were effective economic substitutes for all passengers, the yield spreads would not differ so significantly.

We also found that these differences in the level of yields at area airports

[6] 49 U.S.C. 49109. Slot exemptions specifically authorized by Congress have allowed 24 slots to be used for beyond-perimeter nonstop operations, with US Airways holding 6 for service to Phoenix and 2 for Las Vegas, and Delta holding 2 for Salt Lake City. 49 U.S.C. 41718.

[7] The United States Court of Appeals for the Second Circuit upheld the right of the Port Authority of New York and New Jersey, as airport proprietor, to adopt perimeter rule under the circumstances at the time. *Western Air Lines* v. *Port Authority of N.Y. and N.J.,* 817 F.2d 222 (2d Cir. 1987).

[8] The transaction affects almost 10% of the total number (832) of DCA slots and more than 20% of the total number (1147) of LGA slots.

[9] 14 CFR 93.221.

[10] 75 FR 7308 (Feb. 18, 2010).

[11] Following the issuance of the Notice, JetBlue received eight slot pairs at DCA from American Airlines in a temporary slot transfer that will expire October 29, 2011. JetBlue announced on April 28, 2010 that it planned to initiate service using those slot pairs beginning November 1, 2010. Including these temporary slots, LCCs will have 5.2% of the slot interests at DCA.

[12] DOT calculated that, at DCA, US Airways charged on average 124% of the Standard Industry Fare Level (SIFL), a cost-based index that the Department has used historically to assist in its evaluation of pricing. However, in markets where it held a 95 to 100% share of nonstop departures, US Airways charged substantially more. Delta, having a less strong position at LGA than US Airways at DCA, tends to price more competitively, averaging only 89% of the index figures with its current slot interest holdings. However, we anticipate that Delta's increased market share after the transaction would permit it to increase the percent of SIFL associated with its service at LGA. In comparison, at Washington Dulles International Airport (IAD), the average of all carriers' fares vs. SIFL is 77%, and at Thurgood Marshall Baltimore-Washington Airport (BWI) the figure is 65%. The fares of the largest carrier at IAD, United Airlines, average 90% of SIFL, while those of the largest carrier at BWI, Southwest Airlines, average 65%. At Newark Liberty International (EWR), the average of all carriers' fares vs. SIFL is 71%, and at JFK the figure is 57%. The fares of the largest carrier at EWR, Continental Airlines, average 71% of SIFL, while those of the largest carrier at JFK, JetBlue, average 57%. The NYC/Washington airports that have the largest proportion of low-cost carriers consistently provide lower fares. A further discussion of our SIFL methodology appears below.

[13] Specifically, yield at DCA is 27 cents per mile, vs. 17 cents at Dulles and 14 cents at BWI, while yield at LGA is 20.5 cents per mile, vs. 18.7 cents at EWR and 14.7 cents at JFK.

tended to correlate with the level of low cost carrier operations. Thus, passengers paid more for nonstop service of equivalent distance at DCA and LGA than at alternative airports that have sizable LCC competition. For example, for trips out to 1000 miles, passengers at LGA pay 23% more on average than those at JFK ($147 vs. $120 each way). Passengers at DCA pay 64% on average more than those at BWI ($184 vs. $113 each way).

We also noted that Delta and US Airways were not committed to any markets for defined periods, and were free to discontinue those that were being proposed as part of the transaction and initiate routes elsewhere. We expressed concern that, given their added slot holdings, they could use those to target smaller competitors, for example by increasing their roundtrips in competitive markets and "sandwiching" competitor flights. The competitive harm, we feared, would occur not just at the city-pair level, but at the network or airport level as well, particularly given the finding that the other area airports did not serve as effective substitutes for each other.

These concerns—the combination of increased airport concentration, the increase in the number of monopoly or dominant markets in which increased pricing power could be exercised, and the potential for use of transferred slot interests in an anticompetitive manner—led us to propose that a relatively limited number of slots be divested as a condition for approving the transaction. At DCA, we proposed that 14 pairs be divested, to new entrant or limited incumbent carriers—enough to initiate and/or increase service in one large market or multiple smaller markets. At LGA, we proposed a divestiture of 20 pairs to such carriers, in combinations that would allow new competition in three or four new markets. We reasoned that the relatively modest divestitures would allow the parties to realize almost all of their purported benefits, while limiting the increase in concentration at the airports and providing opportunities for greater competition.[14]

We also tentatively determined that the divestitures be made to U.S. or Canadian air carriers having fewer than five percent of the total slot holdings at the airport in question.[15] This approach was designed to exclude carriers that already offer a level of service sufficient to affect pricing in the market, and include both limited incumbents that with few slots were most vulnerable to anticompetitive strategies, and new entrants that could bring the prospects of increased efficiencies and capacity, as well as vigorous price competition to the markets.

We also proposed that the proceeds of the divestiture sales be collected and retained by the divesting carriers; that the divesting carriers be required to take their actions within a 60-day period; that carriers purchasing the slot interests be precluded from re-selling or leasing them to carriers that were ineligible to participate as purchasers in the divestiture proceeding; that the slot interests be sold in identified "bundles" (with specific times we indicated) so as to enable the purchasers of the slots to operate competitive service with them with times spread across the day. We also solicited comments on the specific means by which the carriers might sell the slot interests, noting such options as through private sales after FAA-monitored outreach efforts; through a blind, cash-only, process over an FAA Web site; and through an FAA Web site-based outreach process that allowed the carriers to negotiate the consideration and terms of sale with eligible purchasers.

The Notice invited interested parties to submit their comments by March 22, 2010, to the docket management office at DOT, identifying them by docket number FAA 2010–0109. The comments that were received are summarized in Appendix A.[16]

US Airways-Delta Divestiture Counterproposal

On March 22, in their comments, US Airways and Delta stated that, as they were "mindful of the concerns expressed by FAA" and desiring of a solution that would permit them to move forward, they had entered into provisional divestiture agreements with four carriers that were eligible under the terms of the Notice for 15 slot pairs at LGA and 4.5 slot pairs at DCA. The 15 slot pairs at LGA would be transferred, five each, to AirTran Airways, Inc., Spirit Airlines, Inc., and WestJet, Inc. over periods of up to 28 months; the 4.5 pairs at DCA would be transferred to JetBlue Airways, Inc. The carriers added that these more limited divestitures, "while diminishing the benefits of the transaction," would preserve enough of the benefits to permit them to go forward. As explained in their joint filing with the new entrant/limited incumbent carriers to which they would divest slots under their counterproposal: (1) At DCA, JetBlue would acquire 4.5 pairs of slots (JetBlue intends otherwise to add one off-peak hour slot to complete a 5-roundtrip service pattern); (2) at LGA, AirTran, Spirit, and WestJet would acquire 5 pairs of slots each, respectively, for a total of 15 pairs; (3) in all cases, the acquisition would be conditioned on FAA's grant of the LGA Waiver request; (4) the JetBlue transfer would take place relatively soon, but Delta would continue service with the slots under a lease from JetBlue for a period; (5) the AirTran and Spirit transactions would occur over a 24-month period at dates of their choosing; and (6) the WestJet transaction would occur at a date of its choosing within 28 months, and WestJet and Delta will be negotiating other commercial arrangements as well.

The Joint Applicants also stated that if the FAA grants the waiver subject to the proposed divestiture conditions, they would not consummate the transaction, and reserved the right to seek judicial review.

Given the issues raised by the Joint Applicants' counterproposal, the FAA determined that it was in the public interest to reopen the comment period through April 5. The rebuttal and supplemental comments are also summarized in Appendix A. We grant all motions for leave to file late comments, and all comments to date were accepted into the docket.

Statutory Authority To Grant Waiver Subject to Slot Interest Divestitures

The FAA and the Secretary have authority to grant the requested waiver of the LaGuardia Order, and to grant the waiver subject to certain conditions.[17]

[14] US Airways and Delta also filed a notification and report with the Antitrust Division of the Department of Justice (DOJ) under the Hart-Scott-Rodino Act, 15 U.S.C. 18a (HSR). Under the HSR process, DOJ reviews the transaction to determine whether it would substantially lessen competition or have other significant anticompetitive effects. Documents relevant to the HSR review were submitted to DOJ by the carriers, with access provided also to DOT, which independently assists DOJ in its analysis of the transaction. DOJ is continuing its review under HSR and has participated with comments in support of the Department's tentative determination in this proceeding.

[15] To ensure the integrity of the 5% proposal, we also tentatively determined that carriers eligible to receive divested slots not code share with any carrier that has 5% or more slot holdings, and are not subsidiaries, either partially or wholly-owned, of a company whose combined slot interest holdings are equal to or greater than 5% at LGA and/or DCA. Carriers that would not qualify include those who are involved in a code-share relationship at DCA/LGA with carrier(s) that also would not qualify as of the date of the Notice.

[16] We have also placed in the docket a number of other letters the Department received in connection with the Delta-US Airways proposal, which were generated before the docket was established. These were typically general letters of support for the proposal.

[17] Petition for Waiver of the Terms of the Order Limiting Scheduled Operations at LaGuardia Airport, 75 FR 7306 at 7307 (Feb. 18, 2010). The

The FAA is authorized to grant an exemption when the Administrator determines the "exemption is in the public interest." 49 U.S.C. 40109. The Administrator may "modify or revoke an assignment [of the use of airspace]" when required in the public interest. 49 U.S.C. 40103(b)(1). Courts have upheld the conditions an agency may place on its approval of a transaction to meet public interest standards.[18]

Further, our consideration of Delta's and US Airways' request to waive the terms of the LaGuardia Order complies with and carriers out AIR–21's mandate to instill competition at slot-controlled airports and doing so in conjunction with considering the Secretary's Section 40101(a)'s pro-competitive public interest factors.[19] Congress did not exclude the Administrator from considering the "public interest" to include factors beyond "safety," "national defense" and "security." Rather, Congress expressly directed the Administrator to consider those matters "among others." Accordingly, as we articulated in our February Notice, it is rational for the FAA to consider, as being in the "public interest," "other factors" including the fostering of competition in the context of the slot program. The "public interest" includes policies furthering airline competition, as provided in 49 U.S.C. 40101(a)(4), (6), (9), (10), (12)–(13) and (d). These goals have been public policy since at least the time of adoption of the Airline Deregulation Act of 1978, Public Law 95–504 (92 Stat. 1705), and they include (among others) maximizing reliance on competitive market forces; avoiding unreasonable industry concentration and excessive market domination; and encouraging entry into air transportation markets by new carriers.[20]

The FAA Consistently Exercises Its Slot Allocation Authority in a Pro-Competitive Fashion

None of the commenters dispute the fact that the FAA has the authority to limit flight operations at congested airports and to distribute and allocate landing and takeoff reservations (slot interests) to designated air carriers at controlled airports. The FAA holds this power due to its authority to manage and control the "efficient use of airspace," to assign the use of airspace and to modify or revoke such an assignment in the public interest. 49 U.S.C. 40103(b)(1).

Managing slot allocations is a subset of controlling the navigable airspace; and courts are clear that the FAA may consider pro-competitive policies in carrying out its powers to manage the efficient use of navigable airspace. In *Northwest Airlines, Inc.* v. *Goldschmidt,* 645 F.2d 1309, 1315–16, 1318 (8th Cir. 1981), the Court found that the FAA may allocate slots, divest them from incumbent carriers and reallocate them to requesting new entrants, mindful of the pro-competitive policy of the Airline Deregulation Act of 1978. That case analyzed the FAA's reallocation of slots under the HDR, 14 CFR part 93, subpart K. At the time, the HDR limited flight operations at congested airports in order to reduce landing and takeoff delays and permitted airline scheduling committees to allocate the slots among interested carriers. (The committees operated under antitrust immunity, granted by the then-operative Civil Aeronautics Board.) When the scheduling committee refused to provide slots to a new entrant at Washington National Airport, the allocation process broke down and the FAA attempted to resolve the distribution process by requiring incumbent carriers to yield slots or move slot times to new entrants.

The United States Court of Appeals for the Eighth Circuit rejected arguments that the HDR was limited to safety functions only and that the operative statute (Section 40103) did not authorize slot allocation by the FAA. The holding in that case—that the power to manage the efficient use of airspace comprises the power to allocate slots and that the FAA may validly divest slots, in consideration of the pro-competitive policy of the Airline Deregulation Act—should suffice to resolve concerns about our statutory authority to condition a waiver of a slot transfer transaction on a divestiture of slot interests to foster a competitive environment.[21]

The FAA also relied in large part on the Airline Deregulation Act's pro-competition policies when it issued the "Buy-Sell" amendment to the HDR. The Buy-Sell Rule provided a secondary market in slots and imposed a minimum utilization requirement and an administrative lottery mechanism giving preference to new entrants.[22] The Buy-Sell Rule, 14 CFR part 93, subpart S, High Density Traffic Airports; Slot Allocation and Transfer Methods, 50 FR 52,180 (Dec. 20, 1985). The preamble specifically stated that the rule relies on the FAA's "statutory responsibilities including the need to place maximum reliance on market forces" in allocating slots. 50 FR at 52,182.[23] That regulation opened up a secondary market for slot interests by permitting holders to buy or

LaGuardia Order was issued under the FAA's authority to "develop plans and policy for the use of the navigable airspace and assign by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace." 49 U.S.C. 40103(b)(1). Operating Limitations at New York LaGuardia Airport, 71 FR 77,854 (Dec. 27, 2006); 72 FR 63,224 (Nov. 8, 2007) (transfer, minimum usage, and withdrawal amendments); 72 FR 48,428 (Aug. 19, 2008) (reducing the reservations available for unscheduled operations); 74 FR 845 (Jan. 8, 2009) (extending the expiration date through Oct. 24, 2009); 74 FR 2,646 (Jan. 15, 2009) (reducing the peak-hour cap on scheduled operations to 71); 74 FR 51,653 (Oct. 7, 2009) (extending the expiration date through Oct. 29, 2011).

[18] *See South Dakota* v. *Dole,* 483 U.S. 203, 208 (1987) ("The Federal Government may establish and impose reasonable conditions relevant to Federal interest * * * and to the over-all objectives thereto"); *N.Y. Cent. Sec. Corp.* v. *United States,* 287 U.S. 12 (1932) (upholding Interstate Commerce Commission order approving the acquisition of the "Big Four" railroad companies by N.Y. Central upon the condition that it also acquire short line railroads on certain terms).

[19] Neither the Joint Applicants nor other carriers arguing against the waiver conditions cite any cases prohibiting the FAA or the Secretary from considering competitive goals in the public interest. *N.Y., op cit.,* upheld an agency's public interest conditions to an acquisition, despite the industry's opposition to the conditions. That decision affirmed the Interstate Commerce Commission's conditions to the New York railroad's acquisition of the "Big Four" railroads on the asserted "burdensome" condition of acquiring the short-lines. Similarly, our conditions to the waiver are intended to promote the public interest by fostering and promoting competition in the airline industry and to benefit the traveling public.

The fact that the Supreme Court vacated a National Highway Traffic Safety Administration rescission of its "passive restraint" rule on the grounds that NHTSA relied on a factor Congress had not intended it to consider has no bearing on the fact that the FAA may legitimately consider public interest factors in carrying out the slot program. *Motor Vehicle Mfrs. Ass'n of U.S., Inc.* v. *State Farm Mut. Auto. Ins. Co.,* 463 U.S. 29, 44 (1983).

[20] Reliance on *United States* v. *Oberle,* 136 F.3d 1414, 1423–34 (10th Cir. 1998), for the proposition that Congress should have included pro-competitive factors in Section 40101(d), is misplaced. That case held the Government did not need to reach a burden-of-proof level of "beyond a reasonable doubt" in applying the "three strikes" enhanced sentencing statute.

[21] *See* Eileen M. Gleimer, *Slot Regulation at High Density Airports: How Did We Get Here and Where Are We Going?,* 61 J. Air L. & Com. 877, 883, fn. 25 (1996), stating that the court determined the action was within the agency's statutory authority and "was consistent with the pro-competitive policies of the Airline Deregulation Act."

[22] In creating an administrative mechanism to lottery new and withdrawn slots with a preference for new entrants, the Buy-Sell Rule was informed by the Airline Deregulation Act to expressly give "special consideration" to new entrants. 50 FR at 52185.

[23] The Buy-Sell Rule's major objective was to achieve the policy goals of the Airline Deregulation Act, that is, to maximize competition at the congested airports, by giving new entrant carriers an opportunity to purchase slots:

[T]he ability to buy and sell slots also removes existing artificial barriers to entry into high density airport markets. The elimination of barriers to entry is essential for the optimal operation of a competitive market. The rule accomplishes this by placing new entrants in the same position as incumbent carriers desiring additional slots. 50 FR at 52186.

sell slots for any consideration from or to any person.[24]

The following year, the FAA further carried out an administrative mechanism giving a preference to new entrants at slot-controlled airports by implementing a "reverse lottery" withdrawing up to 5% of slots from incumbent carriers and reallocating them to new entrant and limited incumbent carriers. Special Slot Withdrawal and Reallocation Procedures, 51 FR 8632 (Mar. 12, 1986). The FAA considered pro-competitive public interest factors in justifying the preferential nature of the lottery by noting that there had been "very little opportunity for new entry by air carriers" at the HDR-controlled airports and that providing "immediate access" for them would "serve the pro-competitive principles of the Airline Deregulation Act." 51 FR at 8633, 8635.

The FAA has consistently relied on pro-competitive policy goals in carrying out its slot programs. For example, in 1992, the FAA amended the Buy-Sell Rule to expand protections and treatment afforded to new entrant and limited incumbent carriers at airports regulated by the HDR, explaining that the amendments "enhance competition by affording new entrant and limited incumbent carriers greater access." High Density Traffic Airports; Slot Allocation and Transfer Methods, 57 FR 37,308 at 37,309 (Aug. 18, 1992). During 2000, when instituting the phase-out of the HDR at LaGuardia, the FAA issued a notice of intent to conduct a lottery of the AIR–21 slot exemptions granted at LaGuardia, specifically identifying new entrant and limited incumbent carriers to be eligible for the lottery. Further, the temporary "slot" regulation at O'Hare International Airport applied pro-competitive policies from the Airline Deregulation Act in granting preferential treatment to new entrant and limited incumbent airlines in assigning new or withdrawn slot interests. Congestion and Delay Reduction Rule at Chicago O'Hare International Airport, 14 CFR part 93, subpart B; 14 CFR 93.30.

The FAA has the authority to consider pro-competitive factors under several statutory sources, notably Sections 40101(d) (as described above), 40103(b) (authorizing the FAA to manage the "efficient" use of airspace),[25] 40103(e) (directing the FAA to prohibit the exclusive use of air navigation facilities),[26] and 47107(d) (requiring the FAA to carry out its airport and airway program in a manner fostering competition).[27] It is appropriate for the FAA to use these tools in response to the request before us, to approve a significant slot interest transaction that would affect the competitive structure of the aviation industry at two important, slot-controlled airports. By conditioning the waiver on slot divestitures, the FAA is carrying out Congressional intent to ensure the provision of opportunities for competition in the slot program.[28]

Furthermore, we disagree with the argument made by some commenters that the FAA regulations in 14 CFR part 11 allow the FAA to consider only safety matters in deciding whether or not to grant an exemption or waiver request. The FAA regulations require the applicant for a waiver to address, in addition to safety concerns, why the request "would be in the public interest, that is, how it would benefit the public as a whole" and to provide any additional information supporting the request. 14 CFR 11.81(d), (g). As indicated in the body of this Notice, we do not find that petitioners satisfied the "public interest" concern showing how the transaction—without our proposed divestiture remedy—would benefit the public as a whole.

Moreover, in a situation such as this, where two major domestic airlines seek the approval of a dramatic market shift with significant economic and competitive impact on the aviation industry and the traveling public, the Administrator does not act without input and guidance from the Secretary. As the head of the Department, the Secretary has broad oversight of significant FAA decisions.[29] In evaluating the waiver request, the Secretary considers the public interest in furthering airline competition, as provided in 49 U.S.C. 40101(a)(4), (6), (9), (10), (12) and (13). The waiver of the LGA Order on the conditions set forth in this Notice carries out the Congressional intent of AIR–21 to allow for new airline entry, to increase competition, and lower inflated prices at the slot-controlled airports.[30] The Secretary has previously conditioned air carrier route transfers and grants of antitrust immunity on the divestiture of slots and/or other assets for the purposes of ensuring competitive opportunities for other airlines.[31] Accordingly, the Secretary (i) has the authority to waive the terms of the LaGuardia Order to further the Secretary's public interest goal of maximizing airline competition, among other things; and (ii) may condition the waiver on carriers taking specific actions that foster competition at slot-controlled airports.

[24] Were we unable to consider pro-competitive factors in implementing our authority over navigable airspace, it is very likely we would not have issued the Buy-Sell Rule in the first place. In that event, it would not have been possible for the petitioners to seek approval for the transaction before us. The Airline Deregulation Act, which "replaced the old form of regulation with a new economic regime that relied heavily on free-market mechanisms," (*Delta Air Lines, Inc.* v. *C.A.B.,* 674 F.2d 1, 3 (D.C. Cir. 1982) spawned new entrant airlines clamoring to enter the highly-regulated slot-constrained airports.

In this regard, we note, as does the U.S. Department of Justice in its comments in this docket, that the petitioners' arguments about lack of FAA authority over pro-competitive slot divestitures are in stark contrast with their previous assertions that the FAA has the authority to re-implement the Buy-Sell provision at LaGuardia and that this provision "has worked to promote new entry and enhance competition at 'capped airports' for more than two decades." Comments of Delta Air Lines at 3, Docket No. FAA–2006–25755 (July 14, 2009), Reply Comments of the United States Department of Justice, Public Version, at 12.

[25] In the context of the slot program, ensuring the "efficient" use of airspace means making productive use of the slots including operating larger aircraft with lower costs and offering lower fares to consumers, resulting in more passengers per flight. New entrant and limited incumbent carriers typically use larger aircraft and offer lower fares and "would most likely be more efficient, from a consumer benefit standpoint." *See* Department of Justice Reply Comment at 6–7.

[26] Without the slot divestiture conditions, the transaction would lead to significantly increased airline concentration at DCA and LGA; the carriers would increase the number of markets they serve on a monopoly or dominant basis and charge premium airfares, thus negating the purpose of the prohibition on exclusive rights at Federally-assisted facilities. *See* 40 U.S.A.G. 71 (1941), stating that the purpose of the provision is to "promote and encourage competition in civil aeronautics."

[27] Congress directed the FAA to ensure that each airport and airway program be carried out "consistently" with Section 40101(a) to "foster competition, prevent unfair methods of competition in air transportation [and] prevent unjust and discriminatory practices." 49 U.S.C. 47101(d).

[28] Some commenters assert that 49 U.S.C. 40113(a) and 46105(a), by referring to "aviation safety duties and powers," limit the Administrator's administrative powers to those involving safety only. Reading the "aviation safety duties and powers" clause, however, to authorize the Administrator to take action over not only "aviation safety duties" but also over the Administrator's other, more extensive "powers" conforms to the text of the statutory provision before it was recodified without substantive change: "The Administrator shall be responsible for the exercise of all powers and the discharge of all duties of the Administration." 49 U.S.C. 1341(a). It does not divest the Administrator of pro-competitive, public interest policy considerations. *See,* the recodification of Title 49, Public Law 103–272 (1994), H.R. Rep. 103–180 at 262 (1993). "The purpose of H.R. 1758 is to restate in comprehensive form, without substantive change, certain permanent and general laws related to transportation."

[29] *See* 49 U.S.C. 102 and 106.

[30] 49 U.S.C. 41715(a)(2) directs the Secretary to terminate the HDR at LGA as of January 1, 2007. *See* H. Rept. 106–167 (106th Cong., 1st Sess. 1999) at 37–42.

[31] 75 FR 7306 at 7308.

The Slot Divestiture Conditions Do Not Violate Other Laws or Regulations

Continental in its comments claims that our slot divestiture conditions constitute unauthorized market-based pricing and an unauthorized withdrawal of slots under the LaGuardia Order and the HDR. Continental's concerns reflect a misunderstanding of our action. For purposes of the requested waiver, we are not asserting any FAA right to collect monies by monetizing slot interests through an auction. Rather, in responding to a request for a waiver from the LaGuardia Order prohibition on a permanent transfer of slots, we simply are conditioning the waiver on a divestiture of some of the slot interests to new entrant and limited incumbent carriers. Those slot interests would not be divested to the FAA; they would be sold by the respective petitioning carriers to eligible purchasers and the petitioning carriers would retain the proceeds of the sales. Nor are we affirmatively withdrawing slot interests. Consequently, the provisions in the LGA Order and the HDR governing withdrawals of slots by the FAA are inapplicable to our action.[32]

We also do not accept the comments of the Joint Applicants, Continental or United, that the Department of Justice, not the Secretary (or FAA), is the sole source of competition authority over slot transactions. While DOJ has the authority under Section 7 of the Clayton Act to reject anticompetitive transactions, that does not remove DOT's responsibility to carry out its programs consistently with the pro-competitive public interest criteria contained in Section 40101(a)(4), (6), (9), (10), (12) and (13). In considering the petitioners' waiver request in the public interest, the DOT is not asserting antitrust jurisdiction or implementing Clayton Act authority. Neither the FAA nor the Secretary is exercising the former "Section 408" authority over airline transactions. Petitioners are ignoring the fact that they petitioned the FAA for a waiver from a validly issued Order that prohibits permanent slot interest transfers at LaGuardia. The FAA is considering the waiver, not exercising antitrust authority nor intruding on the Department of Justice's jurisdiction.[33] As the DOJ indicated in its reply comments, the FAA's proposed decision "does not usurp" the DOJ's investigative authority under Section 7 of the Clayton Act (at p. 13). *See Bowman Transp. Inc.* v. *Arkansas-Best Freight System, Inc.,* 419 U.S. 281, 298–99 (1974) ("A policy in favor of competition embodied in the laws has application in a variety of economic affairs.")

Conditioning the waiver on slot interest divestitures is consistent—and does not interfere—with the competitive structure of the airline industry, or the statutory policy goal of "placing maximum reliance on competitive market forces," as asserted by United and some other commenters. The conditions mitigate the competitive burdens of the transaction and ensure that the transaction will not result in undue industry concentration, the impediment of new entry, or otherwise disadvantage the traveling public. The policy goals direct us not only to place "maximum" reliance on competitive market forces but also to rely on "actual and potential competition" to avoid "unreasonable industry concentration," and to encourage "entry into transportation markets by new and existing air carriers." Section 40101(a)(6), (10), (12). Our action on the waiver request responds aptly to these policy directives.[34]

Our slot divestiture conditions do not withdraw slot exemption service authorized under 49 U.S.C. 41714(c), 41716(b), 41718. We do not mandate the divestitures of any slot exemptions that US Airways or Delta may hold.

We also are not bound to allocate the divested slots without charge, as Spirit prefers. The slot exemptions provisions directing the Secretary to grant slot exemptions from the HDR to new entrant and limited incumbent carriers under specified provisions are not applicable here. The FAA is under no statutory obligation to have the divested slot interests allocated to eligible carriers free of charge. Although Spirit as noted in its comments is concerned that it may lose out in any attempt to purchase slot interests due to its relatively small share of revenues compared to that of the other eligible carriers, a sale of the slot interests allows the petitioners to maximize the value of their slot interests as originally intended as part of the larger transaction. 75 FR at 7311.

The Slot Divestiture Conditions Are Not "Takings"

The petitioners claim we cannot legitimately require the slot divestitures because that constitutes taking without just compensation. We do not agree with this assertion. As we indicated in the Notice, the FAA has the authority to condition the grant of a waiver.[35] *See also, South Dakota* v. *Dole,* 483 U.S. 203, 208 (1987) ("The Federal Government may establish and impose reasonable conditions relevant to Federal interest * * * and to the overall objectives thereto."). The FAA expressly has the power to modify assignments of use of navigable airspace when in the "public interest" and to grant waivers only in the "public interest." As we discuss above, it is in the public interest for us to condition the waiver request of the transfer of 167 slot pairs on the divestiture of certain slots to carriers with no or little presence at the constrained airports. This condition produces efficiencies, fosters competition, prevents unreasonable industry concentration, and protects the traveling public.

In any event, the takings claim is inapposite because slot interests are not property subject to the takings clause. Slot interests are subject to pervasive Federal encumbrances that limit any air carrier's property right or interest associated with them.[36] The HDR provides that "[s]lots do not represent a property right but represent an operating privilege subject to absolute FAA control." 14 CFR 93.223(a). Accordingly, any "proprietary interest"

[32] Continental referred to *Verizon Communications* v. *Law Offices of Curtis V. Trinko,* 540 U.S. 398, 407–08 (2004) for the proposition that our action "compelling" US Airways and Delta to divest their slot interests may undermine their incentives to invest in beneficial infrastructure. We repeat that we are not, however, directing a slot divestiture. Rather, we are granting a waiver request, which is subject to a finding that it is in the public interest, subject to pro-competitive remedies. The two regulatory actions are of a different nature.

[33] Continental claims that we have not proven that the carriers' practices would rise to a Sherman Act Section 2 offense; we are not invoking or attempting to enforce antitrust laws. Rather, we are asserting our authority to protect the traveling public by fostering competition in the context of the requested waiver.

[34] United overstates the import of our waiver condition when it asserts that we are re-regulating the industry contrary to the Congressional directive in the Airline Deregulation Act. Conditions at slot-constrained airports are not reflective of a free, competitive market. The fact is that the FAA placed limits on flight operations that may be carried out at LGA and DCA due to congestion in the airspace; in the context of those flight limits, only certain airlines may operate at designated times. These airports thus are regulated by the Government and are in a different position than the vast majority of the other airports that are not slot-controlled. The FAA, in this instance, actually is instilling the opportunity for more competition at DCA and LGA, in reliance on the Airline Deregulation Act. By placing these conditions on the waiver grant, the FAA also is protecting against exclusive rights at the airports under 49 U.S.C. 40103(e) and is fostering competition at the Federally-assisted LGA and DCA. 49 U.S.C. 47107(d).

[35] 75 FR at 7307, citing *Starr* v. *Federal Aviation Administration,* 589 F.2d 307, 311 (7th Cir. 1978).

[36] In the context of an air carrier's bankruptcy proceeding, it has been held that the FAA's control over slots substantially encumber a carrier's property interest: "A carrier possesses a proprietary right in allocated slots, [ ] limited as to the superior rights of the FAA." *In re Gull Air, Inc.* 890 F.2d 1255, 1260 (1st Cir. 1989).

claimed by an air carrier in a slot is subject to the encumbrances placed on those slots by FAA regulation.[37] The Department, as we pointed out in the February Notice, has conditioned international aviation route transfers and antitrust immunity grants on divestitures of slots or route certificates in the past, and, because these are not "property," they do not constitute Fifth Amendment compensable takings.[38] A carrier's interest in slots is subject to extensive FAA regulation and Congressional direction.[39]

There is no definitive judicial holding that slots are "property" subject to the Takings Clause.[40] In any event, a slot interest is substantially fettered and encumbered by FAA requirements, as explained above, and therefore a holder does not have the attributes of an unfettered right to "use the property, receive income produced by it, and to exclude others from it" as a tenant by entirety does under Michigan State law. *United States* v. *Craft,* 535 U.S. 274, 282 (2002). Rather, a carrier's use of a slot interest is subject to FAA minimum utilization requirements and any right to "exclude others" is subject to FAA operational control, withdrawal rights, and congressional directives.

Further, we disagree with petitioners' claims that the conditions on the waiver do not serve the government interest and are tantamount to "extortion." *Nollan* v. *California Coastal Commission,* 483 U.S. 825, (1987).[41] Our grant of the waiver permitting the petitioners to proceed with the slot interest transaction, subject to slot divestitures to new entrant and low-cost carriers, substantially advances the FAA's legitimate objectives of more efficient use of constrained airspace and of fostering airline competition at airports. A "broad range of governmental purposes and regulations satisfies" the requirements for considering a condition to a waiver as substantially advancing a governmental interest. *Nollan* at 834–35. Accordingly, we find that the conditions to the waiver do not deprive petitioners of property without just compensation.

Even assuming slots are property for purposes of the Takings Clause, the divestiture as a condition to the FAA waiver simply regulates the carriers' use of the slot interests and does not constitute a taking. The Supreme Court has identified several factors for consideration of when a government taking has occurred under the Fifth Amendment: "The character of the government action, its economic impact, and its interference with reasonable investment-backed expectations." *See Penn Central Transportation Co* v. *New York City,* 438 U.S. 104, 125 (1978) (City Landmarks Preservation Commission disapproval of construction of a 50-story office building over Grand Central Terminal held not to be a "taking" of the owners' right to exploit the superadjacent airspace).

Here, our waiver condition of slot divestiture would constitute a regulatory, not a takings, action.[42] By conditioning the transfer of a large portion of slot interests on the sale of some of the slot interests, the FAA effectively is regulating the ability of the petitioning carrier to transfer slot interests in a manner that results in unreasonable industry concentration. Divesting some slot interests to petitioners' competitors will ensure that the traveling public does not experience a degradation of fares, service or routes at the affected airports.

With respect to reasonable investment-backed expectations, carriers have been on notice for decades that the FAA has considered slots to be an operating privilege not a property right. 14 CFR 93.223(a). As discussed above, not only have the FAA regulations been clear about the tentative nature of slots and the duration of slot interests, the FAA retired the slot system at Chicago O'Hare airport in 2008. 14 CFR Part 93, Subpart B, Congestion and Delay Reduction at Chicago O'Hare International Airport, § 93.21(e). In AIR–21 (2000), Congress legislated a phase-out of the HDR at the New York airports and at O'Hare. Accordingly, the carriers and those banks and financing firms holding slots as collateral were aware of the FAA/Congress' right to change the slot system, withdraw slots, etc. The Securities and Exchange Commission filings recognize the Federal encumbrances to slot holdings.[43] Consequently, the ability of the FAA to condition the waiver allowing the transfer of massive amounts of slots on divestitures of a small percentage is a "burden we all must bear in exchange for 'the advantage of living and doing business in a civilized community.'" *Monsanto,* 467 U.S. 986, 1007.

Because we may condition the grant of the waiver, and the conditions do not effect a "taking" of "property," we disagree with petitioners' contention

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[37] *See* 14 CFR 93.211–229. At DCA, where slots are subject to the HDR, these encumbrances include, for example, the ability to withdraw slots for essential air services, operational needs, and non-use. 14 CFR 93.219, 93.223 & 93.227. At LaGuardia, slot interests are subject to the terms of the Order which grants only a temporary interest in the slots to carriers, providing for only leases or temporary transfers through the duration of the Order. 71 FR 77,854 at 77,860, as amended 74 FR 51,653 (Oct. 7, 2009). They are subject to the terms of the January 2009 Order on voluntary retirements. 74 FR 2646 (Jan. 15, 2009). Also, slot interests at LaGuardia are subject to minimum utilization requirements. 71 FR 77,854 at 77,860.

[38] *See* discussion of DOT Orders requiring such divestitures in the public interest. 75 FR 7306 at 7308.

[39] The Port Authority of New York and New Jersey commented that slot interests are licenses, not Federal property. We need not address, in this Notice, the Port Authority's arguments in this regard.

[40] The United States Court of Appeals for the First Circuit held that it "need not decide [whether slots constituted part of a bankrupt carrier's estate]." *In re Gull Air,* 890 F.2d 1255, 1261, 1262 fn. 8. Unlike the situation in *Ruckleshaus* v. *Monsanto,* 467 U.S. 986, 1002–1003 (1984), where the Court determined that intangible property (a trade secret) exhibited characteristics of more tangible forms of property, slots lack many of those characteristics. For example, there is no state law recognizing a slot interest as a property right, as was the case in *Monsanto.* Additionally, unlike the cases relied on in *Monsanto,* a slot interest does not convert the carrier to the position of a creditor, such as a mechanic's lien does to a contractor, in *Armstrong* v. *United States,* 364 U.S. 40 (1960); or a mortgage to a bank mortgagee, in *Louisville Joint Stock Land Bank* v. *Radford,* 295 U.S. 555, 596–602 (1935). Nor is a slot interest a contract subject to the Takings Clause as a war risk insurance contract is to a beneficiary, in *Lynch* v. *United States,* 292 U.S. 571, 579 (1934).

[41] *Nollan* struck down, as an unlawful "taking," a State condition on a building permit to replace a small beachfront bungalow with a larger house with a public easement across the beach. The Court held that the permit condition did not substantially advance legitimate State interest related to land-use regulation. The Court did find, however, that a legitimate permit condition would have been a height limitation, a width restriction, or a ban on fences. 483 U.S. at 836.

[42] *Lingle* v. *Chevron U.S.A. Inc.,* 554 U.S. 528 (2005), cited by Continental for a takings test, is not apposite. That case reversed and remanded the Ninth Circuit Court of Appeals' holding that a Hawaii statute which responded to concerns of oil companies' market concentration by limiting the rent that oil companies charged to dealers, effected an unlawful taking.

[43] *See,* for example, America West Holdings Corporation Form 10–K for the Fiscal Year Ending December 31, 2003 (at 11):

> At New York City's John F. Kennedy International Airport and LaGuardia Airport, and at Washington DC's Ronald Reagan National airports, which are designated "High Density Airports" by the FAA, there are restrictions on the number of aircraft that may land and take-off during peak hours. At the New York airports, slot restrictions are abolished after January 1, 2007. In the future these takeoff and landing time slot restrictions and other restrictions on the use of various airports and their facilities may result in further curtailment of services by, and increased operating costs for, individual airlines, including AWA, particularly in light of the increase in the number of airlines operating at such airports. In general, the FAA rules relating to allocated slots at the High Density Airports contain provisions requiring the relinquishment of slots for non-use and permit carriers, under certain circumstances, to sell, lease or trade their slots to other carriers. All slots must be used on 80% of the dates during each two-month reporting period. Failure to satisfy the 80% use rate will result in loss of the slot which would revert to the FAA and be reassigned through a lottery arrangement.

that the conditions adversely affect the asserted "just compensation" to be derived from their slot interests under *United States* v. *50 Acres of Land,* 469 U.S. 24, 29 (1984). In any event, the process we will institute provides for the sale of the slot interests, subject to certain rules to maintain competition, for a bundle of slot interests.

The FAA May Condition the Waiver on DCA Slot Interest Divestitures

The petitioners assert that we have no jurisdiction over the DCA slot interest sale by Delta and purchase by US Airways, because the High Density Rule permits an unfettered sale of slots at DCA. They claim a forced divestiture of DCA slots conflicts with the HDR.

As we explained in the Notice, we find that the slot swap between US Airways and Delta at both LaGuardia and DCA are a single transaction, such that the LGA purchase and sale would not occur without the DCA purchase and sale. Accordingly, we review both transactions as part of a single, unified transaction and may condition our waiver to the LGA Order on divestitures of slots at both airports.

In the petition before us, the carriers seek a waiver from the buy-sell prohibition in the LGA Order for the purpose of exchanging slot interests at both LGA and DCA airports. We are not "bound by legal formalisms" in discharging its duty but instead will "take account of the economics of the transaction under investigation." *See Reves* v. *Ernst & Young,* 494 U.S. 56, 61 (1990); *The Shoshone Indian Tribe of the Wind River Reservation, Wyoming* v. *United States,* 58 Fed. Cl. 77, 86 (2003) ("must examine the underlying economic reality" of the transaction).

The fact that the slot swap concerns two airports does not compel us to segregate the transactions; rather, it is clear that the transactions are contingent on each other. The joint application of US Airways and Delta, filed August 24, 2009, before the U.S. Department of Transportation for approval of the transfer of U.S.-Brazil frequencies is expressly termed "contingent joint application," made dependent on completion of the Mutual Asset Purchase and Sale Agreement, which involves the slot interest transfer at issue here. As stated in the joint application:

> The Joint Applicants are submitting this application on a strictly contingent basis. The proposed transfer of the Joint Applicants' U.S.-Brazil frequencies is part of the larger transaction described herein. The Joint Applicants will proceed with the larger transaction only if all transaction components * * * occur. (Joint application, fn. 2).

The joint application explains that the larger transaction includes the swap of the slot interests at both LaGuardia and Reagan National airports:

> The [Mutual Asset Purchase and Sale] Agreement further involves the transfer of certain slots and real estate at LaGuardia Airport to Delta from US Airways, and the transfer of slots from Delta to US Airways at Reagan Washington National Airport, allowing the Joint Applicants to expand their respective operations at these points." (Joint application, at 2–3).

In such a situation, the agreements concerning each airport constitute "a *single* actual transaction." *See SEC* v. *M&A West, Inc.,* 583 F.3d 1043, 1052–3 (9th Cir. 2008) (holding that the "existence of multiple agreements bears little effect when the agreements collectively constitute a single transaction.") The fact that the slot purchase and sale agreements at both DCA and LGA were entered into simultaneously and were linked together creates a necessary nexus between the agreements for purposes of conditioning our approval of the petition on certain remedies. *Shoshone Indian Tribe,* 53 Fed. Cl. at 88–89. Further, considering the DCA and LGA slot swaps as a single transaction justifies the remedies at both LGA and DCA, which effectuate the statutory goal of maximizing competitive opportunities for airlines and assuring that the traveling public receives the service and fare benefits provided by competitive airline service.

The Proposed Transaction Would Lead to a Reduction in Competition at DCA and LGA

In their filings, US Airways and Delta have not challenged the calculations stated in the Notice that, if the transaction were approved as proposed, the proportion of US Airways' share of slots and departures at DCA, and Delta's share of slots and departures at LGA, would increase substantially. DOT had calculated that US Airways' share of slot interests at DCA (including regional affiliates) would increase from 44% to 54%, and its share of departures would increase from 47 to 58%. Similarly, DOT's calculations for Delta's share of slot interests at LGA, including affiliates, would rise from 24 to 49%, and its share of departures would rise from 26 to 51 percent. In both cases, the increases would have the effect of making US Airways by far the dominant carrier at DCA, and Delta by far the dominant carrier at LGA.

Rather than challenging the calculations of concentration, the carriers argued that the Notice fails to articulate the level of concentration that causes concern.

The common metric used in antitrust analysis for market concentration levels is the Herfindahl-Hirschman Index, (HHI).[44] Under the Horizontal Merger Guidelines issued by the U.S. Department of Justice and the Federal Trade Commission, transactions that increase the HHI by more than 100 points in concentrated markets (concentrated markets are defined as those in which the HHI is in excess of 1800 points) presumptively raise antitrust concerns. In its comments to the docket in this case, the United States Department of Justice stated that it had calculated that, if the transaction were approved as proposed, the HHI at will increase at LGA by 600 from 2394 to 2994, and at DCA will increase by 626 from 2756 to 3382.[45] Under the Guidelines, such increases in highly concentrated markets are presumptively likely to create or enhance market power or facilitate its exercise.[46]

As the methodology for the calculation of the HHI indicates, it is not simply the market share of the largest competitor that raises potential competitive concerns, but its magnitude relative to the market shares of others. As the Notice pointed out, if the transaction were approved as submitted, at DCA US Airways would become three times the size of its closest competitor, while at LGA, Delta would become two-and-one-half times the size of its closest competitor. (Moreover, LGA would transition from an airport with three competing carriers of similar size to one with a single dominant carrier.) As also cited in the Notice, carriers with relatively weak minority positions have limited abilities to exert competitive pressure and discipline the fares of the dominant carriers, a point that neither US Airways nor Delta chose to dispute.

In its comments, the Department of Justice concurred with our tentative view of the increased concentration levels. It emphasized another important point—that the transaction would

[44] The HHI for a particular market is calculated by squaring the market share of each firm competing in the market and then summing the resulting numbers. The HHI takes into account the relative size and distribution of the firms in a market and approaches zero when a market consists of a large number of firms of relatively equal size. The HHI increases both as the number of firms in the market decreases and as the disparity in size between those firms increases. *See* U.S. Department of Justice and Federal Trade Commission, *Horizontal Merger Guidelines.*

[45] Comments of the United States Department of Justice, March 24, 2010, p. 5.

[46] U.S. Department of Justice and Federal Trade Commission, *Horizontal Merger Guidelines* § 1.51 (1992).

reduce competition between US Airways and Delta: [47]

> The transaction also will reduce competition between Delta and US Airways at DCA and LGA. US Airways and Delta are principal rivals at the airports. Post transaction, however, Delta will shrink substantially at DCA, reducing its ability to compete effectively with US Airways. Similarly, US Airways will shrink substantially at LGA, reducing its ability to compete effectively with Delta." [48]

While not an issue directly addressed in the HHI, DOT believes that, as a general rule, in the aviation industry more competitive pressure and pricing discipline can be exerted by low-cost carriers than by incumbent legacy carriers. This view is supported by the Department of Justice,[49] as well as in the academic literature cited in the Notice and by DOJ in its Appendix A. At both LGA and DCA the second largest carrier would be the legacy carrier American Airlines. Moreover, low-cost carriers have only a very limited presence at both airports, with a 3.3% share of slot interest holdings at DCA [50] and a 6.8% share at LGA, and they face substantial barriers to increasing their presence, because entry to both airports is governed by slot regimes. As stated in the Notice, studies indicate that entry by low-cost carriers dramatically lowers fares and increases the volume of passengers in a market,[51] a point reinforced by Southwest's assertion in its comments that, were it to operate the slots to be divested, empirical data indicated that it would annually carry more than 340,000 additional passengers to and from each of the two airports and that its fares would average 33% lower than Delta's average fare at LGA and 49% lower than US Airways' average fare at DCA.[52]

In addition, the Department of Justice, in its comments, stated that Delta has, in the past, assumed inconsistent positions on the competitive effects of slot shares and concentrations at DCA and LGA:

> During Delta's bankruptcy three years ago, US Airways considered acquiring Delta. Delta resisted US Airways' overtures, arguing that the merger would cause competitive harm at DCA and LGA. At that time, Delta argued that slot shares resulting from the merger levels that are approximately the same as the shares that would result from the present proposed transaction raised substantial competitive concerns. Delta's current position is precisely the opposite.[53] [citations omitted].

Although US Airways and Delta questioned the concern expressed in the Notice regarding the potentially anticompetitive effects resulting from increased airport concentration levels, they nonetheless offered a counterproposal under which they would voluntarily divest 15 slot pairs at LGA and 4.5 slot pairs at DCA. The slot pairs would be divested to four different carriers that were eligible under the terms of the Notice, with no carrier receiving more than 5 slot pairs.

The carriers have not demonstrated that these voluntary divestitures should or would reasonably assuage the competitive concerns we expressed in our February 9 Notice. In particular, the divestiture of only 4.5 pairs of slots at DCA—where the Notice clearly indicated there were serious concentration and competition concerns—and the inability of the four low-cost beneficiaries to mount their own competing service in the near-term were disappointing elements to the counterproposal. As discussed more fully below, we conclude that the counterproposal falls significantly short of what we believe the minimum levels of divestiture must be to adequately protect the public interest.

Our Concerns About Potential Anticompetitive Harm are Well-Founded and Fully Justifiable

In the Notice, we set out concerns that US Airways and Delta could increase the number of markets they serve on a monopoly or dominant basis, and that consumers at these airports may be harmed by the loss of nonstop service, the loss of a nonstop competitor, or the transfer of nonstop monopoly service to a more dominant carrier.

We also tentatively concluded that the proposed transaction was likely to result in higher fares for consumers in certain domestic markets, as the carriers could rely on their increased dominance to maintain or enhance their premium fare structure in markets served at both airports. Furthermore, we expressed concerns that because slot restrictions at both airports substantially hinder proportional increases in competition by other carriers, higher fares could be sustainable due to the carriers' increased market power at both airports.

In reaching these tentative conclusions, we relied on statistical information indicating that US Airways and Delta already charge higher relative fares where they operate monopoly or dominant routes from airports where they have a strong presence, such as DCA and LGA. That information included relating US Airways' and Delta's average fares at DCA and LGA to the Standard Industry Fare Level (SIFL), a cost-based index that we have used historically to assist in its evaluation of pricing. That information indicated that the average fares charged by US Airways at DCA and Delta at LGA substantially exceeded not only the average fares at the other DC-area and NYC-area airports, but of the largest carriers at each of those airports.

It is telling that US Airways and Delta have not urged in response that their fares are at or below averages, nor provided data showing that they do not utilize their pricing power to charge premium fares in markets that they dominate. Rather, they asserted that FAA's concerns about potential anticompetitive actions were mere speculation, as we did not point to specific instances of harm; argued that the SIFL was effectively obsolete as a useful measure of cost; and urged that the benefits of the transaction, which they assessed at $44.3 million less in consumer costs for travel on affected routes and $153 million if increased flying due to improved connectivity and service were included, would outweigh the conceivable harms.

As to the concerns about harm in specific markets, those concerns are real and demonstrable. If the transaction is consummated as finally proposed, Delta plans to withdraw from a number of DCA nonstop routes on which it competes with US Airways, and US Airways plans to withdraw from other LGA nonstop routes on which it competes with Delta. Unless new service is instituted by carriers other than DL and US, these routes will

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[47] DOT calculates that at DCA there would be a sharp decrease in service by Delta, reducing it from a major competitor on DCA routes with US Airways to one holding fewer than 5.5% of the O&D passengers. Similarly, at LGA US Airways' share of O&D passengers would fall to just 6 percent. In these cases, we fear that the diminished presence of Delta at DCA and of US Airways' at LGA will lessen their abilities to competitively price their remaining flights at the respective airports.

[48] Comments of the United States Department of Justice, March 24, 2010, p. 4.

[49] *See* Comments of the United States Department of Justice, Appendix A.

[50] If the temporary slots interests acquired by JetBlue from American were included, the LCC percentage at DCA would rise to 5.2 per cent.

[51] Notice, p. 12.

[52] Comments of Southwest Airlines Co., p. 11–12.

[53] Comments of the United States Department of Justice, March 24, 2010, p. 5, n.8, *citing* Hearing on the State of the Airline Industry: The Potential Impact of Airline Mergers and Industry Consolidation Before the S. Comm. on Commerce, Science and Transportation, 110th Cong. (Jan. 24, 2007) (testimony of Gerald Grinstein, CEO of Delta Air Lines) ("The combined carrier would overwhelming [sic] dominate at these unique airports with restricted entry due to slot controls * * * At Washington National, a merged US Airways-Delta would operate nearly four times more slots as its next largest competitor * * * At New York-LaGuardia, the combined carrier would operate almost twice as many slots as the next largest competitor * * *.").

become new monopoly routes for the remaining carrier.

Moreover, at various other communities US Airways will depart markets at which it is the sole or dominant provider of LGA nonstop service, and Delta will enter those same markets and become the sole or dominant provider of service. At several more, Delta will depart a market at which it is the sole provider of DCA nonstop service, and US Airways will enter that same market and become the sole provider of such service. While replacing one dominant carrier with another in a market might at first glance seem to have a neutral overall impact, such a conclusion would ignore the greater economic dominance that the succeeding carrier would have as a result of the transaction. Although the carriers plan to add nonstop service to a number of new communities, that service is likely to be provided on a monopoly basis and as a result can be priced at a premium. As discussed also below, there is no assurance that such service will continue for the longer term. Delta has already notified the airport at Roanoke, VA that it does not plan to continue its service from that airport to LGA, leaving that community without any nonstop service to New York City airports, and its intentions for service to other Virginia communities has also been questioned.[54]

While some of the consumer benefits cited in support of this transaction may prove to be short-lived, the consequences of carrier dominance, if not effectively remediated, will likely be more persistent. In this regard, DOJ noted that:

> The FAA has concluded that the increased concentration resulting from the transaction will lead Delta and US Airways to 'rely on their increased dominance to maintain or enhance their premium fare structure in markets served at both airports' [citing the Notice at 7,309]. This is consistent with an extensive body of empirical work finding that airport concentration is associated with higher fares.[55]

DOJ also asserted that:

> The parties' transaction will make LCC entry at LGA and DCA less likely, depriving consumers of the lower fares and vigorous competition that LCCs bring to the marketplace. It will increase the share of slots held by Delta and US Airways, giving them more revenue and profits at risk due to entry, more markets for which it will be in their interest to forestall entry, and thus, less incentive to sell or lease slots to a potential entrant.[56]

And also:

> LGA and DCA slots are highly concentrated in the hands of Delta and US Airways, both of which have little incentive to sell or lease slots to other carriers that would compete with them.
>
> * * * * *
>
> [C]oncern about LCC entry is especially great at DCA and LGA, where limited LCC presence and slot controls protect high fares for incumbent carriers.[57]

As noted above, in the Notice we had provided data to the effect that US Airways maintained an average fare that was high relative to SIFL at DCA. The carriers challenged the use of SIFL in this context, arguing that it was calibrated to regulate airline fares in the 1970's, has limited current use, fails to control for certain factors, and is biased in favor of longer routes at the expense of shorter ones.[58]

A mileage cost-based fare benchmark, SIFL is calculated every quarter based on airline operating costs reported to DOT by 17 major airlines (composed of 6 legacy, 4 LCCs and 7 other carriers).[59] Far from being obsolete, as the parties suggest, SIFL has been utilized by the Internal Revenue Service, the Government Accountability Office, the Department, other government agencies, the airline and airline consulting industries, and academics for fare analysis for many years. More importantly, the results achieved in our SIFL-based analysis mirror those of other tests.

The first of these other tests of airport fare rankings is found in our "Domestic Airline Fares Consumer Report," which is published quarterly. Table 7 of this report currently contains average fare premiums for 121 city markets, sorted by fare premium percentages in descending order. For the Third Quarter 2009, DCA ranks number 3 with a 27.7% fare premium, while LGA appears as number 16 with a percent fare premium of 9%. These fare premium calculations include distance and density adjustments, and clearly substantiate our concern that DCA and LGA are high-fare airports—even before the additional concentration and resultant increase in pricing power that would result from the carriers' proposed transaction.

Furthermore, an analysis of comparative yields—also discussed in the Notice, but in the context of comparing the three DC and three NYC airports—produced the same conclusions. We found that the average yield (i.e., revenue per passenger mile) in all markets at BWI is 48% less than DCA, and the average yield in all markets at Dulles is 37% less than DCA.[60] Similarly, the average yield at JFK is 28% less than at LGA, and Newark is 9% less than at LGA.[61] Moreover, using mileage-based calculations that should allay the carriers' concerns about long-haul bias in the SIFL figures, we determined that for trips out to 1,000 miles, passengers at LGA pay 23% more on average than those at JFK ($147 vs. $120 each way), while passengers at DCA pay 64% on average more than those at BWI ($184 vs. $113 each way).[62]

Market Analysis Confirms the Reasonableness of Our Concerns on Fares

A review of both US Airways' and Delta's historical pricing in similar markets indicates that absent the opportunity for additional competition afforded by slot divestiture, consumer savings at DCA and LGA as a result of this transaction would be negligible. In assessing US Airways' and Delta's claims as to potential consumer savings that would arise as a result of the proposed transaction, we considered materials presented by US Airways that provided base period and forecast period estimates of market total passengers, projected load factors, and other data. We compared the forecasted fares against US Airways' historical pricing in comparable markets,[63] and given their poor correlation we believe

[54] Letter of March 25, 2010 from Jim Webb and Mark Warner, United States Senators from Virginia, to DOT Secretary Ray LaHood, Docket FAA 2010–0109.

[55] Comments of the United States Department of Justice, March 24, 2010, p. 6–7.

[56] *Id.,* p. 4.

[57] *Id.,* pp. 8–9.

[58] Any bias that may exist between long-haul and short-haul markets, as argued by the parties, does not apply to the SIFL analysis used in this case, which is based on average passenger trip length at each of the three Washington or New York airports (which are all in excess of 500 miles).

[59] These costs are reported to DOT in "Form 41 Financial data" by certificated air carriers as a condition of their holding a U.S. air transport certificate of public convenience and necessity. U.S. air carriers submit these data accompanied by sworn statements attesting, under penalty of law, as to the accuracy and timeliness of the data.

[60] Yield at DCA is 27 cents per mile, vs. 17 cents at Dulles and 14 cents at BWI.

[61] Yield at LGA is 20.5 cents per mile, vs. 18.7 cents at EWR and 14.7 cents at JFK.

[62] These differences in the level of yields at area airports tended to correlate with the level of low cost carrier operations. Passengers pay more for nonstop service of equivalent distance at DCA and LGA than at alternative airports that have sizable LCC competition.

[63] In this, we compared the existing average fares from the O&D with the Standard Industry Fare Level (SIFL) metric fare for each of 39 DCA markets and stratified the markets based on US Airways' market share, into monopoly, dominant, competitive, and non-competitive markets. These results provided a measure against which US Airways' forecast fares were compared to their historical pricing performance and against the SIFL metric.

the forecasts understate the average fares likely to actually prevail longer term in the particular markets. It may be that the prospective fares listed in the document are introductory fares, or other short-term or promotional fares. In any event, given the divergence between these claimed fares and US Airways' historic pricing, we were unable to corroborate US Airways' claims of savings in the DCA market. Rather, projecting the historic pricing trends, it is reasonable to assume that US Airways at DCA would, especially over time, utilize its increased pricing power to exact premium fares in many of the markets impacted by the transaction.

We did not have a similar document from Delta that projected its fares in each proposed market.[64] However, in order to assess the potential impact of Delta's pricing policies on the traveling public we also examined probable Delta fares based on the carrier's historic pricing performance at LGA.[65] As with DCA, we were unable to corroborate the carrier's claims of potential consumer savings and, as with DCA as well, the data indicated a likelihood that, especially over time, Delta would utilize its pricing power to exact premium fares in many of the markets affected by the transaction.

Even if greater support might be mustered for the carriers' claims of consumer cost savings, we compared those claims with the savings that might occur under a divestiture scenario. Based upon an analysis conducted by the Department of Justice,[66] we are persuaded that additional LCC presence at an airport is associated with significantly lower average fares and higher passenger volumes at that airport and consequently greater public benefit from competition.[67]

Moreover, there is convincing evidence, also based upon the Department of Justice findings, that as additional LCC presence grows at an airport over time, it is associated with large and statistically significant price decreases and passenger volume increases at that airport.[68] This demonstrates precisely why the divestiture of slots to LCC's can ameliorate the competitive concerns raised by the applicants' proposed transaction.[69]

The Three DC Area and Three NYC Area Airports Are Not "Interchangeable"

In our February Notice, we tentatively found that other airports in the New York and Washington, DC areas did not significantly impact the ability of carriers to exert pricing power at LGA and DCA, respectively. US Airways and Delta dispute this conclusion and maintain, as a key element in support of their application, that the three major metropolitan airports in Washington, and the three major metropolitan airports in New York, respectively constitute single product markets, implying that if fares were perceived to be rising too high at one airport, the harm would be mitigated by consumers simply shifting to the other two. Their argument heavily relied on a study performed on their behalf by Compass/Lexecon, entitled "Analysis of Relevant Airport Groupings," which was submitted to the docket. The study addressed "whether the relevant origin (destination) points in New York and Washington are individual airports or groups of airports that passengers are willing to use interchangeably."

While the study never concluded *per se* that the airports were "interchangeable," it concluded that there were "statistically significant relationships between fares at the three major New York airports, and separately, between fares at the three major Washington area airports * * * [indicating] that fares at each airport * * * are affected by competitive conditions at the other airports" in the same metropolitan area.[70]

We have both reviewed the Compass/Lexecon study, as well as comments offered to the docket on this issue, and we are confident in concluding that, while fares at one of the three DC-area or NYC-area airports can exert a minor influence on fares at the others in some markets, it is quite clear that the airports are not economic substitutes. We further conclude that the presence of less costly service alternatives from BWI and IAD in Washington and EWR and JFK in New York are not sufficient to mitigate the harm to consumers that can occur from significantly reduced competition at DCA and LGA.

The Compass/Lexecon analytical approach was to compare fare trends over time between the three New York and three Washington area airports and common destinations. They found them to be systematically linked over time, such that a change in fare levels at one New York airport is associated with an increase in the fare at other area airports. From these observed "price linkages" they concluded that the New York and Washington area airports are "commonly accepted to be substitutes."

We believe the methodology of the study was flawed in a number of fundamental respects. Most significantly, while the study claimed a relationship in the *movement* of fares, it effectively admitted that the degree of relationship in the actual level of fare change was small. The results indicated

[64] DOT did request that Delta provide any documents it had that were equivalent to what US Airways had provided, but the number of markets for which they were able to offer information was limited to 10 out of approximately 36 markets where service is proposed. While useful, the limited data prevented the Department from fully analyzing the level of forecast fares and required the Department to independently review Delta's apparent pricing strategies in the markets.

[65] Staff calculated passenger-weighted average fares that reflected Delta's historic pricing in their existing markets, with which they estimated, together with other data (such as currently prevailing fares in the market and information on the competitive environment to be expected in the market) likely Delta fare ranges as a percent of SIFL in various city-pair markets. Of particular importance in this assessment was consideration for Delta's future potential market share and the competitive position that would enhance or diminish Delta's pricing power.

[66] Here, we placed reliance on an analysis conducted by the Department of Justice, which found that 10 extra percentage points of low-cost carrier share at an airport reduces on average the airport-wide price premium or discount by 4 to 9 percentage points, and increases the total number of passengers at the airport by 7.7 to 14.8%, depending on the sample used.

[67] DOJ Appendix A at A–7.

[68] Their analysis showed, for example, that as LCC presence at an airport increases by 20 percentage points (from zero to 20%, say), the average airport-wide fare premium falls by an average of 8 to 18 percentage points, depending on the sample of airports examined. Similarly, a 20 percentage point increase in LCC presence is associated with a 15 to 30% increase in the number of passengers at that airport.

[69] *Id.* at A–6.

[70] US Airways and Delta also asserted that the Department of Transportation and the Department of Justice have effectively treated the three Washington area airports as economic substitutes, Comments of Delta and US Airways at p. 34 and 35. With regard to DOT, they cited Order 2006–6–17 (June 12, 2006) as evidencing such a position. In that case, three applicants competed for an award of two slot exemptions at DCA to serve a community within the 1,250-mile perimeter. DOT found the case to be "extremely close" between Comair's proposal to serve Savannah and US Airways to serve Sarasota Bradenton, as each satisfied two of the statutory criteria and offered similar benefits to the respective communities. In weighing the advantages and disadvantages of the proposals, we ultimately selected the US Airways proposal because the population in the Sarasota MSA was larger than Savannah's, US Airways' proposal included a right-sizing of aircraft to reflect the seasonality of the Sarasota market, and Savannah had better access to the Washington area with three nonstops to IAD versus Sarasota's one to BWI. In no way was the Department by doing so stating or implying that service between DCA, IAD and BWI was interchangeable. Order 2006–6–17 at 7, 8. With regard to DOJ, Delta and US Airways cited a DOJ 2001 press release and a 1996 speech by an Assistant Attorney General. In these instances concerns were raised about prospective transactions that would increase concentration by carriers at DC-area airports. Again, these did not state that the airports were economic substitutes for one another. DOJ's position on the issue is clearly set forth in its filings in this matter, which support DOT's proposed action.

that an increase in the fares at one New York airport of 10% is associated with an increase in the fare at another New York airport of only about 2.8%. At Washington, the corresponding figure was only 2.1%. If the major New York and Washington airports are "economic substitutes," as the authors contended, that appears to be at odds with the fact that a price change at one would produce a change at the others of only one quarter or one fifth as much.[71]

Also, in its comments the Department of Justice expressed criticism of the Compass/Lexecon study, observing that the study failed to define the level of correlation in fares that would place the airports in the same relevant market, such that market power could not be exercised at DCA (or LGA) independently of BWI and IAD (or JFK and EWR).[72]

However, given the issues raised by the Compass/Lexecon analysis, we also independently considered whether the three airports in the New York area, and the three in the Washington area, effectively constitute the same market for all passengers. Comparative yields, Standard Industry Fare Levels, and Fare/Demand data were all studied for the DC and New York airports. In our review of each of these metrics, we found that for a large portion of passengers, especially time-sensitive passengers in each respective metropolitan area, the New York and Washington area airports are not effective substitutes for each other.

a. Yield Analysis

In analyzing both overlap and all markets at the airports, we found that yields (*i.e.,* revenue per passenger mile) were substantially different among the airports. Specifically, we found the average yield in all markets at DCA is 27 cents per mile, vs. 17 cents at Dulles and 14 cents at BWI. Similarly, the average yield at LGA is 20.5 cents per mile, vs. 18.7 cents at EWR and 14.7 cents at JFK. If the airports were effective economic substitutes for all passengers, we would expect to see a greater self-equalizing of yields and the yield spreads would not differ so significantly.[73]

b. Standard Industry Fare Levels

DOT conducted an analysis of the level of passenger weighted fares as a percent of SIFL at Washington and New York City airports to test the proposition that fares at these airports are essentially undifferentiated. The results are summarized at Appendix B.

DOT found that the relationship of actual fares to the SIFL fare benchmark is very different at the respective area airports. At the Washington airports, actual fares are 65% of SIFL at BWI, 77% at IAD and 101% at DCA. At New York, the actual fares are 71% of SIFL at EWR, 57% of SIFL at JFK, and 82% of SIFL at LGA.

These disparities in weighted fares, consistent with our findings on yields, implies that price competition among the airports does not appear pervasive enough to discipline individual airport prices and thereby eliminate substantial price differentials.

c. Fare/Demand Data

If the three DC and three NYC airports were economic substitutes, a change in the fare levels at one should produce a corresponding change in passenger levels both at that airport and the others in its area. (One would expect that passengers would book less travel at an airport where fares were increased and more travel at the others, if the airports were indeed "competitors.") [74]

We found no evidence of any significant substitutability existing among New York and Washington area airports. Substantial yield disparities and substantial differences in SIFL ratios were found to exist among the airports in both common and non-common markets, and there were very low levels of correlation between the fare differences and the traffic volume differences at the airports.

The Department of Justice also supported the proposition that most passengers do not consider the airports to be interchangeable.[75] DOJ noted that the sometimes significant differences in average fares at the various airports, and the high values attached to the slots and the carrier's efforts to protect these slots, "show there is differentiation between LGA and DCA and other area airports." It further observed that "Although other airports may be acceptable substitutes for some passengers (particularly price-sensitive passengers) they clearly are not close substitutes for other passengers, and competition among carriers at DCA and LGA matters." [76]

In conclusion, we believe that the evidence presented by the parties in support of their contention that Washington and New York area airports are effective substitutes is unconvincing. Any low level of substitution that may be demonstrated is inadequate to effectively discipline prices among the area airports, leaving the traveling public vulnerable to high fares arising from lack of competition and high market concentration.

[71] The study also failed to control for changing macro or even regional economic trends. Moreover, in testing whether common airport markets are competitive, reliance should not be made simply on changes in fare trends alone over time, but rather should also examine whether passenger levels at each airport pair responds to changes in price over time at other area airport pairs in the same city-pair market. Finally, the study attempts to show that populations in the New York and Washington areas are dispersed in such a manner that many could drive roughly equal distances to "competing" airports. However, in doing so it failed to reflect the drive time effects of congestion, or differences in the availability or cost of parking, accessibility to mass transit and airport amenities, although these factors clearly alter the practical substitutability (cost/value to consumers) of different airports to consumers.

[72] It is not surprising that there is some correlation among fares at nearby airports, and more correlation than one would find among three random airports. DOJ asserted that such correlation alone does not show whether fares at DCA or LGA are constrained by fares at nearby airports.

[73] In its comments, United Airlines contended that the differentials in yield affecting LGA and DCA may be due simply to the added costs of slots and problems with delays. As a general point, airline fares are market-based rather than cost-based (as evidenced in the variance in SIFL ratios discussed above). However, the three Washington and three New York airports largely share the same weather, a major cause for delays, and DOT Ontime Performance data for the fourth quarter 2009 indicates that delays are more common at IAD than DCA or BWI, and more common at EWR than at LGA or JFK. (The percentage of delayed flights were 17.7% for DCA, 17.4% at BWI, and 19.4% at IAD, as well as 24% for LGA, 198.8% for JFK, and 29.1% for EWR.). Further, the cost for slots could not explain the wide disparity between yields at DCA, IAD, and BWI on one hand and LGA, EWR, and JFK on the other. As noted above, DCA's all markets yield is 37% above IAD and 48% above BWI, while LGA's comparable figure is 8% higher than EWR and 28% higher than JFK. The value of a one cent yield difference *per quarter* on all scheduled passengers at DCA is estimated at $28.9 million, and $41 million at LGA—many times the value of a slot at those airports.

[74] In order to test this proposition we conducted a time series analysis using O&D data for the same period as used in the Compass/Lexecon study. The regressions produced correlation coefficients (R^2) for each set of airports that were very low, with levels not significantly differentiated from zero—indicating the lack of a relationship between fare differences at DCA/LGA and traffic differences at the other metropolitan area airports. Even when regressions were performed focusing on overlap markets where the fare difference between the reference airport market and the base airport market were the greatest and where highest fares exist at the base airport—where consumers would be most likely to seek lower fares by turning to an alternative or substitute airport—the correlation coefficients were not substantially differentiated from zero.

[75] Although supporting divestment of Delta slots at LGA in order to expand opportunities for new entrants and limited incumbents in the NYC metropolitan area, the Port Authority of New York and New Jersey contended that there were flaws in DOT's analysis of airport substitutability and stated that it operates its airports to serve one travel region, with each airport having overlapping market areas. While market areas may "overlap," that does not mean that passengers within the market areas are indifferent as to which airport they utilize, or that fares at one discipline those at others. We believe the further discussion as presented above addresses the Port Authority's other concerns.

[76] Comments of the United States Department of Justice, March 24, 2010, p. 16.

The Reputed Benefits of the Transaction Do Not Mitigate the Potential Harms

The Joint Applicants have asserted that the FAA failed to consider the benefits of the proposed transaction, including improvements in service and increased competition among the parties. Specifically, the Joint Applicants claim that the transaction will result in a more efficient utilization of slots and facilities through upgauging of aircraft size at both LGA and DCA, thereby increasing throughput and competition while reducing congestion and delay. In addition, the Joint Applicants argue that the facilities transfer will enable Delta to create a seamless hub at LGA and will facilitate enhanced competition and preserve and enhance small community access at both LGA and DCA.

By deciding to tentatively grant the waiver as conditioned in the Notice, we not only carefully considered these efficiencies, we also concluded that they would likely be realized if the transaction were implemented as remedied. It is clear from the record in this proceeding that the slots at issue in this transaction are currently being used sub-optimally and inefficiently, both from the perspective of the carriers holding them as well as from the perspective of the public interest.

We concur that the transaction would provide a greater economic incentive to both carriers to achieve more efficient utilization of slots and facilities at both airports through upgauging aircraft size and that that would produce public benefits. However, we also concur with the Department of Justice in noting that, "the parties' benefits estimations use incorrect baselines, or 'but-for-world,' against which to compare their promised capacity and traffic gains."[77] Rather than comparing the projected increase in capacity and traffic at current levels, the appropriate comparison is against alternatives to the current commercial situation faced by US Airways at LGA and Delta's planned operations absent the transaction at DCA.[78] As such, we believe that the Joint Applicants have overstated the public benefits and understated the potential harms from the transaction. Indeed, in many airport-pair markets, the Joint Applicants are merely replacing each other's services at the two respective airports. Given that Delta and US Airways are currently primary competitors for each other at each of these airports, the loss in potential competition in the markets they both currently serve is particularly important. In addition, Delta's claimed public benefits of creating a hub at LGA are also overstated. For example, as Southwest notes, creating a hub at LGA would likely necessitate reliance on regional jets, as Delta uses at other hubs, potentially eroding the benefits of upgauging. Further, a hub at LGA would utilize a significant amount of its scarce capacity to accommodate passengers who have no need or desire to be at LGA but are only stopping there on a journey elsewhere.[79]

The Joint Applicants assert that one of the main benefits of the transaction is increased or enhanced service to small communities. While Delta and US Airways have made public some of their new intended services, including service to small communities, the carriers have not released all intended service changes and in no way are bound to implement any of the proposed services in new markets.[80] Also, if service to small communities with an established history of nonstop service to these slot controlled airports is eliminated, while service is announced to other small communities with a history of unsustainable nonstop service, it is questionable as to whether the proposed service is really beneficial to small communities as a whole, or is merely beneficial to some small communities at the expense of others.

The Joint Applicants have the flexibility to provide service to small communities, even when faced with the proposed remedies, by eliminating marginal new frequencies in existing medium and large markets and/or by upgauging existing frequencies to release slots to allocate to small communities. While there are competitive reasons for allocating a set number of frequencies to a particular market, if service to smaller communities is as important as the parties contend, the carriers will allocate the necessary resources to serve them. In fact, despite their threats that small community service is at risk in a remedied transaction, the carriers may determine that it is financially beneficial to serve small communities at the expense of fewer frequencies in larger markets because yields in smaller markets are less susceptible to the dilutive effects of LCCs. DOT, on multiple occasions, has stated in DCA slot exemption proceedings that US Airways, with its large portfolio of DCA slot holdings, has had the ability to add new service to smaller communities from DCA, but has chosen not to do so.[81]

Unless mitigated, the potential harms in the proposed transaction are substantial. First, as explained above, the transaction will reduce competition between Delta and US Airways and competition from nearby airports will not completely offset lost competition between the two carriers at DCA and LGA. The Joint Applicants currently compete on a number of LGA and DCA nonstop routes and have competed on many others in the past. Scheduling plans submitted in the record indicate that Delta plans to withdraw from DCA nonstop routes on which it currently competes with US Airways, and US Airways plans to withdraw from certain LGA nonstop routes where it competes with Delta.[82] We agree with DOJ that, "In the longer run, competition between Delta and US Airways will be lost across a number of routes." This lost competition is unlikely to be replaced by other incumbent competitors because they have significantly fewer slots and therefore focus their services at these airports on core markets, particularly large hub or focus cities where they can connect passengers to additional destinations. As DOJ concludes, "the transaction will reduce the number of carriers with 'excess' slots to discipline a fare increase by the dominant carriers from two to one at LGA and from one to zero at DCA."[83]

Second, evidence in the record establishes that the transaction will inhibit new entry at LGA and DCA. The record shows that there is a pattern of slot hoarding by incumbent carriers at both LGA and DCA in order to prevent new entrants and limited incumbents from obtaining or expanding competitive service at those airports. In its Notice, the FAA noted the lack of robust entry by new entrants or expansion by limited incumbents at these airports. DOJ concludes that slots at both airports are "highly concentrated in the hands of Delta and US Airways, both of which have little incentive to

[77] Reply Comments of the United States Department of Justice, April 5, 2010, p 4, footnote 7.

[78] Comments of the United States Department of Justice, March 24, 2010, p. 18.

[79] Comments of Southwest Airlines, p. 5.

[80] Indeed, a market-by-market analysis using the carriers' own metrics of proposed services in new markets for Delta at LGA and US Airways at DCA gives rise to concern that, in some of the smaller markets, some of their services may not be sustainable over the longer term.

[81] *See, e.g.,* DOT Order 2008–2–28 Granting Within-Perimeter Slot Exemptions at Ronald Reagan Washington National Airport, February 22, 2008, p. 10; and DOT Order 2007–5–12 Granting Within-Perimeter Slot Exemptions at Ronald Reagan Washington National Airport, May 23, 2007, p. 15.

[82] Comments of the United States Department of Justice, March 24, 2010, p. 13.

[83] *Id.,* p. 16.

sell or lease slots to other carriers that would compete with them." [84] Noting that fares are especially high at DCA due to limited presence of low-cost carriers and slot controls, DOJ cites evidence in the record that shows that both US Airways and Delta believe that competitive entry by low-cost carriers "would substantially lower their protected fares and profits at these airports." [85] DOJ further notes that incumbent carriers are hoarding and babysitting slots at these airports by flying excessive frequencies using small airplanes. In an effort to discourage these anti-competitive practices the 80% use-or-lose rules were established.[86] Legacy carriers, however, have effectively developed methods to bypass the use-or-lose provision by using their regional affiliates to downgauge equipment on existing routes while increasing frequency. While the carriers may claim that higher frequency service in a market can benefit consumers, the motivation for that may be simply covering more slots at a lower per departure trip cost and preventing the more efficient use of a finite number of slots. For example, in the LGA–Raleigh/Durham market, US Airways, Delta and American offer a total of 23 weekday departures with average seats per departure equaling just 49 (May 2010 schedules).

Also, the larger the slot portfolio of a given carrier, the greater the flexibility the carrier has to abuse the system, to bypass the provisions of the use-or-lose rules, and to block new entrants or limited incumbents from gaining new or improved access to these slot controlled facilities. The proposed transaction would give DL and US exactly that—larger slot holdings across many hours of the day, allowing these two carriers greater flexibility to bypass the 80% use-or-lose rules and to cover as many slots as possible by maintaining small regional aircraft operations.

Furthermore, we agree with DOJ that the transaction will reduce the availability of slots, given that US Airways and Delta will have: (1) Substantially increased slot shares at DCA and LGA respectively; (2) greater marketing and scheduling "presence" at both airports that will allow them to exact a price premium in both existing and new markets; and, (3) a greater interest in maintaining the price premiums that exist at those airports by forestalling new entry.[87]

In order to discipline the increased concentration and additional pricing power for both US Airways and Delta and thereby mitigating the reduction in competition due to the transaction, significant additional competition is necessary. As analyses by both the Department, DOJ, and Southwest conclude, competition by new entrants and limited incumbents, particularly LCCs, will not only maximize the economic efficiency of the slots at both airports through the operation of more seats at lower fares per slot than by Delta or US Airways, but will also minimize the total number of slot divestitures required to remedy the anticompetitive effects of the transaction.

We agree that there can be important benefits provided as a result of the proposed transaction, but it is at the margins, where those potential benefits are at their least, that divestitures have been proposed. US Airways and Delta have claimed that, *overall,* the proposed transaction would generate $153 million in savings. Yet, a study commissioned from Campbell Aviation Consultants for Southwest Airlines claims that, if Southwest operated the 20 slot pairs at LGA and the 14 slot pairs at DCA, the passenger fare savings per year would total $193 million compared to the use of those slots by Delta and US Airways. The Campbell study asserts that Southwest's average fare would be 33% lower than Delta's at LGA and 49% lower than US Airways' fare at DCA. In addition, it estimates that Southwest would carry more than 340,000 additional passengers to and from each airport annually.[88] We note that the thrust of this study is supported by the analysis performed by DOJ, discussed above, which found that increased low-cost carrier share at airports significantly reduces price premiums and significantly increases ridership.

We have concluded that the benefits of the Delta-US Airways transaction as proposed would not outweigh its potential for harm to the traveling public, but that the divestitures we have proposed will bring significant additional consumer benefits that would assure overall net benefit to the public.

The Counterproposal Offered by the Parties Fails To Meet the Essential Requirements for a Suitable Remedy

The divestitures proposed by the FAA were designed to mitigate the competitive harm resulting from the transaction at the least cost to the transaction itself. While the Joint Applicants' counterproposal includes divestitures of 15 slots at LGA and 4.5 at DCA, Southwest argues that the FAA's proposed divestiture of 20 slot pairs at LGA and 14 pairs at DCA is not enough, and that even greater divestitures should be required.[89]

We have concluded that the divestiture of 20 slot pairs at LGA and 14 slot pairs at DCA are the minimum necessary to remedy the reduction in competition resulting from the transaction while preserving legitimate efficiencies obtained from it. While the divestiture of more slots than proposed in the Notice would make the market more competitive, we seek to minimize the numbers of slot pairs required to remedy the transaction by maximizing the competitive potential of the divestiture packages. This objective is accomplished under the specific circumstances of this case by balancing four essential components of an effective slot remedy package. The first component is a sufficient number of divested slots to allow other carriers to mount an effective competitive response to the increased dominance and reduction of competition that would occur as a result of the transaction. The second remedy component is to define the pool of competitors eligible to take up the remedy based on the carriers that would have the greatest economic incentive to use slots obtained as intensively as possible, thereby exerting the most competitive discipline per slot (by operating larger capacity aircraft and offering the most price competition at the affected airports). As DOJ points out in the Appendix to its comments [90] it is widely recognized in the literature that low cost carriers exert maximum competitive pressure in the markets they serve by selling more seats at lower fares. The third remedy component is to ensure that the bundles of slots for divestiture are *both* suitable for a commercially viable pattern of scheduled service in the types of markets affected by the transaction *and* are constructed proportionate to the slots that were being transferred between the parties to the transaction. The fourth component is to ensure that a process for distributing the divested slot packages is not left to the parties themselves, given the overwhelming incentive for them to structure the divestitures to minimize the competitive impact on themselves and thereby the benefits to consumers.[91] The counterproposal offered by the parties

[84] *Id.,* p .8.

[85] *Id.,* p. 9.

[86] *Id.,* p. 10, fn. 24.

[87] *Id.,* p. 12.

[88] Comments of Southwest Airlines, p.10.

[89] Comments of Southwest Airlines, p.7.

[90] Comments of the United States Department of Justice, Appendix A at A–2.

[91] Reply Comments of the United States Department of Justice, April 5, 2010, p.8.

fails to satisfy each and every one of these four essential remedy components, and therefore fails to meet the essential requirements for a suitable remedy.

Furthermore, while Delta and US Airways have offered a counterproposal for fewer divestitures, they have neither demonstrated that our number is arbitrary nor have they shown that their number better suits the public interest or addresses the competitive harm resulting from the transaction. We have noted that we agree with the Department of Justice that there will be a significant reduction in competition between US Airways and Delta on a number of overlap routes, based on their confidential post-transaction plans. Remedying this loss of competition alone substantiates the number of divestitures put forward by the FAA, even before other anticompetitive effects are considered, such as the effects of increased city and airport carrier "presence" factors which impact capacity and pricing in other markets at the two airports.

The Joint Applicants, Continental and the Delta Master Executive Council of ALPA argue that the remedy proposed for this transaction is substantially more onerous when compared with DOT's tentative decision in the *oneworld* antitrust immunity case involving American Airlines, British Airways, and Iberia [92] or the final decision in the recent Star Alliance immunity case.[93] However, the cases are not comparable. Antitrust immunity applications are governed by different statutes (49 U.S.C. 41308 and 41309) and standards than those applicable to the transaction before us. Further, the facts and circumstances of each case are very different. Delta and US Airways seek a waiver from an Order allowing them to consummate a slot transaction involving a significant number of slots at two constrained domestic airports that would have a substantial impact on domestic competition. The antitrust immunity cases, on the other hand, involve cooperation on long-haul, inter-continental itineraries, in a context of inter-alliance competition for global traffic flows. There is no immunity grant possible for cooperation between two U.S. carriers on domestic routes.[94] Foreign carriers partner with one or more domestic carriers to expand code-sharing and alliance opportunities to compete with other alliances of foreign and domestic carriers, many of which are already exempt from the antitrust laws. If the Department determines that an exemption from the antitrust laws is necessary, the Department next considers whether those benefits can be achieved "by reasonably available alternatives that are materially less anticompetitive." 49 U.S.C. 41309(b)(1)(B). The Department therefore considers the substantial benefits that may result from the airline alliances and determines the extent of required slot divestitures or other remedies as a condition to the grant of immunity.[95]

As proposed in the Notice, our remedy is designed to allow non-aligned, new entrants and limited incumbents to establish new or complement existing patterns of services that are commercially viable at both slot-constrained airports. The Notice issued February 9, 2010, set forth a proposal under which slot interests at DCA and LGA would be bundled in a divestiture. The purpose of bundling the slot interests was to ensure that a purchaser would obtain a sufficient number of slot interests that would make it possible to initiate service in a way that provides meaningful new competition. We continue to believe that bundling provides the best opportunity to achieve this goal.

However, after reviewing the comments submitted on the Notice and further consideration, we have slightly adjusted the four proposed bundles at LGA from one bundle of eight slot pairs and three bundles of four slot pairs each, to two bundles of six slot pairs each and two bundles of four slot pairs each. We noted that Delta and US Airways' counterproposal at LGA indicated an interest from two limited incumbents (AirTran and Spirit) and one prospective new entrant (WestJet) for five slot pairs each. The 6–6–4–4 arrangement may better accommodate the interest they demonstrated, as the individual bundles would allow existing slot portfolios and corresponding patterns of service to be expanded or new service to be launched with moderate frequency service. By making available for purchase from the existing slot holder two bundles of slots at DCA and four bundles of slots at LGA, limited incumbent carriers will have the opportunity to build on their limited presence at the slot constrained airports by adding frequencies to existing markets for better schedule coverage throughout the day, a key benefit to their customers, and a key defense against a dominant carrier that may choose to inundate markets in which it competes with new entrants and limited incumbents with excess capacity in order to force the smaller carrier from the market. Both new entrant and limited incumbents could also establish new service to other focus cities in their networks. Bundles of slots will also allow carriers with limited operations to improve efficiencies at these constrained airports in terms of better utilization of ground staff, equipment and facilities. Efficiencies will also be gained in the form of increased throughput, as new entrants and limited incumbents will offer on average more seats per departure than proposed by US Airways and Delta with their reliance on regional affiliates for over 80% of their proposed new flying from DCA and LGA.

With only two limited incumbents currently serving DCA, the creation of two slot bundles provides for diversified penetration in the form of a new entrant or limited incumbent launching service in either high frequency business markets or multiple smaller markets.

Terms of Final Waiver Notice

This grant of waiver is conditioned on: (1) The divestiture by US Airways of 20 pairs of slot interests at LGA in the slot bundles identified below; (2) the divestiture by Delta of 14 pairs of slot interests at DCA in the slot bundles identified below (these slot interests will be made available for purchase by new entrants and limited incumbents as discussed later), and; (3) US Airways and Delta making available gates and other ground facilities on reasonable terms to the purchasers of divested slots if requested by the purchaser, and if

[92] Joint Application of American Airlines, Inc., British Airways PLC, FinnAir OYJ, Iberia Lineas Aereas de Espana and Royal Jordanian Airlines under 49 U.S.C. 41308 and 41309 for approval of, and antitrust immunity for, agreements; DOT–OST–2008–0252; DOT Show Cause Order 2010–2–8; case now pending DOT final disposition.

[93] Final Order 2009–7–10 (Docket OST–2008–0234).

[94] Evaluating the competitive impact in international markets differs substantially from such an evaluation in domestic markets. It is widely accepted in the airline industry that connecting competition is much more effective at disciplining fares on long-haul routes than on short haul routes, due to much longer journey times and the ratio of the non-stop elapsed journey time to the elapsed journey time of a connecting itinerary. Furthermore, factors such as circuity play a much more important role in the efficacy of connecting competition on short- and medium-haul routes and thereby on a competitive assessment of a reduction in competition on such routes. The relevant markets in this case are therefore considerably different, resulting in a fundamentally different competitive impact, and typically requiring different remedies.

[95] Delta and US Airways further claim that the recent American-JetBlue transaction should satisfy DOT's concerns with regard to low-cost entry at DCA. In that transaction, JetBlue will lease 8 slot pairs at DCA. However, the source of the slots is American, which would have the second largest number of slots and be second in departure share at DCA were we to approve the US–DL proposal. US Airways would retain the same level of concentration that cause our concerns here, and even obtains a more dominant position over its nearest rival at the airport.

such gates and facilities are not available from the airport authority. The following discussion details these conditions and establishes the procedure for the purchase of divested slot interests. As we discussed in the February Notice, our goal of maximizing competition and consumer benefits will be realized most effectively by ensuring that the slot interest bundles are purchased by limited incumbents and new entrants (sometimes referred to herein as "eligible carriers"). As described in the February 9, 2010, Notice, eligible carriers must be U.S. or Canadian air carriers having fewer than five percent of total slot holdings at DCA and/or LGA, do not code share to or from DCA or LGA with any carrier that has five percent or more slot holdings, and are not subsidiaries, either partially or wholly owned, of a company whose combined slot interest holdings are equal to or greater than five percent at LGA and/or DCA. Carriers that would not qualify include those who are involved in a code-share relationship at DCA/LGA with carrier(s) that also would not qualify as of the date of this Notice.

As proposed, divested slot interests will be bundled for reallocation. This bundling ensures a purchaser can obtain sufficient slot interests to initiate or increase service in a manner that meets its operational needs and enhances competition. The sellers may not set a reserve price for the slot interest bundles.

As discussed above, we have slightly adjusted the four proposed bundles at LGA from one bundle of eight slot pairs and three bundles of four slot pairs each, to two bundles of six slot pairs each and two bundles of four slot pairs each. For the DCA slot interests, there will be two bundles (one consisting of eight pairs and another of six pairs). For the LGA slot interests, there will be four bundles (two consisting of six pairs and two of four pairs). The following table shows the slot interest bundles as adopted.

At DCA: Bundle A would consist of 8 pairs of slots at: 0700 (2), 0800 (1), 1000 (2), 1100 (1), 1200(1), 1300 (1), 1400 (2), 1500 (1), 1600 (2), 1900 (1), 2000 (1), 2100 (1), and

Bundle B would consist of 6 pairs of slots at: 0700 (1), 0900 (2), 1100 (1), 1200 (1), 1300 (2), 1700 (1), 1800 (1), 1900 (1), 2000 (1), 2100 (1).

At LGA: Bundle A would consist of 6 pairs of slots at: 0600 (D), 0700 (D), 0800 (A), 0800 (D), 0900 (A), 1000 (D), 1300 (A), 1400 (D), 1700 (A), 1800 (D), 2000 (A), and 2100 (A);

Bundle B would consist of 6 pairs of slots at: 0700 (D), 0900 (A), 1000 (D), 1100 (A), 1200 (D), 1300 (A), 1400 (D), 1500 (A), 1600 (D), 1700 (A), 1700 (D), and 2000 (A);

Bundle C would consist of 4 pairs of slots at: 0600 (D), 0800 (A), 0900 (D), 1100 (A), 1200 (D), 1500 (A), 1600 (D), and 2000 (A); and

Bundle D would consist of 4 pairs of slots at: 0700 (D), 1000 (A), 1100 (D), 1300 (A), 1400 (D), 1800 (A), 1900 (D) and 2100 (A).

Eligible carriers may be unable to use acquired slot interests if they cannot obtain access to gates, ticket counters, baggage handling services, loading bridges, and other ground facilities. If the purchaser lacks access to gates and ground facilities or is unable to obtain such access from the airport authority, the seller must make these available to the purchaser under reasonable terms and rates.

The divested slot interests will be subject to certain limitations to ensure they achieve the competition goals discussed in this grant of waiver. These limitations on the LGA slot interests are effective until the termination of the LaGuardia Order (currently October 29, 2011), and they do not expire for the DCA slot interests. The FAA will waive the respective use or lose provisions of the LaGuardia Order and HDR for 6 months following purchase to allow the purchaser to begin service, but the purchaser must initiate service no later than 6 months following purchase. The purchaser may lease the acquired slots to the seller until the purchaser is ready to initiate service to maximize operations at the airports. The slot interests may not be sold or leased during the 12 months following purchase because the purchaser must hold and use the acquired slot interests. However, purchasers may engage in one-for-one trades of these slot interests for operational needs. The slot interest limitations would attach to the slot interest acquired by the eligible carrier in a one-for-one trade. Any one-for-one trades are subject to the FAA notice requirements in the LaGuardia Order and HDR. After the initial 12 months, the slot interests may be sold (in the case of DCA slot interests), traded, or leased to any carrier that at the time of the sale, trade, or lease would have met the eligibility requirements to make an offer under this Waiver for the divested slot interests. Trades or leases of LGA slot interests may not exceed the duration of the LaGuardia Order as stated in that Order. Any of these transactions are reportable under the HDR and LaGuardia Order.

Within 30 days of this grant of waiver, Delta and US Airways must notify in writing to the FAA whether they intend to proceed with the slot transfer transaction. If they intend to consummate the slot transfer transaction subject to this waiver, that notice must provide the following information for the divested slots:

(1) Operating Authorization number (LGA) or slot number (DCA) and time;

(2) Frequency;

(3) Effective Date(s);

(4) Other pertinent information, if applicable; and

(5) Carrier's authorized representative.

The FAA will post a notice of the available slot interest bundles on the FAA Web site at *http://www.fly.faa.gov* within two business days of receiving all required information for the sellers and, if practicable, will publish the notice in the **Federal Register.** The notice will provide seven business days for purchase offers to be received and will specify a closing date and time. Eligible carriers may register to purchase the slot interest bundles via e-mail to *7-awa-slotadmin@faa.gov*. Registration must be received 15 days prior to the start of the offer period and must state whether there is any common ownership or control of, by, or with any other carrier and certify that no purchase offer information will be disclosed to any person other than its agent.

An eligible carrier may purchase only one slot interest bundle at each airport, except at the seller's option as discussed later, as we seek to maximize the interest of eligible carriers in participating in the proceeding. This limitation will prevent any one carrier from acquiring all divested slots, which was raised as a concern in the comments. We are also incorporating specific procedures to facilitate the sales process on multiple slot interest bundles. An eligible carrier will register for each slot interest bundle that it wishes to buy, and it will be assigned a random number for each registration so no information identifying the purchaser is available to the seller or public. A purchaser will be allowed to indicate its preference ranking for each slot interest bundle as part of its offer. Finally, as discussed in more detail later, the FAA will review the offers for each bundle in order (*i.e.,* bundles A and B for DCA and A, B, C, and D for LGA).

All offers to purchase slot bundles must be sent to the FAA electronically, via the e-mail address above, by the closing date and time. The offer must include the prospective purchaser's assigned number, the monetary amount, and the preference ranking for that slot interest bundle. No extensions of time will be granted, and late offers will not

be considered. The FAA will post all offers on the Web site as soon as practicable after they are received. Each purchaser can submit multiple offers until the closing date and time.

Once the sales period closes, the FAA will determine the highest offer for each bundle. If each bundle has only a single offer, the FAA will notify the seller by forwarding the purchaser's identification. If one eligible carrier has made the highest purchase offer on multiple bundles, the FAA will determine which offer will be valid based on preference ranking and bundle order. The FAA will identify the next-highest offer from a carrier that remains eligible to purchase the bundle as the successful offer on the other bundles. This information will be forwarded to the respective seller. The FAA will also provide information about the amount of the highest offer, and the selling carrier may choose to accept the highest offer instead of the offer identified by the FAA. Upon acceptance, the FAA will notify the selling and purchasing carriers to allow them to carry out the transaction, including any gate and ground facilities arrangements. The seller and purchaser must notify the FAA that the transaction has been completed and certify that only monetary consideration will be or has been exchanged for the slot interest bundles. This notification must occur within five business days of notification by the FAA of the winning offer. A transaction is final, and the waiver will be effective, only when any issues related to gates or ground facilities have been resolved, although not all purchasers may need gates and facilities beyond what they already have. The FAA then will approve the transaction and will maintain and make publicly available a record of the offers received, the identity of the seller and purchaser, and the winning price.

In the unlikely event that there are no offers for a slot interest, those slot interests will revert automatically to the FAA. If necessary, we will announce at a later date a means for disposing of or retiring a slot interest that attracts no purchase offer. We do not expect that this need will arise.

The grant of waiver becomes effective upon FAA approval of all slot interest bundle transactions.

Issued in Washington, DC, on May 4, 2010.

Ray LaHood,

Secretary.

J. Randolph Babbitt,

Administrator, FAA.

Appendix A

Summary of Comments

We received comments from numerous commenters which we have summarized below.

US Airways-Delta Response

Delta and US Airways submitted comments in opposition to the FAA's divestiture conditions. The carriers asserted that:

(1) Congress empowered FAA only to promote safety and the efficient use of airspace and, thus, it lacks the statutory authority to consider potential effects on competition in carrying out its other duties.

(2) While the Secretary of Transportation has authority to consider competition-related factors, he is prohibited by 49 U.S.C. 106(f)(2)(D) from directing the FAA to use its authority to do what it cannot do directly.

(3) The proposed divestiture would constitute an unlawful taking under the Fifth Amendment, because restrictions on the sale are imposed that would make it impossible for the carriers to realize full market value.

(4) DOJ is the agency best equipped to consider whether the transfer will hinder competition, acknowledging that DOJ is currently undertaking a review.

(5) FAA cannot use a waiver applicable to LGA to force a divestiture at DCA.

(6) FAA failed to analyze "overwhelming evidence" that the proposed transaction will benefit competition, such as service to new destinations, upgauging of aircraft, new connecting opportunities, etc.

(7) FAA's proposed divestitures fail to consider the integrated nature of the transaction.

(8) FAA's concerns about potential anticompetitive actions are mere speculation, as it did not point to specific instances of harm.

(9) FAA based its analysis on a 1970s vintage measure (SIFL) that fails to take into account the major changes in the industry over the last 30 years, such as industry deregulation, emergence of LCC's, *etc.*

(10) FAA failed to articulate and explain the level of airport concentration that causes it concern.

(11) The three DC-area and three NYC airports are competitively linked, and FAA's contention that they are not substitutes is inconsistent with past positions of DOT and DOJ.

(12) FAA did not sufficiently explain why divestitures of 14 pairs at DCA and 20 pairs at LGA were appropriate, and that level of divestiture is inconsistent with DOT's recent action in the *oneworld* case in which only 4 pairs of slots were required to be leased for ten years.

Notwithstanding these objections, US Airways and Delta stated that, as they were "mindful of the concerns expressed by FAA" and desiring of a solution that would permit them to move forward, they had entered into provisional divestiture agreements with four carriers that were eligible under the terms of the Notice for 15 slot pairs at LGA and 4.5 slot pairs at DCA. The 15 slot pairs at LGA would be transferred, five each, to AirTran, Spirit, and WestJet over periods of up to 28 months; the 4.5 pairs at DCA would be transferred to JetBlue. The carriers added that these more limited divestitures, "while diminishing the benefits of the transaction," would preserve enough of the benefits to permit them to go forward.

US Airways and Delta stated that if the FAA grants the waiver subject to the proposed divestiture conditions, they would not consummate the transaction, and reserved the right to seek judicial review.

Delta and US Airways submitted joint comments in another filing, together with the new entrant/limited incumbent carriers to which they would divest slots under their counterproposal: AirTran Airways, Inc., Spirit Airlines, Inc., JetBlue Airways, Inc., and WestJet, Inc. These commenters urge the FAA to approve the pending request, as modified by the slot transfer agreements. Additional details on the counterproposal were provided: (1) At DCA, JetBlue would acquire 4.5 pairs of slots (JetBlue intends otherwise to add one off-peak hour slot to complete a 5-roundtrip service pattern); (2) at LGA, AirTran, Spirit, and WestJet would acquire 5 pairs of slots each, respectively, for a total of 15 pairs; (3) in all cases, the acquisition would be conditioned on FAA's grant of the LGA Waiver request; (4) the JetBlue transfer would take place relatively soon, but Delta would continue service with the slots under a lease from JetBlue for a period; (5) the AirTran and Spirit transactions would occur over a 24-month period at dates of their choosing; and (6) the WestJet transaction would occur at a date of its choosing within 28 months. WestJet and Delta will be negotiating other commercial arrangements as well.

Given the issues raised by the carriers' counterproposal, the FAA determined that it was in the public interest to reopen the comment period for seven days to give all interested parties additional time to file rebuttal comments. Comments filed by April 5, 2010, were considered. For convenience and brevity, the comments described below include responses made both on the initial Notice and on rebuttal.

Summary of Comments From the United States Department of Justice

The Department of Justice (DOJ) submitted comments in support of the FAA's tentative decision to grant the requested waiver with conditions. The Department cited several factors in its finding of support, including:

(1) The availability of slots is a substantial barrier to entry at LGA and DCA. Air carriers holding large concentrations of slots have little incentive to lease or sell slots to low-cost carriers, thus stifling competition and depriving consumers of lower fares.

(2) The slot transaction will reduce competition between Delta and US Airways at LGA and DCA. The Department contends that, post transaction, Delta will shrink substantially at DCA and US Airways will shrink substantially at LGA, thereby reducing

either carrier's ability to compete with each other.

(3) The transaction will increase the slot holdings of the dominant carriers at LGA and DCA. US Airways will increase its DCA slot holdings from 44% to 54%, and Delta will increase its LGA slot holdings from 24% to 49%, thus producing a highly concentrated market and an enhanced premium fare structure in markets served by both airports.

(4) Most low-cost carrier slot acquisitions at LGA and DCA have been the result of Congressional or DOT/FAA action rather than secondary slot market transactions. Despite FAA regulations designed to ensure that underutilized slots are reallocated to carriers that will used them efficiently, incumbent carriers continue to hoard slots, in part, to keep the slots out of the hands of new entrants.

(5) The proposed slot transaction will exacerbate the disincentives of either carrier to sell or lease slots to other carriers. With increased slot shares at LGA and DCA, the carriers will have more revenue and profit at risk, and thus even less incentive than exists today to sell or lease slots to potential new entrants.

(6) The FAA's proposed slot divestiture is not likely to interfere substantially with the purported increase in seat capacity at either airport. There is little evidence suggesting that a smaller transaction—as would result if the parties accepted the terms of the FAA's proposed waiver—would be unprofitable for the parties.

(7) The consumer benefits from LCC entry that will likely result from the FAA's proposed divestiture almost certainly will outweigh any loss from Delta and US Airways making minor modifications to their proposed schedules.

(8) DOJ favors an anonymous, cash-only sales of slots in which the FAA forwards the highest offer to the seller for acceptance or rejection if the method is implemented in a sound way. The Department advocates for the anonymity of potential buyers, but encourages the FAA to clarify what happens in the event that a carrier rejects the highest purchase offer. The Department also recommends expanding the restriction on re-sales and leases of slots purchased pursuant to the selected slot acquisition option.

(9) The Department recommends precluding, for some reasonable period, purchasers from selling and leasing any slots to carriers not eligible under the terms of the final action taken on this proceeding in order to ensure that divested slots stay in the hands of new entrants or limited incumbents.

(10) The Department notes that purchasers of divested slots will also need access to sufficient ground facilities, and recommends that the FAA should consider ways to ensure that the purchaser will obtain access to these facilities. In concluding its comments, DOJ finds that the FAA's proposed waiver with conditions will be in the public interest because it will free up slots for other carriers, facilitate entry at LGA and DCA, increase competition, and lower fares for consumers without interfering with the purported benefits of the transaction.

Summary of Other Comments

Southwest Airlines, Inc. filed comments, arguing that:

(1) The consequences for the public of this attempted re-allocation of the markets by Delta and US Airways will be higher fares, less competition, and fewer service options.

(2) Delta and US Airways have long been free to upgauge their aircraft, but they have done the opposite over the last decade (Delta's average aircraft size at LGA has declined to 105 seats, while US Airways' average aircraft size at DCA has sunk to 92 seats—reflecting economic inefficiencies at both airports).

(3) FAA's proposed carve-outs of 20 and 14 slot pairs are a good start, but are too limited to have a significant restraining effect on fares, except in a few markets.

(4) If the divested slots are divided among several carriers, the resulting competition will be so diluted it will have no effective price discipline. A carve-out of at least 40 pairs at LGA and 20 pairs at DCA should be required.

(5) DOT/FAA has ample legal authority to require carve-outs (Since DOT/FAA has the authority to grant the waiver request in full, it must also have the authority to grant it in part), and carve-outs here are "in the public interest."

(6) Despite multiple efforts, Southwest has been unable to acquire DCA slots, or more than the 14 slots it has at LGA. Its average fares would be 33% lower than Delta at LGA and 49% lower than US Airways at DCA. If it had 20 pairs at LGA it would generate $84 million annually in consumer savings, and if it had 14 pairs at DCA it would generate $109 million per year in consumer savings. It would also serve 340,000 more passengers at each of the airports.

(7) FAA should allocate the divested slots via a transparent sales process to the purchaser with the highest cash offer. Other options invite a manipulation of the process for anti-competitive purposes (*e.g.,* selecting the weakest competitors).

(8) FAA should amend its order to require US Airways and Delta, working with the respective airport authorities, to make airport facilities available on terms no less favorable than those now accorded to the two carriers.

United Air Lines, Inc. opposes the FAA's proposed divestiture conditions. United's major arguments are: (1) FAA lacks the legal authority to impose the slot divestiture condition under the premise that FAA authority is limited to the safety of aircraft operations and efficient use of airspace, and that the policy goals outlined in § 40101 do not apply to the Administrator's exercise of exemption powers; and (2) FAA has not shown that the transaction would adversely impact competition. United contends that the fact that the transaction increases the share of slots does not necessarily signify that the carriers will gain pricing power in any relevant market.

United believes the FAA has not analyzed potential competitive effects in any relevant market, that FAA assertions of harm are speculation, and that the FAA has relied on flawed, outdated data in reaching its conclusions. The air carrier states that costs are higher at DCA due to the added costs of delays and the cost of acquiring slots.

American Airlines, Inc. supports the FAA's proposed divestiture conditions, but expressed concerns regarding the rationale. American's major arguments are: (1) Offers reason for the failure of the secondary market at DCA and LGA as the current system of delegating slots to new entrants. American contends that there is no incentive to buy new slots when slots are readily distributed for free by the government; (2) disagrees that the proposed transaction will lead to higher fares. The air carrier cites the example of Continental Airlines having market dominance at EWR but maintaining lower fares than US Airways; and (3) supports a private sale arrangement for the slot divestiture.

Continental Airlines, Inc. takes no position on the proposed transaction or whether other remedies are required, but argues that imposing conditions of divestiture exceeds FAA authority. Continental's major arguments are: (1) FAA has previously acknowledged that it lacked the authority to impose market-clearing charges for landings and takeoffs; (2) FAA slot rules require reallocation by lottery, should not be read to extend to divestitures for economic reasons, nor favor new entrants and limited incumbents; (3) requiring divestitures will violate carriers' property rights; (4) FAA's proposal conflicts with the Hart-Scott-Rodino review process; (5) DCA and LGA are not individual markets, and treating them as such is inconsistent with earlier DOJ conditions on domestic code-sharing and in DOT's Star Alliance carve-out (where the overlap was premised on defining EWR and JFK as a common origin and destination point); (6) holding a large percentage of slots at a carrier's hub is not inherently anticompetitive and is beneficial to consumers because it enables airlines to achieve economies of scope; and (7) FAA should not consider code-share relationships when calculating an individual carrier's slot position because code-share carriers are independent with respect to domestic service. Continental states that it should have the ability to acquire withdrawn slots at LGA despite its code-share with United Air Lines.

Virgin America, Inc. commends the FAA for taking steps to address the competitive situation at slot-controlled airports. Virgin believes the government has not only the authority but the responsibility to enhance competition, and believes that the FAA action in this proposed transaction is consistent with applicable precedents. The air carrier states that the FAA should be more proactive by creating a permanent mechanism for resolving secondary market problems at slot-controlled airports.

The Delta Master Executive Council of the Air Line Pilots Association submitted comments in support of the waiver, but without the imposition of "onerous and unjustified" divestiture conditions. ALPA believes that approval of the original petition will promote job growth, slot utilization, and competition. The commenter contends that increased operations at an airport are not necessarily harmful, citing the example of Continental Airlines having a larger percentage of operations at EWR than other air carriers, but charges a lower percentage of

the standard industry fare level (SIFL). ALPA believes the FAA's proposed number of divestitures is inconsistent with *oneworld,* where just 4 pairs of slots were required to be divested.

Parties representing two Florida airports filed comments in general support of the waiver. The airports include the Sarasota/Bradenton International Airport (SRQ) and the Tallahassee Regional Airport (TLH). Both commenters expressed concern that the FAA's proposal could halt the transaction completely, thereby eliminating opportunities for expanded air service in the two communities. Additionally, the parties commented that the FAA proposal favors large airports and new entrant carriers over smaller communities who rely on network carriers.

The Port Authority of New York and New Jersey (PANYNJ) filed a comment in support of the proposed divestiture conditions. PANYNJ compliments the FAA in its efforts to increase the presence of low-cost carriers at LGA and preserving small community service. PANYNJ supports the proposal to suspend use-or-lose provisions for new entrants and limited incumbents that would obtain the divested slots, but disagrees with the FAA on its conclusions regarding airport substitutability. The commenter reinforced that it would put forth its best efforts to ensure that new entrants and limited incumbents are accommodated, but believes that the Final Order should not impose any additional requirements in this regard. PANYNJ also believes that any transfer of slots should be conditioned on its ability to accommodate the new carrier at a corresponding gate. Regarding the slot transfer process, PANYNJ endorses the proposal that would allow the FAA to maintain a Web site for offers to purchase and transmission of the highest offer to the seller.

The Honorable Henry E. Brown, Jr., U.S. Representative of the 1st District of South Carolina, submitted a comment in support of the original petition submitted by Delta and US Airways, but does not support the FAA's proposed divestiture conditions. Congressman Brown cites South Carolina's significant tourism industry as a reason to expand air service to the State. He notes that Horry County, the State's largest tourism revenue generator, is the only major tourist destination in the United States that is not served by the Interstate System. Congressman Brown recognizes the FAA's responsibility under the Airline Deregulation Act to maximize airline competition and opportunities for new entrants, but pointed out that the proposed divestiture of 14 pairs of slot interests at DCA would remove the possibility of expanded air service at MYR for the foreseeable future, which he believes is counter to the Act's directive to encourage air service to small communities. Congressman Brown also states that expanded direct air service to smaller and mid-sized communities serves the "greater good" of the country more than fostering competition between larger cities that already enjoy direct air service.

The Honorable Louise M. Slaughter, U.S. Representative of the 28th District of New York, submitted a comment in strong support of the FAA's proposal to require the divestiture of slot interests at DCA and LGA to new entrant and limited incumbent carriers. Congresswoman Slaughter commented that she would like to see an increase in the number of mandated slots to be divested, although she concurs that the proposal is a good first step to improving service to DCA and LGA. The Congresswoman expressed concern that the proposal does not force either carrier to commit to any particular market for a defined period of time, thus enabling the carriers to discontinue certain routes and use their added slot interests to initiate new routes to target smaller competitors and stifle competition.

Edward S. Faggen, former Vice President and General Counsel of the Metropolitan Washington Airport Authority (MWAA), commented in a personal capacity expressing support for the FAA's decision not to grant the waiver without first imposing conditions that protect the competitive environment at either airport. Mr. Faggen cites the FAA's High Density Rule as a successful means for enabling DCA to manage capacity, promote schedule reliability, and allow airport officials to effectively plan for airside and landside capacity improvements. The commenter believes that a waiver, without conditions, will lead to a challenge to the DCA HDR by new entrants or low-cost carriers, who may perceive the HDR to be anticompetitive. Mr. Faggen would like to see the number of DCA slots to be divested to increase from the proposed minimum of 14 to a number that expands access to other incumbents, and commensurate with airfield capacity capabilities, if possible.

Citizens and organizations of the Rochester, New York metropolitan area, which are represented by the Honorable Louise M. Slaughter, U.S. Representative of the 28th District of New York, submitted eleven comments in general support of the proposed waiver. The commenters unanimously agree that the proposal would increase competition, lower fares, and improve air service in the Rochester, New York passenger market. A majority of the commenters would like to see an increase in the number of slots to be divested.

Three individuals submitted comments in support of the FAA position. The commenters unanimously agree that the proposed waiver would increase competition by decreasing excessive market domination, lower fares, and improved air service. One individual expressed hope that the slot divesture will reduce delays, spur economic growth, and lead to cheaper access to popular vacation destinations. One individual expressed support for the public benefit of expanded operations by Southwest Airlines at LGA.

One individual submitted a comment in opposition to any type of waiver for the proposed transaction. The individual believes that Delta is anti-competitive in its practices and seeks to harm other airlines economically. The commenter further cites Delta's decision to transfer its pension liability onto taxpayers as reason not to reward it with a favorable slot swap arrangement.

Two individuals submitted comments in support of the US Airways-Delta Airlines position of granting the proposed waiver without conditions. One commenter assessed that the conditions intrude into the free market by forcing the divestiture of slots, and stated that it is not the role of government to "create additional competition." Another commenter was concerned about air carrier profitability and the ramifications to jobs and air carrier access should either airline seek bankruptcy protection. The commenters urged DOT to allow the slot swap to proceed as originally proposed in order to do everything possible to help airlines bolster profitability and keep people employed.

Supplemental and Responsive Pleadings

The initial comment period closed on March 22, 2010. The FAA determined that it was in the public interest to reopen the comment period until April 5, 2010, to give all interested parties additional time to file supplemental and rebuttal comments.

WestJet stated that, in the past, regulatory and operational constraints have prevented it from sustaining competitive service to LGA. As a result of the independently negotiated slot transaction with Delta, which provides WestJet with 5 slot pairs at LGA, the carrier believes that it is now in a good position to compete against established carriers in the U.S. and Canadian markets. Additionally, WestJet cites expanded passenger access to Delta's extensive domestic network, as well as Delta's willingness to provide supporting services and facilities as evidence that the carrier and its passengers stand to benefit from the transaction. Further, the carrier cites Section I of Annex II to the Air Transport Agreement between the governments of the United States and Canada, which specifies that Canadian air carriers be afforded equal access to slot controlled airports. Accordingly, WestJet urged the FAA to approve the Delta-US Airways waiver request, thus enabling WestJet's slot transaction with Delta to proceed.

Transport Azumah expressed a belief that the LGA slots are being liquidated at below-market value and suspects that this is the result of air carriers not being allowed to sell slots on the open market. The commenter believes that "hoarding" of slots will continue as long as air carriers are not allowed to freely buy and sell slots as needed.

The Spirit Airlines Master Executive Council of the Air Line Pilots Association urged the FAA to approve the LaGuardia waiver request, as modified by the slot transfers to AirTran, Spirit, JetBlue and WestJet. The Council believes that such a grant will permit the beneficial transaction to proceed and to enable Spirit and its pilots to benefit from significant new service expansions and enhanced job opportunities.

The Southwest Airlines Pilots Association expressed support for the FAA's proposal to require the divestiture of slot interests at DCA and LGA to new entrant and limited incumbent carriers, and urges the DOT/FAA to deny the requested petition unless the proposed divestiture of 20 slot pairs and LGA and 14 slot pairs at DCA is enforced. The Association believes that hubs dominated by two legacy carriers would be created at LGA

and DCA, giving them unchecked market and pricing power. It also believes the revised slot transaction deal announced by Delta and US Airways on March 22, 2010 is a meager giveaway that would bar Southwest from an open, public, transparent proceeding that would enable Southwest to operate at these airports. The commenter stated that Southwest is interested in bidding on the slots to expand its low-fare service to consumers in a high-fare market, and cited its own economic expert as concluding that consumers would save approximately $200 million annually if Southwest were given the opportunity to acquire the slots to be divested under the FAA proposal. The Association added that the public interest is not served by allowing dominant carriers to distribute a handful of slots to a chosen few airline competitors.

JetBlue Airways, AirTran Airways, Inc. (joined by the AirTran Master Executive Council of the Air Line Pilots Association) submitted comments largely reiterating the views they had expressed in their initial comments to the docket.

The Delta Master Executive Council of the Air Line Pilots Association submitted comments reiterating its earlier support for the Delta-US Airways petition, but adding that it agreed with the legacy carriers that the FAA has no statutory authority to impose the divestiture condition and disagreed with opposing comments, particularly those of Southwest Airlines and the Department of Justice, that approval of the LGA waiver request will reduce competition. The commenter asserted as well that the proposed slot transfers to AirTran, Spirit, JetBlue, and WestJet adequately address the FAA's competition concerns and demonstrates that the FAA should not substitute its regulatory judgment for the competitive marketplace.

The Consumer Travel Alliance submitted comments in strong opposition to the revised slot transaction deal with AirTran, Spirit, JetBlue, and WestJet as announced by Delta and US Airways on March 22, 2010. The Alliance supports the original DOT/FAA order, but believes that the most recent slot transaction proposal is unacceptable and would serve only to maintain the current status of pricing in the market. Further, the Alliance argues that the proposal should be rejected out of hand, or the proceeding should be reopened for further investigation and additional comments should be permitted on the new proposal.

A Notice of Communication was submitted to the public docket, in accordance with 14 CFR Part 300, stating that Captain Doug Ralph of the Air Lines Pilot Association and James Van Woert of Delta Air Lines expressed support for the joint petition submitted by Delta and US Airways while attending an aviation roundtable at Stewart International Airport. The roundtable included Transportation Secretary Ray LaHood and Deputy Assistant Secretary for Aviation and International Affairs Christa Fornarotto. Captain Ralph expressed his hope that the Department would handle the proceeding expeditiously and asked about its status. Secretary LaHood responded that, because the matter was under active consideration, he could not comment on any aspect and further noted that any discussion of the case at that time would be inappropriate.

Southwest Airlines submitted reply comments in response to the independently negotiated slot transactions between Delta and US Airways and four low-cost carriers, AirTran, Spirit, JetBlue, and WestJet. Southwest strongly opposes the slot transaction and argues that it is a calculated effort by Delta and US Airways to avoid the FAA's proposed divestiture conditions while producing no meaningful competition to either carrier at LGA and DCA. The carrier added to its earlier comments to the effect that the splintered and minimal slot transfers in the six-party deal will have no meaningful impact on competition or concentration at LGA and DCA, and that the parties to the deal will likely serve at most one or two routes each from LGA and DCA with the transferred slots. It further asserted that both Spirit and AirTran have a long history of abandoning service in both markets after unsuccessful attempts to compete with incumbent carriers. Contending that it would generate more public benefits than all four slot transaction partners combined, the carrier argued that its exclusion from the six-party transaction was no accident because Delta and US Airways know that Southwest can leverage even a small number of slots more effectively than the other eligible carriers, combined, because of its large domestic network. The carrier believes that, in order to assist airports in exercising their property rights and accommodating slot recipients, DOT/FAA should condition its waiver approval on the parallel divestiture of adequate and viably located ground facilities by Delta and US Airways. Asserting that LGA and DCA are separate markets that are effectively insulated from the competition at surrounding airports, Southwest contends that neither airlines nor passengers consider the three Washington/Baltimore area airports, or the three New York/Newark area airports, to be economic substitutes for one another. Finally, in deciding whether proposed slot transfers are in the public interest, Southwest urged the FAA to consider the potential impact on competition in the airline industry, noting among other considerations that more than 70 years, Congressional policy has been to maximize competition and deter anticompetitive actions in the U.S. Airline Industry.

Virgin America submitted rebuttal comments in response to the modified slot transaction, contending that the tentative agreement between the carriers falls short of the divestiture of 20 slot pairs at LGA and 14 slot pairs at DCA that the FAA tentatively concludes to be required of the public interest. Virgin America believes the petitioners' argument that the FAA lacks legal authority to condition the approval on divestitures misperceives the statutory basis upon which the FAA has relied, and expresses support for the various legal arguments recited by the FAA in the Notice. In particular, regarding the Joint Applicants claim that the DOT/FAA cannot rely on pro-competitive policies when administering slots, Virgin America believes that such argument was expressly refuted long ago by a Federal appeals court in *Northwest Airlines* v. *Goldschmidt,* 645 F.2d 1309 (8th Cir. 1980). Similarly, Virgin America believes that the arguments by the Joint Applicants, and other legacy carriers, that the FAA's proposed divestiture constitutes an unlawful confiscation lack sufficient merit.

Spirit Airlines, Inc. submitted rebuttal comments in response to the "pay-to-play" solution for redistribution of slots as announced by the FAA in its February 18, 2010 Notice. Spirit believes the FAA's proposal is not in the broad public interest. Spirit states that it was able to obtain 22 slots at LGA only as a result of Congressional intervention via the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR–21), which was enacted in 2000. Since then, Spirit states that it has been unable to obtain through purchase or lease an adequate number of slots to efficiently increase service at LGA. The air carrier contends that airlines with a small number of slots face unique operating problems, which harm their inability to compete, including: (1) During weather and FAA-imposed ground delays, small slot holders like Spirit are forced to cancel or delay their most important flights. In the event of a forced cancellation, because of the few flights they are able to offer, limited incumbent low-fare carriers may not be able to rebook passengers from canceled flights until flights leaving the next day, or may be forced to pay a substantial cost for re-accommodating passengers onto a flight on one of the large incumbents. Spirit asserts that, not only are the smaller, low-fare airlines disadvantaged, but so too are their passengers, many of whom require low fares to travel; (2) carriers with few slots have difficulty adjusting schedules. Slot trades are critically important for carriers to arrange flight schedules to enable their overall networks to function efficiently. Yet in the current circumstances the larger slot holders do not need to trade slot times with other carriers, and the small slot holders do not have sufficient slots to arrange workable trades with other smaller carriers; (3) low-fare carriers are seriously handicapped by their inability to acquire a number of slots sufficient to efficiently utilize a gate. The cost and difficulty of operating a shared gate if a carrier has only a few pairs of slots, in addition to staffing costs, makes it virtually impossible for low-fare carriers to add slots one or two pair at a time; and (4) with few slots it is particularly difficult to address new competition in one market without reducing or giving up service in another. Spirit believes that the "pay-to-play" process is the worst outcome for the carrier and its passengers, because it would not have the financial resources to compete with offers from major carriers for the released LGA slots regardless of how efficiently it could use them, the profit it could earn, and the low fare benefit it provides to consumers. Spirit argues that the alternative proposal of allowing it to consummate a transaction in which it would acquire 5 LGA slot pairs from Delta is in the best interest of consumers because the slots would provide some flexibility to respond to market changes like the new American New York-Fort Lauderdale service which is

essential if Spirit is to remain a viable competitor in the New York-South Florida market, and the agreement gives it necessary flexibility to integrate the slots into its system in conjunction with aircraft acquisitions and seasonal route realignments, without disrupting its other services under pressure of the FAA use-or-lose requirements that could result in loss of slots.

The Port Authority of New York and New Jersey (PANYNJ) filed a rebuttal addressing two subjects raised by other parties in response to the Notice that were not directly raised by the Notice: (1) Slots are not property of the airlines that have authority to conduct operations authorized by those slots; and (2) the Port Authority is the entity with the right to decide whether and how to allocate ground facilities at LGA. PANYNJ cites *In re Braniff Airlines,* 700 F. 2d 935 (5th Cir. 1983), and other legal proceedings, in its contention that sufficient legal precedent establishes that slots "are actually the restriction of the use of property—the airplane; not property in themselves." The Port also cites 49 U.S.C. 40103(b)(1), which provides that statutes under which the FAA issues slot orders and waivers preclude slots from being property. Regarding ground facilities, PANYNJ asserts the right to determine to whom and what circumstances to authorize use of airport facilities is an airport operator's proprietary power and right, as concluded in *National Business Aviation Ass'n, Inc.* v. *City of Naples Airport,* 162 F.Supp.2d 1343, 1348 (M.D. Fla. 2001), as well as the airport proprietor's rights to determine whether and under what terms and conditions access should be provided to an airline, as provided by 49 U.S.C. 41713(b)(3). Further, PANYNJ believes that if the FAA accepts these slot transfers as full or partial satisfaction of FAA's competition concerns, the benefits of the increase in the presence of new entrant/limited incumbent carriers at LGA should be maintained for the life of these slots, *i.e.,* until October 29, 2011. Accordingly, the Port believes that if the FAA issues an order granting the waiver petition of Delta and US Airways based in whole or in part on the transfers of slots to JetBlue, AirTran, Spirit and WestJet, such an order should provide that those slots be subject to a restriction "precluding the carriers purchasing the slot interests acquired pursuant to [those transfers] from re-selling, or leasing, them to any carriers that are not eligible" to receive slots under the Waiver Proposal set forth in the Notice.

Delta and US Airways submitted joint rebuttal comments in response to comments of the United States Justice Department and Southwest Airlines Co. The carriers reiterated many of the points they made earlier, particularly concerning their belief that the FAA has the authority to consider safety and efficient use of airspace, not competition. The carrier argues that both the DOJ and Southwest Airlines misinterpret regulatory guidance and legal precedent in their assertion that the FAA has statutory authority to condition the waiver grant on the divestiture of slots. The carriers also argued that: (a) There is no evidence that the transaction will reduce the likelihood of low-cost carrier entry; (b) the DOJ ignores undisputed evidence that the transaction will increase, not reduce, competition; (c) the DOJ offers no evidence that increases in slot ownership at DCA and LGA would produce competitive harm or increase fares; (d) the DOJ's assertion relating to market definition do not address the parties' evidence; and (e) the DOJ's assertion that the proposed divestiture will not interfere with the transaction's benefits suffers from numerous flaws. The commenters also urged that their privately-contracted slot transfers should be approved, as the various parties have entered into a transaction that satisfies the FAA's and the DOJ's desire to see the slots go to low-cost carriers and Southwest's comments reflect an untenable attempt to exploit the waiver request for its own benefit. They also asserted that Southwest has had ample opportunities to obtain DCA and LGA slots but has chosen not to do so, that it cannot complain about market concentration given its near exclusive presence at its dominant airports, including Love Field Airport, and that there is no basis for Southwest's suggestion that it would make more beneficial use of the slots than JetBlue, AirTran, Spirit, and WestJet.

DOJ submitted rebuttal comments in response to public comments challenging the FAA's statutory, factual, and analytical basis for imposing the proposed divestiture conditions. The DOJ also reiterated its support for the FAA's tentative decision. DOJ offers the following comments in reply to some of the parties' key arguments: (1) FAA divestitures offset harm while preserving purported efficiencies. The Department counters claims that the conditions would provide more competitive harm than benefit, and furthers states that it used the same analytical scenario advanced by the opposing parties, while also taking into account the LCC factor, in conducting its analysis. The Department states that it reached a very different conclusion, that the aggregate impact on consumers from the proposed divestiture would be strongly positive; (2) the modification proposal warrants careful examination. The DOJ believes the circumstances and limited disclosed terms of the proposed transfers strongly suggest that the divestitures were structured to minimize the potential competitive effect on Delta and US Airways, and consequently potential benefits for consumers. The DOJ recommends that the FAA examine the details of the proposals, including the agreements themselves and surrounding circumstances, to evaluate their likely effects; (3) competition from nearby airports will not completely offset lost competition between US Airways and Delta at DCA and LGA. The DOJ contends that nothing in the parties' various submissions refutes the notion that flights out of DCA (or LGA) provide closer competition to other flights out of DCA (or LGA) than do flights out of IDA and BWI (or JFK and EWR), and thus that market power can be exercised at DCA (or LGA) against some passengers despite the presence of competition from the other two nearby airports; (4) DOT/FAA review of competition effects does not interfere with DOJ authority. The DOJ notes that it is particularly ironic that, before the Notice was issued in this matter, Delta urged DOT/FAA to undertake a broad analysis of the competitive effects of this transaction and only raised objections once the carrier saw the results of the FAA's competitive analysis. The DOJ concludes its reply comments by reiterating that the FAA has sufficient statutory, analytical, and factual basis to impose the conditions proposed in its Notice, and urged the FAA to subject the modified transaction proposed by the parties to close scrutiny.

Delta and US Airways submitted a Motion for Leave to File Comments on April 7, 2010 in response to rebuttal comments of the DOJ. The carriers believe it is necessary to respond to comments included in the DOJ's rebuttal comment reply as a matter of correcting the record although the comment period has expired. The carriers offered the following rebuttals: (1) The DOJ's purported misgivings about the alternative slot transfers are misplaced. The carriers reiterate that the slot transaction will not go forward under the terms proposed by the FAA, and the modified slot proposal submitted by the six parties satisfies the FAA concerns while preserving the transaction. Further, the carriers disagree with the Department's favored cash-only winner-take-all process that, they believe, would virtually guarantee that all of the slots would go to better-capitalized Southwest; and (2) the DOJ has abandoned any defense of the FAA's consideration of competition. The commenter's believe that the DOJ has abandoned the view that it expressed in its initial comments that the FAA has authority to consider competition under 49 U.S.C. 40101(a), and has chosen instead to defer to the FAA's view of its own authority. Additionally, the carriers argue that the Department fails to offer any coherent explanation for how the FAA's exercise of competition authority can be reconciled with Congress's decision to remove Section 7 authority from the DOT and to delegate that authority exclusively to the DOJ. Delta and US Airways conclude their Motion for Leave to File Comments by reiterating that the DOJ's rebuttal comments confirm the FAA has no legal authority to impose a divestiture condition, and therefore the FAA should either grant the carriers an exemption from the LGA Order, or promptly approve the modified transaction. A subsequent filing was also received, urging that the transaction between American and JetBlue, by which JetBlue would obtain eight slot pairs at DCA and use them to serve Boston, Orlando, and Ft. Lauderdale, should serve to resolve the Department's concerns about low-cost carrier entry and competition at that airport.

Appendix B

Standard Industry Fare Level Analysis Washington and New York Area Airports

The figures for Washington, depicted in the table below, show the percentage of total area O&D passengers using each of the WAS area airports, the passenger weighted percent of fares at each airport compared to the mileage adjusted SIFL expressed as a percent of SIFL, an identification of the largest passenger carrier at each airport, its percent of O&D traffic, and finally an indication of that

carrier's passenger weighted fare as a percent of passenger weighted SIFL fares.

WASHINGTON AREA AIRPORTS' PERCENT OF SIFL, LARGEST CARRIER SIFL AND PERCENT OF TRAFFIC

	% of WAS	Apt % SIFL	Lgest Car	% of Traffic	% SIFL
BWI	41	65	WN	48	65
DCA	35	101	US	33	124
IAD	23	77	UA	47	90

Note: If US Airways is removed from the DCA percent of SIFL calculation the airport average SIFL would decline to 88% of SIFL.

As can be seen, the relationship of actual fares to the SIFL fare benchmark is very different at the three Washington area airports. Actual fares are 65% of SIFL at BWI, 77% at IAD and 101% at DCA.

The comparable statistics for the NYC airports are summarized in the following table.

NEW YORK AREA AIRPORTS PERCENT OF SIFL, LARGEST CARRIER SIFL AND PERCENT OF TRAFFIC

	% of NYC	Apt % SIFL	Lgest Car	% of Traffic	% SIFL
EWR	30	71	CO	59	71
JFK	34	57	B6	46	57
LGA	35	82	DL	30	89

Note: If Delta is removed from the DCA percent of SIFL calculation the airport average SIFL would decline to 79% of SIFL.

The results show that actual fares are 71% of SIFL at EWR, 57% of SIFL at JFK, and 82% of SIFL at LGA. Delta Air Lines is the largest carrier with 30% of traffic and a weighted average fare of 89% of SIFL. We noted that if Delta is excluded from LGA figures the airport percent of SIFL would decline to 79% of SIFL.

[FR Doc. 2010–10978 Filed 5–10–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Request for Expedited Certification and Type Approval of Amtrak Advanced Civil Speed Enforcement System (ACSES)

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for expedited certification and type approval of the Amtrak ACSES. ACSES has been deployed on the Northeast Corridor since December 2000, in accordance with the FRA Final Order of Particular Applicability issued on July 22, 1998 [FRA Docket No. 87–2, Notice No.7]. The request is described below, including the party seeking certification and type approval of ACSES, the regulatory provisions involved, the nature of the request, and the petitioner's arguments in favor of the request.

National Railroad Passenger Corporation

[Docket Number FRA–2010–0029]

The National Railroad Passenger Corporation (Amtrak) is submitting a request for expedited certification and type approval of ACSES, presently installed on the Northeast Corridor, in fulfillment of the requirements of and compliance with the final rule for Positive Train Control systems per 49 CFR part 236, subpart I (specifically, Section 236.1031). The documentation supporting this request demonstrates that ACSES reliably performs the functionalities required by Sections 236.1005 and 236.1007, and therefore conforms to Subpart I. Also, ACSES has been recognized by FRA as being designed and implemented by Amtrak since December 2000, in full accordance with the FRA Final Order of Particular Applicability issued in July 1998. These conditions constitute a legitimate basis for expedited certification and type approval of ACSES.

Submission of the request does not require the establishment of a formal comment period; however, interested parties may submit their views, data, or comments by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received during the review process of this request will be considered by FRA, to the extent practicable, before the final decision is made. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://www.regulations.gov.*

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, 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; Page 19477) or at *http://www.dot.gov/privacy.html.*

Issued in Washington, DC, on May 4, 2010.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 2010–11030 Filed 5–10–10; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Temporary Exclusion of the Assessment of Overflight Fees for Humanitarian Flights Related to the January 12, 2010, Earthquake in Haiti

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of determination by the FAA to exclude the assessment of Overflight Fees for humanitarian flights in response to the earthquake in Haiti.

SUMMARY: On January 12, 2010, the nation of Haiti was hit by a devastating earthquake near the heaviest populated part of the country, its capital, Port-au-Prince. Within hours, there was a significant increase in the volume of air traffic in the area as the world responded with many types of emergency relief and assistance. Since the FAA is the International Civil Aviation Organization-designated provider of air navigation services in much of the Caribbean just north of Haiti and north and east of the Dominican Republic, many of these humanitarian flights go through U.S.-controlled airspace and incur charges by the FAA (known as "Overflight Fees") for the air navigation services provided. This Notice advises all concerned of the determination by the FAA to exclude temporarily from its Overflight Fee bills any charges for humanitarian flights responding to the earthquake in Haiti.

SUPPLEMENTARY INFORMATION: The FAA bills monthly for air navigation and related services provided to certain aircraft as set out in 49 CFR part 187. The charge for these services, called Overflight Fees, is typically billed on or about the 10th of each month. The FAA has excluded from billing all flights in and out of Haiti during January (after the date of the earthquake), February and March on the presumption that the vast majority of such Haitian flights in the immediate aftermath of the earthquake are humanitarian in nature. Beginning with the invoices for the month of April, which are expected to be issued during the week of May 10–14, 2010, the FAA will bill flights to and from Haiti in the usual (pre-earthquake) manner. Operators of humanitarian flights related to the earthquake may request reconsideration of charges by the process described below.

The FAA is also aware that there were numerous humanitarian flights flown in response to the earthquake in and out of the Dominican Republic and possibly other points in the Caribbean. Since the FAA cannot determine by the track of such flights whether they were in fact humanitarian flights for Haiti, all such flights have been billed for Overflight Fees that are normally applicable. Reconsideration of such fees for Haitian humanitarian flights may be requested as described below.

Any entity that has been billed an Overflight Fee for a flight that was for humanitarian relief related to the earthquake in Haiti may request a reconsideration of the applicable fee by submitting a written statement to the FAA identifying the flight in question, providing an explanation of the purpose of the flight and a certification that the sole purpose of the flight was to provide aid or relief associated with the earthquake. This documentation should be provided either by mail to Federal Aviation Administration, Attn: Michelle Leissner, General Accounting Division (AMZ–350), P.O. Box 25082, Oklahoma City, OK 73125, USA or by e-mail to *9-AMC-AMZ-OVERFLIGHT-FEES@faa.gov.*

The FAA intends to continue this process for reconsideration of Overflight Fees billed to humanitarian flights related to the Haiti earthquake for the foreseeable future, but may cease such reconsideration at any time. If and when such a decision is made, the FAA will provide notification with its monthly bills.

FOR FURTHER INFORMATION CONTACT: Mr. David Rickard, Manager, Financial Analysis (AFC–300), FAA Office of Financial Controls, 800 Independence Avenue, SW., Washington, DC 20591, or by e-mail at *david.rickard@faa.gov.*

Issued in Washington, DC on May 5, 2010.

Ramesh K. Punwani,

Assistant Administrator for Financial Services/CFO, Federal Aviation Administration.

[FR Doc. 2010–11152 Filed 5–10–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

'34 Disclosures

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The proposed information collection request (ICR) described below has been submitted to the Office of Management and Budget (OMB) for review and approval, as required by the Paperwork Reduction Act of 1995. OTS is soliciting public comments on the proposal.

DATES: Submit written comments on or before June 10, 2010. A copy of this ICR, with applicable supporting documentation, can be obtained from RegInfo.gov at *http://www.reginfo.gov/public/do/PRAMain.*

FOR FURTHER INFORMATION CONTACT: For further information or to obtain a copy of the submission to OMB, please contact Ira L. Mills at, *ira.mills@ots.treas.gov* (202) 906–6531, or facsimile number (202) 906–6518, Regulations and Legislation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection.

Title of Proposal: '34 Disclosures.

OMB Number: 1550–0019.

Form Number: Forms 8A, 8K, 10, 10K, 12b–25, 25, 10–Q, 4, 3, 5, 15, Schedules 14A, 14C, TO, 13D, 13G, 13E–3, G–FIN, G–FINW, G–FIN–4, G–FIN–5, and Annual Report.

Regulation Requirement: 12 CFR 563d.

Description: OTS collects certain periodic information on forms adopted by the U.S. Securities and Exchange Commission (SEC), pursuant to the Securities Exchange Act of 1934 (the Exchange Act). The information is collected annually, quarterly, and at other times as required by certain events. The forms are required to be filed with OTS by certain publicly held savings associations and related persons, pursuant to section 12(i) of the Exchange Act. OTS administers the reporting requirements and forms of the SEC for such persons. This provision applies to approximately 6 Federal stock institutions registered with OTS.

In addition, 12 CFR 552.10 requires that Federal stock associations not wholly owned by a holding company mail, within 90 days after the end of its fiscal year, an Annual Report to each of its stockholders entitled to vote at its annual meeting. The Annual Report shall contain financial statements identical to those required by the Exchange Act and Rule 14a–3 (17 CFR 240.14a–3 thereunder). This provision applies to approximately 26 Federal stock institutions chartered by OTS. Each affected association must send OTS a copy of its Annual Report, properly certified.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit; Individuals or households; Not-for-profit institutions; Farms; Federal Government; State, Local or Tribal Government.

Estimated Number of Respondents: 95.

Estimated Burden Hours Per Response: The response time for forms and schedules could range from 12 minutes to 141 hours and the Annual Report is estimated at 1,576 hours.

Estimated Frequency of Response: On occasion; Quarterly; Annually.

Estimated Total Burden: 26,183 hours.

Clearance Officer: Ira L. Mills, (202) 906–6531, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

Dated: May 6, 2010.

Ira L. Mills,

Paperwork Clearance Officer, Office of Chief Counsel, Office of Thrift Supervision.

[FR Doc. 2010–11172 Filed 5–10–10; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0585]

Agency Information Collection (Brand Name or Equal) Activities Under OMB Review

AGENCY: Office of Acquisition and Logistics, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Office of Acquisition and Logistics, Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before *June 10, 2010.*

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov;* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to "OMB Control No. 2900–0585" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, fax (202) 273–0443 or e-mail *denise.mclamb@va.gov.* Please refer to "OMB Control No. 2900–0585."

SUPPLEMENTARY INFORMATION:

Title: Veterans Affairs Acquisition Regulation (VAAR) Clause 852.211–77, Brand Name or Equal (was 852.210–77).

OMB Control Number: 2900–0585.

Type of Review: Extension of a currently approved collection.

Abstract: VAAR clause 852.211–77 advises bidders or offerors who are proposing to offer an item that is alleged to be equal to the brand name item stated in the bid, that it is the bidder's or offeror's responsibility to show that the item offered is in fact, equal to the brand name item. This evidence may be in the form of descriptive literature or material, such as cuts, illustrations, drawings, or other information. While submission of the information is voluntary, failure to provide the information may result in rejection of the firm's bid or offer if the Government cannot otherwise determine that the item offered is equal. The contracting officer will use the information to evaluate whether or not the item offered meets the specification requirements.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 2, 2010, at pages 9489–9490.

Affected Public: Business or other for-profit and Not-for-profit institutions.

Estimated Annual Burden: 1,666 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 10,000.

Dated: May 6, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. 2010–11154 Filed 5–10–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (VA Form 10–0502)]

Agency Information Collection (Ethics Consultation Feedback Tool (ECFT)) New Enrollee Survey) Activity Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Health Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 10, 2010.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov;* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to "OMB Control No. 2900–New (VA Form 10–0502)" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, fax (202) 273–0443 or e-mail *denise.mclamb@va.gov.* Please refer to "OMB Control No. 2900–New (VA Form 10–0502)."

SUPPLEMENTARY INFORMATION:

Title: Ethics Consultation Feedback Tool (ECFT), VA Form 10–0502.

OMB Control Number: 2900–New (VA Form 10–0502).

Type of Review: New collection.

Abstract: VA Form 10–0502 will be used to collect data from patients and family members about their experience during the Ethics Consultation Service. VA will be used the data to improve the process of ethics consultation (*i.e.,* how ethics consultation is being performed) as well as its outcomes (*i.e.,* how ethics consultation affects participants and the facility.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information

unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 2, 2010, on page 9490.

Affected Public: Individuals or households.

Estimated Annual Burden: 100.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,200.

Dated: May 6, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–11155 Filed 5–10–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0495]

Agency Information Collection (Marital Status Questionnaire) Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 10, 2010.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov;* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to "OMB Control No. 2900–0495" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, FAX (202) 273–0443 or e-mail *denise.mclamb@va.gov.* Please refer to "OMB Control No. 2900–0495."

SUPPLEMENTARY INFORMATION:

Title: Marital Status Questionnaire, VA Form 21–0537.

OMB Control Number: 2900–0495.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–0537 is used to confirm the marital status of a surviving spouse receiving dependency and indemnity compensation benefits (DIC). If a surviving spouse remarries, he or she is no longer entitled to DIC unless the marriage began after age 57 or has been terminated.

The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 4, 2010, at pages 10027–10028.

Affected Public: Individuals or households.

Estimated Annual Burden: 189 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,270.

Dated: May 6, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–11156 Filed 5–10–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0020]

Agency Information Collection (Designation of Beneficiary) Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 10, 2010.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to "OMB Control No. 2900–0020" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, fax (202) 273–0443 or e-mail *denise.mclamb@va.gov.* Please refer to "OMB Control No. 2900–0020."

SUPPLEMENTARY INFORMATION:

Title: Designation of Beneficiary, Government Life Insurance, VA Form 29–336.

OMB Control Number: 2900–0020.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 29–336 is completed by the insured to designate a beneficiary and select an optional settlement to be used when the Government Life Insurance matures by death.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 2, 2010, at pages 9490–9491.

Affected Public: Individuals or households.

Estimated Annual Burden: 13,917 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 83,500.

Dated: May 6, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–11157 Filed 5–10–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0012]

Agency Information Collection (Application for Cash Surrender or Policy Loan) Activities: Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits

Administration, Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 10, 2010.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to "OMB Control No. 2900–0012" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, fax (202) 273–0443 or e-mail *denise.mclamb@mail.va.gov.* Please refer to "OMB Control No. 2900–0012."

SUPPLEMENTARY INFORMATION:

Titles:

a. Application for Cash Surrender, Government Life Insurance, VA Form 29–1546.

b. Application for Policy Loan, Government Life Insurance, 29–1546–1.

OMB Control Number: 2900–0012.

Type of Review: Extension of a currently approved collection.

Abstract: Claimants complete VA Forms 29–1546 and 29–1546–1 to request a cash surrender or policy loan on his or her Government Life Insurance.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 2, 2010, at page 9491.

Estimated Annual Burden: 4,939 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 29,636.

Dated: May 6, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–11158 Filed 5–10–10; 8:45 am]

BILLING CODE 8320–01–P



Federal Register

Tuesday,

May 11, 2010

Part II

Department of Health and Human Services

Centers for Medicare & Medicaid Services

42 CFR Parts 410, 411, 414 et al.

Medicare Program; Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2010; Corrections; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 410, 411, 414, 415, 485, and 498

[CMS–1413–CN4]

RIN 0938–AP40

Medicare Program; Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2010; Corrections

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule; corrections.

SUMMARY: This document corrects several technical and typographical errors in the final rule with comment period that appeared in the November 25, 2009 **Federal Register** entitled "Medicare Program; Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2010; Final Rule" (74 FR 61738), as well as errors in the December 10, 2009 correction notice to the "Medicare Program; Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2010; Corrections" (74 FR 65449).

DATES: *Effective Date:* This correction notice is effective January 1, 2010.

FOR FURTHER INFORMATION CONTACT: Rebecca Cole, (410) 786–4497.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. E9–26502 of November 25, 2009 (74 FR 61738) (hereinafter referred to as the CY 2010 PFS final rule with comment period), there were a number of technical and typographical errors. Some of these errors were corrected in FR Doc. E9–29256 of December 10, 2009 (74 FR 65449) (hereinafter referred to as the December 10, 2009 correction notice).

We note that on December 19, 2009, the Department of Defense Appropriations Act, 2010 (Pub. L. 111–118) was signed into law. Section 1011 of Pub. L. 111–118 provided a 2-month zero percent update to the CY 2010 Medicare physician fee schedule (PFS) effective only for dates of service from January 1, 2010 through February 28, 2010. Further, on March 2, 2010, the Temporary Extension Act of 2010 (Pub. L. 111–144) was signed into law. Section 2 of Pub. L. 111–144 extended through March 31, 2010 the zero percent update to the PFS that was in effect for claims with dates of service from January 1, 2010 through February 28, 2010. In addition, on April 15, 2010, the Continuing Extension Act of 2010 (Pub. L. 111–157) was signed into law. Section 4 of Pub. L. 111–157 extended through May 31, 2010 the zero percent update to the PFS that was in effect for claims with dates of services from January 1, 2010 through March 31, 2010.

The provisions of this notice are effective as if they had been included in the CY 2010 PFS final rule with comment period. Accordingly, the corrections are effective January 1, 2010.

II. The December 10, 2009 Correction Notice

A. Summary of Errors in the December 10, 2009 Correction Notice

On page 65450, we are correcting the figure for the CY 2010 CF by substituting the CF that should have been included in the CY 2010 PFS final rule with comment period. Under the current statute, this CF is effective for services furnished from June 1, 2010 through December 31, 2010. This correction to the CF results from corrections to the practice expense (PE) and malpractice (MP) relative value units (RVUs) to align their values with the final CY 2010 PFS policies for PE and MP RVUs, taking into consideration comments from the public and our further review following display of the final rule with comment period. We are also correcting the note referencing the CF used in Table 1: Calculation of PE RVUs under Methodology for Selected Codes.

On pages 65451 and 65452, we are replacing Table 1: Calculation of PE RVUs under Methodology for Selected Codes.

On page 65453, we are correcting the figures for the CY 2010 PFS CF and national anesthesia CF for the reasons indicated above. We are also correcting the discussion concerning the CY 2010 CF for the reasons indicated above. We are also correcting Table 44 concerning the CY 2010 CF budget neutrality adjustment and CY 2010 CF to reflect the net impact of the RVU changes discussed in this correction notice on the CF. In Table 45, we are correcting the lines concerning the CY 2010 anesthesia adjustment and the CY 2010 anesthesia CF contained in the table for the reasons indicated above. We are replacing Table 50 entitled "Impact of the Final Rule with Comment Period and Estimated Physician Update on 2010 Payment for Selected Procedures" in its entirety to correct the payment amounts for CY 2010. The corrections to Table 50 also reflect the removal of CPT code 78465–26, *Heart image (3d), multiple,* which was inadvertently included. This is not a procedure commonly furnished by a broad spectrum of physician specialties, the criterion for inclusion in Table 50.

On page 65455, we are correcting the CY 2010 payment amounts associated with CPT code 99203 for the reasons indicated above.

B. Correction of Errors in the December 10, 2009 Correction Notice

In FR Doc. E9–29256 of December 10, 2009 (74 FR 65449), make the following corrections:

1. On page 65450, in the 3rd column,

a. In the 3rd full paragraph, line 5, the figure "$28.3895" is corrected to read "$28.3868."

b. In the 4th full paragraph, line 4, the figure "$36.0666" is corrected to read "$36.0791."

2. On pages 65451 and 65452, Table 1 is corrected to read as follows:

BILLING CODE 4120–01–P

TABLE 1: Calculation of PE RVUs under Methodology for Selected Codes

		Step	Source	Formula	99213 Office visit, est Nonfacility	33533 CABG, arterial, single Facility	71020 Chest x-ray Nonfacility	71020TC Chest x-ray Nonfacility	7102026 Chest x-ray Nonfacility	93000 ECG, complete Nonfacility	93005 ECG, tracing Nonfacility	93010 ECG, report Nonfacility
1	Labor cost (Lab)	Step 1	AMA		13.32	77.52	5.74	5.74	0.00	6.12	6.12	0.00
2	Suppy cost (Sup)	Step 1	AMA		2.98	7.34	3.39	3.39	0.00	1.19	1.19	0.00
3	Equipment cost (Eqp)	Step 1	AMA		0.19	0.65	8.17	8.17	0.00	0.12	0.12	0.00
4	Direct cost (Dir)	Step 1		=(1)+(2)+(3)	16.50	85.51	17.31	17.31	0.00	7.43	7.43	0.00
5	Direct adjustment (Dir Adj)	Steps 2-4	See footnote*		0.495	0.495	0.495	0.495	0.495	0.495	0.495	0.495
6	Adjusted labor	Steps 2-4	=Lab*Dir Adj	=(1)*(5)	6.59	38.37	2.84	2.84	0.00	3.03	3.03	0.00
7	Adjusted supplies	Steps 2-4	=Sup*Dir Adj	=(2)*(5)	1.48	3.63	1.68	1.68	0.00	0.59	0.59	0.00
8	Adjusted equipment	Steps 2-4	=Eqp*Dir Adj	=(3)*(5)	0.10	0.32	4.04	4.04	0.00	0.06	0.06	0.00
9	Adjusted direct	Steps 2-4		=(6)+(7)+(8)	8.16	42.32	8.56	8.56	0.00	3.68	3.68	0.00
10	Conversion Factor (CF)	Step 5	MFS		36.0666	36.0666	36.0666	36.0666	36.0666	36.0666	36.0666	36.0666
11	Adj. labor cost converted	Step 5	=(Lab*Dir Adj)/CF	=(6)/(10)	0.18	1.06	0.08	0.08	0.00	0.08	0.08	0.00
12	Adj. supply cost converted	Step 5	=(Sup*Dir Adj)/CF	=(7)/(10)	0.04	0.10	0.05	0.05	0.00	0.02	0.02	0.00
13	Adj. equip cost converted	Step 5	=(Eqp*Dir Adj)/CF	=(8)/(10)	0.00	0.01	0.11	0.11	0.00	0.00	0.00	0.00
14	Adj. direct cost converted	Step 5		=(11)+(12)+(13)	0.23	1.17	0.24	0.24	0.00	0.10	0.10	0.00
15	Wrk RVU	Setup File	MFS		0.97	33.75	0.22	0.00	0.22	0.17	0.00	0.17
16	Dir_pct	Steps 6, 7	Surveys		25.6%	18.0%	28.8%	28.8%	28.8%	28.9%	28.9%	28.9%
17	Ind_pct	Steps 6, 7	Surveys		74.4%	82.0%	71.2%	71.2%	71.2%	71.1%	71.1%	71.1%
18	Ind. Alloc. formula (1st part)	Step 8	See Step 8		((14)/(16))*(17)	((14)/(16))*(17)	((14)/(16))*(17)	((14)/(16))*(17)	((14)/(16))*(17)	((14)/(16))*(17)	((14)/(16))*(17)	((14)/(16))*(17)
19	Ind. Alloc. (1st part)	Step 8		See (18)	0.66	5.32	0.59	0.59	0.00	0.25	0.25	0.00
20	Ind. Alloc. formulas (2nd part)	Step 8	See Step 8		(15)	(15)	(15)+(11)	(11)	(15)	(15)+(11)	(11)	(15)

		Step	Source	Formula	99213 Office visit, est Nonfacility	33533 CABG, arterial, single Facility	71020 Chest x-ray Nonfacility	71020TC Chest x-ray Nonfacility	7102026 Chest x-ray Nonfacility	93000 ECG, complete Nonfacility	93005 ECG, tracing Nonfacility	93010 ECG, report Nonfacility
21	Ind. Alloc. (2nd part)	Step 8		See (20)	0.97	33.75	0.30	0.08	0.22	0.25	0.08	0.17
22	Indirect Allocator (1st+2nd)	Step 8		=(19)+(21)	1.63	39.07	0.89	0.67	0.22	0.50	0.33	0.17
23	Indirect Adjustment (Ind Adj)	Steps 9-11	See footnote**		0.367	0.367	0.367	0.367	0.367	0.367	0.367	0.367
24	Adjusted Indirect Allocator	Steps 9-11	=Ind Alloc * Ind Adj		0.60	14.34	0.33	0.24	0.08	0.19	0.12	0.06
25	Ind.Practice Cost Index (PCI)	Steps 12-16	See Steps 12-16		1.092	0.892	0.861	0.861	0.861	0.917	0.917	0.917
26	Adjusted Indirect	Step 17	= Adj. Ind Alloc*PCI	=(24)*(25)	0.65	12.77	0.28	0.21	0.07	0.17	0.11	0.06
25	PE RVU	Steps 18-19	=(Adj Dir+Adj Ind) *budn	=((14)+(26)) *budn	0.88	13.94	0.52	0.45	0.07	0.27	0.21	0.06

Note: PE RVU in Table 1, row 27, may not match Addendum B due to rounding.

* The direct adj = [current pe rvus * CF * avg dir pct] / [sum direct inputs] = [Step 2] / [Step 3]

** The indirect adj = [current pe rvus * avg ind pct] / [sum of ind allocators] = [Step 9] / [Step 10]

3. On page 65453,

a. Middle of the page,

(1) In the 2nd column, 2nd full paragraph, line 2, the figure "$28.3895" is corrected to read "$28.3868".

(2) In the 3rd column,

(a) Second paragraph, line 2, the figure $16.6108" is corrected to read "$16.6058".

(b) Fourth paragraph, line 3, the figure "1.000445" is corrected to read "1.000347".

b. Bottom 3rd of the page,

(1) In Table 44: Calculation of the CY 2010 PFS CF the last two lines are corrected to read as follows:

TABLE 44—CALCULATION OF THE CY 2010 PFS CF

CY 2010 CF Budget Neutrality Adjustment	0.0347 percent (1.000347).	
CY 2010 Conversion Factor		$28.3868

(2) In Table 45: Calculation of the CY 2010 Anesthesia Conversion Factor, the last two lines are corrected to read as follows:

TABLE 45—CALCULATION OF THE CY 2010 ANESTHESIA CONVERSION FACTOR

CY 2010 Anesthesia Adjustment	0.91 percent (1.0091).	
CY 2010 Anesthesia Conversion Factor		$16.6058

4. On pages 65453 through 65455, in Table 50: Impact of the Final Rule with Comment Period and Physician Update on 2010 Payment for Selected Procedures, table is corrected to read as follows:

TABLE 50: Impact of the Final Rule with Comment Period and Estimated Physician Update on 2010 Payment for Selected Procedures

CPT[1]/ HCPCS	MOD	Description	Facility			Non-facility		
			2009 ($)	2010[2] ($)	Percent Change	2009 ($)	2010[2] ($)	Percent Change
11721		Debride nail, 6 or more	27.77	20.72	-25%	40.39	31.23	-23%
17000		Destruct premalg lesion	48.69	40.88	-16%	69.97	57.91	-17%
27130		Total hip arthroplasty	1,359.71	1,084.09	-20%	NA	NA	NA
27244		Treat thigh fracture	1,144.39	918.31	-20%	NA	NA	NA
27447		Total knee arthroplasty	1,456.37	1,159.32	-20%	NA	NA	NA
33533		CABG, arterial, single	1,892.05	1,536.01	-19%	NA	NA	NA
35301		Rechanneling of artery	1,067.93	869.49	-19%	NA	NA	NA
43239		Upper GI endoscopy, biopsy	165.55	133.42	-19%	323.16	256.05	-21%
66821		After cataract laser surgery	251.38	216.59	-14%	266.53	228.80	-14%
66984		Cataract surg w/iol, 1 stage	638.74	549.57	-14%	NA	NA	NA
67210		Treatment of retinal lesion	561.56	479.17	-15%	580.67	494.21	-15%
71010		Chest x-ray	NA	NA	NA	24.16	18.17	-25%
71010	26	Chest x-ray	9.02	7.10	-21%	9.02	7.10	-21%
77056		Mammogram, both breasts	NA	NA	NA	107.48	82.61	-23%
77056	26	Mammogram, both breasts	44.36	34.63	-22%	44.36	34.63	-22%
77057		Mammogram, screening	NA	NA	NA	81.15	61.60	-24%
77057	26	Mammogram, screening	35.71	27.82	-22%	35.71	27.82	-22%
77427		Radiation tx management, x5	188.27	153.00	-19%	188.27	153.00	-19%
88305	26	Tissue exam by pathologist	37.15	28.67	-23%	37.15	28.67	-23%
90801		Psy dx interview	128.04	100.21	-22%	152.92	120.93	-21%
90862		Medication management	45.08	35.77	-21%	55.18	44.28	-20%
90935		Hemodialysis, one evaluation	66.36	53.08	-20%	NA	NA	NA
92012		Eye exam established pat	45.80	38.32	-16%	70.69	58.48	-17%
92014		Eye exam & treatment	70.33	58.48	-17%	103.15	85.44	-17%
92980		Insert intracoronary stent	847.93	689.80	-19%	NA	NA	NA
93000		Electrocardiogram, complete	20.92	NA	NA	20.92	15.61	-25%
93010		Electrocardiogram report	9.02	7.10	-21%	9.02	7.10	-21%
93015		Cardiovascular stress test	100.27	NA	NA	100.27	72.67	-28%
93307	26	Echo exam of heart	49.77	38.32	-23%	49.77	38.32	-23%
93510	26	Left heart catheterization	248.86	198.71	-20%	248.86	198.71	-20%

CPT[1]/ HCPCS	MOD	Description	Facility			Non-facility		
			2009 ($)	2010[2] ($)	Percent Change	2009 ($)	2010[2] ($)	Percent Change
98941		Chiropractic manipulation	30.30	24.13	-20%	33.90	27.25	-20%
99203		Office/outpatient visit, new	68.17	57.34	-16%	91.97	76.93	-16%
99213		Office/outpatient visit, est	44.72	38.04	-15%	61.31	51.38	-16%
99214		Office/outpatient visit, est	69.25	58.48	-16%	92.33	76.93	-17%
99222		Initial hospital care	122.63	101.62	-17%	NA	NA	NA
99223		Initial hospital care	180.33	149.60	-17%	NA	NA	NA
99231		Subsequent hospital care	37.15	29.81	-20%	NA	NA	NA
99232		Subsequent hospital care	66.72	53.93	-19%	NA	NA	NA
99233		Subsequent hospital care	95.58	77.50	-19%	NA	NA	NA
99236		Observ/hosp same date	207.38	166.06	-20%	NA	NA	NA
99239		Hospital discharge day	96.30	77.78	-19%	NA	NA	NA
99243		Office consultation	97.38	Discontinued	Discontinued	124.79	Discontinued	Discontinued
99244		Office consultation	154.00	Discontinued	Discontinued	184.30	Discontinued	Discontinued
99253		Inpatient consultation	114.69	Discontinued	Discontinued	NA	Discontinued	Discontinued
99254		Inpatient consultation	165.55	Discontinued	Discontinued	NA	Discontinued	Discontinued
99283		Emergency dept visit	61.31	48.26	-21%	NA	NA	NA
99284		Emergency dept visit	114.33	91.41	-20%	NA	NA	NA
99291		Critical care, first hour	212.07	170.04	-20%	253.91	203.25	-20%
99292		Critical care, addÏl 30 min	106.04	85.16	-20%	114.69	91.97	-20%
99348		Home visit, est patient	NA	NA	NA	79.35	63.59	-20%
99350		Home visit, est patient	NA	NA	NA	160.86	130.58	-19%
G0008		Admin influenza virus vac	NA	NA	NA	20.92	16.75	-20%

[1] CPT codes and descriptions are copyright 2010 American Medical Association. All Rights Reserved. Applicable FARS/DFARS apply.

[2] Payments based upon corrected CY 2010 Conversion Factor of $28.3868.

BILLING CODE 4120–01–C

5. On page 65455, in the bottom 3rd of the page, in the 2nd column, the partial paragraph,

a. Line 7, the figure "$76.94" is corrected to read "$76.93"

b. Line 9, the figure "$15.38" is corrected to read "$15.39"

III. The CY 2010 PFS Final Rule With Comment Period

A. Summary of Errors in the CY 2010 PFS Final Rule With Comment Period

On page 61760, we are correcting typographical errors in the list of codes that have the surgical risk factor assigned for CY 2010.

On page 61808, we are removing reference to Medicare Part A.

On pages 61822 through 61826, we are correcting typographical errors in the titles of six Physician Quality Reporting Initiative (PQRI) measures listed in Table 11: 2010 Measures Selected from the 2009 PQRI Quality Measure Set Available for Either Claims-based Reporting or Registry-based Reporting.

On page 61827, we are correcting a typographical error in the title of one PQRI measure listed in Table 12: 2010 Measures Selected from the 2009 PQRI Quality Measure Set Available for Registry-based Reporting Only.

On page 61842, we are correcting a typographical error in the title of one PQRI measure and the Measure Developer for two PQRI measures listed in Table 28: Measures for Physician Groups Participating in the 2010 PQRI Group Practice Reporting Option.

On page 61883, in the first column in the second paragraph, we are correcting a typographical error in the third response.

On page 61956, we are adding a discussion of CPT code 92520, *Laryngeal function studies,* that was inadvertently omitted.

On page 61957, we are correcting Table 31: Additions to the Physician Self-Referral List of CPT[1]/HCPCS Codes to include CPT code 92520, *Laryngeal function studies.*

On pages 61983 and 61984, we are replacing Table 49: CY 2010 Total Allowed Charge Impact for Work, Practice Expense, and Malpractice Changes in its entirety to correct the impacts for CY 2010.

On pages 62017 through 62146, technical errors result in corrections to the work and/or PE and/or MP RVUs for certain existing and new and revised CY 2010 CPT codes in both Addendum B: Relative Value Units and Related Information Used in Determining Medicare Payments for 2010 and Addendum C: Codes With Interim RVUs. The PE corrections are made to ensure that the values are consistent with our interim acceptance of the American Medical Association (AMA) Relative (Value) Update Committee (RUC) recommendations for these codes as stated in the CY 2010 PFS final rule with comment period (74 FR 61955). We are also correcting the budget neutrality factor associated with the elimination of the use of the facility consultation codes to reflect the final rule policy. These include the following:

- *CY 2010 New and Revised Codes: PE Corrections*—The PE RVUs for 27 CPT codes are corrected due to technical errors. In the CY 2010 final rule with comment period, we provided interim acceptance of the RUC PE recommendations for the following CPT codes: 14301, 51728, 51728–TC, 51729, 51729–TC, 64490, 64491, 64492, 64493, 64494, 64495, 75571, 75571–TC, 75572, 75572–TC, 75573, 75573–TC, 75574, 75574–TC, 78451, 78451–TC, 78452, 78452–TC, 78453, 78453–TC, 78454, and 78454–TC. However, due to technical errors, we did not apply the correct PE values to these codes in Addendum B. The PE RVUs in Addendum B reflect these corrections.
- *Malpractice Corrections*—There were technical errors in the MP RVUs for certain codes, primarily due to the assignment of risk factors associated with technical component (TC) services and the assignment of risk factors to selected codes that were inconsistent with the policies described in the CY 2010 PFS final rule with comment period or the prior policies left unchanged by the final rule. The MP RVUs in Addendum B reflect these corrections.
- *Other Corrections*—

++ On pages 62017 through 62143 we are correcting a typographical error in the title of the last column in Addendum B.

++ On pages 62017 through 62143 we are correcting typographical errors in the global period information for CPT[1]/HCPCS codes 0016T through 23472.

++ On page 62023, the work RVUs for CPT code 19340 are corrected due to a technical error.

++ On page 62059, the work RVUs for CPT code 42145 are corrected due to a technical error.

On pages 62150, 62151, 62153, 62156, 62159, 62161, and 62170 of Addendum G: CY 2010 ESRD Wage Index for Urban Areas Based on CBSA Labor Market Areas, the wage index values for eight CBSAs are corrected. In order to be consistent with the accurate CY 2010 wage index values provided in the ESRD PRICER, we have corrected the CY 2010 wage index table values in this correction notice.

On page 62178 of Addendum I: List of CPT[1]/HCPCS used to Define Certain Designated Health Categories[2] under Section 1877 of the Social Security Act, we are adding CPT 92520, *Laryngeal function studies.*

B. Correction of Errors in the CY 2010 PFS Final Rule With Comment Period

In FR Doc. E9–26502 of November 25, 2009 (74 FR 61738), make the following corrections:

1. On page 61746, in the 3rd column, the last paragraph, line 4, the date "January 1, 2010" is corrected to read "January 1, 2009."

2. On page 61760, in the 3rd column, the 1st full paragraph, lines 5 through 12, the phrase beginning "ranges: Surgery" and ending "(all other CPT codes)" is corrected to read "ranges: Surgery (CPT code range 10000 through 69999; 92973 through 92975; 92980 through 92998; 93501 through 93533; 93580 through 93581; 93600 through 93613; 93618 through 93641; 93650 through 93652); and nonsurgery (all other CPT codes)."

3. On page 61808, in the 3rd column, in the 2nd paragraph, in the 3rd bullet, lines 1 and 2, the phrase "Medicare Part A and Part B" is corrected to read "Medicare Part B."

4. On pages 61822 through 61826, in Table 11: 2010 Measures Selected From the 2009 PQRI Quality Measure Set Available for Either Claims-based Reporting or Registry-based Reporting, the measure title for the listed entries are corrected to read as follows:

Measure No.	Measure title	Measure developer
91	Acute Otitis Externa (AOE): Topical Therapy	AMA–PCPI
92	Acute Otitis Externa (AOE): Pain Assessment	AMA–PCPI
93	Acute Otitis Externa (AOE): Systemic Antimicrobial Therapy—Avoidance of Inappropriate Use	AMA–PCPI
100	Colorectal Cancer Resection Pathology Reporting: pT Category (Primary Tumor) and pN Category (Regional Lymph Nodes) with Histologic Grade.	AMA–PCPI/CAP

Measure No.	Measure title	Measure developer
109	Osteoarthritis (OA): Function and Pain Assessment	AMA–PCPI
141	Primary Open-Angle Glaucoma (POAG): Reduction of Intraocular Pressure (IOP) by 15% OR Documentation of a Plan of Care.	AMA–PCPI/NCQA

5. On page 61827, Table 12: 2010 Measures Selected From the 2009 PQRI Quality Measure Set Available for Registry-based Reporting Only, the measure title for the listed entry (measure number 118) is corrected to read as follows:

Measure No.	Measure title	Measure developer
118	Coronary Artery Disease (CAD): Angiotensin-Converting Enzyme (ACE) Inhibitor or Angiotensin Receptor Blocker (ARB) Therapy for Patients with CAD and Diabetes and/or Left Ventricular Systolic Dysfunction (LVSD).	AMA–PCPI

6. On page 61842, Table 28: Measures for Physician Groups Participating in the 2010 PQRI Group Practice Reporting Option, the listed entries are corrected to read as follows:

Measure No.	Measure title	Measure developer
2	Diabetes Mellitus: Low Density Lipoprotein (LDL–C) Control in Diabetes Mellitus	NCQA
113	Preventive Care and Screening: Colorectal Cancer Screening	NCQA
TBD	Hypertension (HTN): Blood Pressure Control	NCQA

7. On page 61883, in the 1st column, in the 7th paragraph, lines 1 through 7, the sentence that begins with the phrase "'(B) provides at least the following" and ends "(Emphasis Added)" is corrected to read "'(B) provides at least the following comprehensive outpatient rehabilitative (i) physicians' services (rendered by physicians, as defined in section 1861 (r)(1) of the Act who are available at the facility on a full or *part-time* basis;" (Emphasis added)."

8. On page 61956:

a. In the 2nd column, last partial paragraph, line 5, that begins with the phrase "We are also adding" is corrected to read "We also are adding HCPCS codes G0416 through G0419 and CPT code 92520. HCPCS codes G0416 through G0419 represent pathology codes for prostate needle saturation biopsy sampling that we are adding to the "Clinical Laboratory Services" category of the Code List."

b. In the 3rd column, the 1st partial paragraph, at the end of the last sentence, the paragraph is corrected by adding the following sentences: "Additionally, we are adding CPT code 92520 that represents laryngeal function studies to the "Physical Therapy, Occupational Therapy and Outpatient Speech-Language Pathology" category of the Code List. The addition of this code reflects Medicare's recognition of this service on the Therapy List issued for 2010 (see CMS Internet-Only Manual, Pub 100–04, Chapter 5, section 20 or *http://www.cms.hhs.gov/TherapyServices/05_Annual_Therapy_Update.asp)*."

9. On page 61957, Table 31: Additions to the Physician Self-Referral List of CPT[1]/HCPCS Codes, under the heading of "Physical Therapy, Occupational Therapy, and Outpatient Speech-Language Pathology Services", the entry "[no additions]" is corrected to read "92520 Laryngeal function studies."

10. On pages 61983 through 61984, in Table 49: CY 2010 Total Allowed Charge Impact for Work, Practice Expense, and Malpractice Changes, the table is corrected to read as follows:

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TABLE 49: CY 2010 Total Allowed Charge Impact for Work, Practice Expense, and Malpractice Changes*

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	Specialty	Allowed Charges (mil$)	Impact of Work RVU Changes	Impact of PE RVU Changes**		Impact of MP RVU Changes	Combined Impact	
				Full	Tran		Full	Tran
1	TOTAL	77,762	0%	1%	0%	0%	1%	0%
2	ALLERGY/IMMUNOLOGY	173	0%	-1%	0%	0%	-2%	-1%
3	ANESTHESIOLOGY	1,744	0%	4%	1%	0%	3%	0%
4	CARDIAC SURGERY	373	-1%	0%	0%	3%	2%	2%
5	CARDIOLOGY	7,154	-1%	-9%	-4%	-1%	-10%	-5%
6	COLON AND RECTAL SURGERY	130	-1%	4%	1%	1%	4%	1%
7	CRITICAL CARE	223	0%	3%	1%	1%	3%	1%
8	DERMATOLOGY	2,520	1%	1%	1%	1%	3%	3%
9	EMERGENCY MEDICINE	2,416	0%	2%	1%	0%	3%	1%
10	ENDOCRINOLOGY	374	-1%	3%	0%	0%	2%	-1%
11	FAMILY PRACTICE	5,093	2%	5%	2%	1%	7%	4%
12	GASTROENTEROLOGY	1,792	-1%	1%	-1%	1%	0%	-1%
13	GENERAL PRACTICE	727	1%	4%	2%	0%	6%	3%
14	GENERAL SURGERY	2,226	-1%	4%	1%	1%	4%	1%
15	GERIATRICS	170	1%	6%	2%	1%	8%	3%
16	HAND SURGERY	89	-1%	4%	1%	-1%	3%	0%
17	HEMATOLOGY/ONCOLOGY	1,896	0%	-5%	-1%	0%	-6%	-2%
18	INFECTIOUS DISEASE	554	-1%	3%	0%	1%	3%	0%
19	INTERNAL MEDICINE	10,131	1%	4%	1%	1%	5%	3%
20	INTERVENTIONAL PAIN MANAGE.	356	-2%	3%	-1%	0%	1%	-3%
21	INTERVENTIONAL RADIOLOGY	225	-1%	-8%	-1%	0%	-9%	-2%
22	NEPHROLOGY	1,803	0%	2%	0%	1%	2%	1%
23	NEUROLOGY	1,413	-3%	5%	1%	0%	2%	-2%
24	NEUROSURGERY	591	-1%	3%	0%	0%	2%	-1%
25	NUCLEAR MEDICINE	74	-5%	-12%	-7%	-2%	-20%	-15%
26	OBSTETRICS/GYNECOLOGY	624	0%	0%	-1%	0%	0%	-1%
27	OPHTHALMOLOGY	4,758	0%	11%	3%	2%	13%	5%
28	ORTHOPEDIC SURGERY	3,260	0%	4%	1%	-1%	3%	1%
29	OTOLARNGOLOGY	933	-1%	1%	-1%	0%	0%	-2%
30	PATHOLOGY	994	0%	-1%	0%	-1%	-3%	-1%
31	PEDIATRICS	65	1%	3%	1%	0%	4%	2%
32	PHYSICAL MEDICINE	823	-1%	6%	2%	0%	5%	1%
33	PLASTIC SURGERY	284	0%	5%	1%	1%	5%	2%
34	PSYCHIATRY	1,095	0%	2%	1%	1%	3%	1%
35	PULMONARY DISEASE	1,765	-1%	3%	0%	0%	2%	0%
36	RADIATION ONCOLOGY	1,809	0%	-3%	0%	-2%	-5%	-1%
37	RADIOLOGY	5,043	0%	-10%	0%	-1%	-12%	-2%
38	RHEUMATOLOGY	493	0%	-1%	0%	0%	-1%	-1%
39	THORACIC SURGERY	389	-1%	0%	0%	2%	2%	2%
40	UROLOGY	1,993	-1%	-8%	-3%	0%	-9%	-4%
41	VASCULAR SURGERY	654	-1%	0%	0%	0%	0%	0%
42	AUDIOLOGIST	36	-1%	-16%	-9%	-7%	-23%	-17%
43	CHIROPRACTOR	713	0%	4%	1%	1%	5%	2%
44	CLINICAL PSYCHOLOGIST	544	0%	-8%	-2%	0%	-8%	-2%
45	CLINICAL SOCIAL WORKER	362	0%	-7%	-1%	0%	-7%	-1%
46	NURSE ANESTHETIST	681	0%	4%	1%	0%	4%	1%
47	NURSE PRACTITIONER	1,018	1%	5%	1%	0%	6%	2%
48	OPTOMETRY	848	1%	10%	3%	1%	12%	5%

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	Specialty	Allowed Charges (mil$)	Impact of Work RVU Changes	Impact of PE RVU Changes**		Impact of MP RVU Changes	Combined Impact	
				Full	Tran		Full	Tran
49	ORAL/MAXILLOFACIAL SURGERY	36	-1%	5%	1%	0%	4%	0%
50	PHYSICAL/OCCUPATIONAL THERAPY	1,883	0%	9%	3%	-1%	8%	2%
51	PHYSICIAN ASSISTANT	757	0%	4%	1%	0%	5%	2%
52	PODIATRY	1,682	1%	6%	2%	-1%	6%	2%
53	DIAGNOSTIC TESTING FACILITY	916	-1%	-21%	0%	-3%	-25%	-4%
54	INDEPENDENT LABORATORY	970	0%	-6%	0%	-1%	-7%	-2%
55	PORTABLE X-RAY SUPPLIER	87	0%	8%	3%	-1%	7%	2%

* Does not include the impact of the current statute CY 2010 negative update except as applied in the OPPS imaging cap comparison (see next footnote). Rows may not sum to total due to rounding.

** Note: The statute caps the PFS imaging payment amount at the comparable payment amount in the hospital outpatient prospective payment system (OPPS) cap. In the absence of the negative update under current statute for CY 2010 PFS, the proposed fully implemented PE change to the equipment utilization rate for expensive diagnostic equipment from 50 percent to 90 percent would increase expenditures by less than 1 percent due to a loss of savings from the OPPS cap.

11. On pages 62017 through 62143 and as corrected in the December 10, 2009 correction notice (74 FR 65455 through 65457), in Addendum B: Relative Value Units and Related Information Used in Determining Medicare Payments for 2010, the addendum is corrected to read as follows:

ADDENDUM B: Relative Value Units and Related Information Used in Determining Medicare Payments for CY 2010

CPT[1]/ HCPCS	Mod	Status	Description	Physician Work RVUs[2,3,4]	Fully Implemented Non-Facility PE RVUs[2,4]	Year 2010 Transitional Non-Facility PE RVUs[2,4]	Fully Implemented Facility PE RVUs[2,4]	Year 2010 Transitional Facility PE RVUs[2,4]	Mal-Practice RVUs[2,4]	Global
0016T		C	Thermotx choroid vasc lesion	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0017T		C	Photocoagulat macular drusen	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0019T		C	Extracorp shock wv tx,ms nos	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0030T		C	Antiprothrombin antibody	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0042T		C	Ct perfusion w/contrast, cbf	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
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
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	11.93	13.84	NA	NA	0.01	XXX
0075T		C	Perq stent/chest vert art	0.00	0.00	0.00	NA	NA	0.00	XXX
0075T	TC	C	Perq stent/chest vert art	0.00	0.00	0.00	NA	NA	0.00	XXX
0075T	26	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	NA	NA	0.00	XXX
0076T	TC	C	S&i stent/chest vert art	0.00	0.00	0.00	NA	NA	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
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
0085T		N	Breath test heart reject	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0092T		C	Artific disc addl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0095T		C	Artific diskectomy addl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0098T		C	Rev artific disc addl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0099T		C	Implant corneal ring	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0100T		C	Prosth retina receive&gen	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0101T		C	Extracorp shockwv tx,hi enrg	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0102T		C	Extracorp shockwv tx,anesth	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0103T		C	Holotranscobalamin	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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[2] If values are reflected for codes not payable by Medicare, please note that these values have been established as a courtesy to the general public and are not used for Medicare payment.

[3] Work RVUs reflect increases for 10 and 90 day global period codes as a result of the elimination of the consultation codes.

[4] The budget neutrality reduction from the chiropractic demonstration is not reflected in the RVUs for CPT codes 98940, 98941, and 98942. The required reduction will only be reflected in the files used for Medicare payment.

CPT[1]/ HCPCS	Mod	Status	Description	Physician Work RVUs[2,3,4]	Fully Implemented Non-Facility PE RVUs[2,4]	Year 2010 Transitional Non-Facility PE RVUs[2,4]	Fully Implemented Facility PE RVUs[2,4]	Year 2010 Transitional Facility PE RVUs[2,4]	Mal-Practice RVUs[2,4]	Global
0104T		C	At rest cardio gas rebreathe	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0105T		C	Exerc cardio gas rebreathe	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0106T		C	Touch quant sensory test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0107T		C	Vibrate quant sensory test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0108T		C	Cool quant sensory test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0109T		C	Heat quant sensory test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0110T		C	Nos quant sensory test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0111T		C	Rbc membranes fatty acids	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0123T		C	Scleral fistulization	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0124T		C	Conjunctival drug placement	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0126T		C	Chd risk imt study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0130T		C	Chron care drug investigatn	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0140T		C	Exhaled breath condensate ph	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0141T		I	Perq islet transplant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0142T		I	Open islet transplant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0143T		I	Laparoscopic islet transplnt	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0155T		C	Lap impl gast curve electrd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0156T		C	Lap remv gast curve electrd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0157T		C	Open impl gast curve electrd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0158T		C	Open remv gast curve electrd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0159T		C	Cad breast mri	0.00	0.00	0.00	NA	NA	0.00	ZZZ
0159T	TC	C	Cad breast mri	0.00	0.00	0.00	NA	NA	0.00	ZZZ
0159T	26	C	Cad breast mri	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
0160T		C	Tcranial magn stim tx plan	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0161T		C	Tcranial magn stim tx deliv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0163T		C	Lumb artif diskectomy addl	0.00	0.00	0.00	0.00	0.00	0.00	YYY
0164T		C	Remove lumb artif disc addl	0.00	0.00	0.00	0.00	0.00	0.00	YYY
0165T		C	Revise lumb artif disc addl	0.00	0.00	0.00	0.00	0.00	0.00	YYY
0166T		C	Tcath vsd close w/o bypass	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0167T		C	Tcath vsd close w bypass	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0168T		C	Rhinophototx light app bilat	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0169T		C	Place stereo cath brain	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0171T		C	Lumbar spine proces distract	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0172T		C	Lumbar spine process addl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0173T		C	Iop monit io pressure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0174T		C	Cad cxr with interp	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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[4] The budget neutrality reduction from the chiropractic demonstration is not reflected in the RVUs for CPT codes 98940, 98941, and 98942. The required reduction will only be reflected in the files used for Medicare payment.

CPT[1]/ HCPCS	Mod	Status	Description	Physician Work RVUs[2,3,4]	Fully Implemented Non-Facility PE RVUs[2,4]	Year 2010 Transitional Non-Facility PE RVUs[2,4]	Fully Implemented Facility PE RVUs[2,4]	Year 2010 Transitional Facility PE RVUs[2,4]	Mal-Practice RVUs[2,4]	Global
0175T		C	Cad cxr remote	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0176T		C	Aqu canal dilat w/o retent	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0177T		C	Aqu canal dilat w retent	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0178T		C	64 lead ecg w i&r	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0179T		C	64 lead ecg w tracing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0180T		C	64 lead ecg w i&r only	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0181T		C	Corneal hysteresis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0182T		C	Hdr elect brachytherapy	0.00	0.00	0.00	NA	NA	0.00	XXX
0182T	TC	C	Hdr elect brachytherapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0182T	26	C	Hdr elect brachytherapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0183T		C	Wound ultrasound	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0184T		C	Exc rectal tumor endoscopic	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0185T		C	Comptr probability analysis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0186T		C	Suprachoroidal drug delivery	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0187T		C	Ophthalmic dx image anterior	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0188T		N	Videoconf crit care 74 min	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0189T		N	Videoconf crit care addl 30	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0190T		C	Place intraoc radiation src	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0191T		C	Insert ant segment drain int	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0192T		C	Insert ant segment drain ext	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0193T		C	Rf bladder neck microremodel	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0195T		C	Arthrod presac interbody	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0196T		C	Arthrod presac interbody eac	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0197T		C	Intrafraction track motion	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0198T		C	Ocular blood flow measure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0199T		C	Physiologic tremor record	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0200T		C	Perq sacral augmt unilat inj	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0201T		C	Perq sacral augmt bilat inj	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0202T		C	Post vert arthrplst 1 lumbar	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0203T		C	Unattend sleep study w/time	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0203T	TC	C	Unattend sleep study w/time	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0203T	26	C	Unattend sleep study w/time	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0204T		C	Unattended sleep study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0204T	TC	C	Unattended sleep study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0204T	26	C	Unattended sleep study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0205T		C	Inirs each vessel add-on	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ

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0206T		C	Remote algorithm analys ecg	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0207T		C	Clear eyelid gland w/heat	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0208T		C	Automated audiometry air	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0209T		C	Auto audiometry air/bone	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0210T		C	Auto audiometry sp thresh	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0211T		C	Auto audiometry sp thresh	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0212T		C	Comprehen auto audiometry	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0213T		C	Us facet jt inj cerv/t 1 lev	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0214T		C	Us facet jt inj cerv/t 2 lev	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
0215T		C	Us facet jt inj cerv/t 3 lev	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
0216T		C	Us facet jt inj ls 1 level	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0217T		C	Us facet jt inj ls 2 level	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
0218T		C	Us facet jt inj ls 3 level	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
0219T		C	Fuse spine facet jt cerv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0220T		C	Fuse spine facet jt thor	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0221T		C	Fuse spine facet jt lumbar	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0222T		C	Fuse spine facet jt add seg	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
0528F		I	Rcmnd flw-up 10 yrs docd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0535F		I	Dyspnea mngmnt plan docd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0545F		I	Follow up care plan mdd docd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0575F		M	HIV rna plan care docd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
10021		A	Fna w/o image	1.27	2.30	2.22	0.52	0.46	0.16	XXX
10022		A	Fna w/image	1.27	2.04	2.24	0.42	0.43	0.10	XXX
10040		A	Acne surgery	1.21	1.36	1.30	1.06	0.99	0.13	010
10060		A	Drainage of skin abscess	1.22	1.67	1.50	1.21	1.10	0.09	010
10061		A	Drainage of skin abscess	2.45	2.30	2.10	1.69	1.57	0.22	010
10080		A	Drainage of pilonidal cyst	1.22	3.02	2.85	1.32	1.17	0.15	010
10081		A	Drainage of pilonidal cyst	2.50	4.11	3.81	1.83	1.59	0.33	010
10120		A	Remove foreign body	1.25	2.24	2.08	1.12	1.01	0.12	010
10121		A	Remove foreign body	2.74	3.97	3.64	1.93	1.77	0.30	010
10140		A	Drainage of hematoma/fluid	1.58	2.45	2.22	1.41	1.33	0.15	010
10160		A	Puncture drainage of lesion	1.25	2.00	1.85	1.18	1.11	0.12	010
10180		A	Complex drainage, wound	2.30	3.67	3.35	2.10	1.95	0.35	010
11000		A	Debride infected skin	0.60	0.77	0.71	0.17	0.18	0.04	000
11001		A	Debride infected skin add-on	0.30	0.25	0.24	0.09	0.09	0.02	ZZZ
11004		A	Debride genitalia & perineum	10.80	NA	NA	3.91	3.70	1.39	000

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11005		A	Debride abdom wall	14.24	NA	NA	5.34	4.73	2.18	000
11006		A	Debride genit/per/abdom wall	13.10	NA	NA	4.82	4.53	1.72	000
11008		A	Remove mesh from abd wall	5.00	NA	NA	1.88	1.66	0.77	ZZZ
11010		A	Debride skin, fx	4.19	7.86	7.21	2.89	2.63	0.56	010
11011		A	Debride skin/muscle, fx	4.94	8.06	7.64	2.61	2.34	0.72	000
11012		A	Debride skin/muscle/bone, fx	6.87	10.46	10.12	3.88	3.60	0.96	000
11040		A	Debride skin, partial	0.50	0.71	0.65	0.16	0.17	0.03	000
11041		A	Debride skin, full	0.60	0.77	0.72	0.20	0.22	0.04	000
11042		A	Debride skin/tissue	0.80	1.07	0.99	0.29	0.30	0.07	000
11043		A	Debride tissue/muscle	3.14	4.05	3.65	3.06	2.75	0.37	010
11044		A	Debride tissue/muscle/bone	4.26	5.66	5.05	4.26	3.86	0.54	010
11055		R	Trim skin lesion	0.43	0.84	0.77	0.11	0.13	0.02	000
11056		R	Trim skin lesions, 2 to 4	0.61	0.91	0.84	0.15	0.17	0.03	000
11057		R	Trim skin lesions, over 4	0.79	1.02	0.94	0.19	0.22	0.04	000
11100		A	Biopsy, skin lesion	0.81	1.74	1.74	0.48	0.43	0.08	000
11101		A	Biopsy, skin add-on	0.41	0.42	0.41	0.24	0.22	0.04	ZZZ
11200		A	Removal of skin tags	0.82	1.34	1.24	1.01	0.92	0.08	010
11201		A	Remove skin tags add-on	0.29	0.20	0.17	0.15	0.13	0.03	ZZZ
11300		A	Shave skin lesion	0.51	1.20	1.17	0.27	0.24	0.05	000
11301		A	Shave skin lesion	0.85	1.47	1.44	0.48	0.43	0.08	000
11302		A	Shave skin lesion	1.05	1.71	1.68	0.60	0.53	0.10	000
11303		A	Shave skin lesion	1.24	2.01	1.96	0.70	0.61	0.13	000
11305		A	Shave skin lesion	0.67	1.11	1.04	0.22	0.23	0.04	000
11306		A	Shave skin lesion	0.99	1.43	1.37	0.43	0.41	0.08	000
11307		A	Shave skin lesion	1.14	1.70	1.65	0.57	0.53	0.10	000
11308		A	Shave skin lesion	1.41	1.76	1.69	0.56	0.55	0.10	000
11310		A	Shave skin lesion	0.73	1.38	1.35	0.40	0.35	0.07	000
11311		A	Shave skin lesion	1.05	1.61	1.58	0.60	0.54	0.10	000
11312		A	Shave skin lesion	1.20	1.87	1.84	0.70	0.63	0.13	000
11313		A	Shave skin lesion	1.62	2.20	2.16	0.92	0.81	0.18	000
11400		A	Exc tr-ext b9+marg 0.5 < cm	0.90	2.08	1.98	1.09	0.99	0.09	010
11401		A	Exc tr-ext b9+marg 0.6-1 cm	1.28	2.35	2.23	1.32	1.20	0.15	010
11402		A	Exc tr-ext b9+marg 1.1-2 cm	1.45	2.58	2.45	1.40	1.27	0.18	010
11403		A	Exc tr-ext b9+marg 2.1-3 cm	1.84	2.83	2.64	1.82	1.62	0.23	010
11404		A	Exc tr-ext b9+marg 3.1-4 cm	2.11	3.20	2.97	1.94	1.72	0.27	010
11406		A	Exc tr-ext b9+marg > 4.0 cm	3.52	4.11	3.66	2.59	2.20	0.49	010

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11420		A	Exc h-f-nk-sp b9+marg 0.5 <	1.03	1.99	1.87	1.05	0.97	0.09	010
11421		A	Exc h-f-nk-sp b9+marg 0.6-1	1.47	2.39	2.26	1.32	1.22	0.16	010
11422		A	Exc h-f-nk-sp b9+marg 1.1-2	1.68	2.62	2.47	1.72	1.57	0.19	010
11423		A	Exc h-f-nk-sp b9+marg 2.1-3	2.06	2.92	2.75	1.90	1.72	0.24	010
11424		A	Exc h-f-nk-sp b9+marg 3.1-4	2.48	3.27	3.05	2.05	1.85	0.30	010
11426		A	Exc h-f-nk-sp b9+marg > 4 cm	4.09	4.12	3.78	2.79	2.47	0.52	010
11440		A	Exc face-mm b9+marg 0.5 < cm	1.05	2.22	2.12	1.51	1.39	0.12	010
11441		A	Exc face-mm b9+marg 0.6-1 cm	1.53	2.59	2.46	1.77	1.63	0.18	010
11442		A	Exc face-mm b9+marg 1.1-2 cm	1.77	2.85	2.71	1.89	1.73	0.21	010
11443		A	Exc face-mm b9+marg 2.1-3 cm	2.34	3.19	3.01	2.15	1.96	0.28	010
11444		A	Exc face-mm b9+marg 3.1-4 cm	3.19	3.81	3.54	2.59	2.31	0.38	010
11446		A	Exc face-mm b9+marg > 4 cm	4.80	4.89	4.38	3.43	2.99	0.59	010
11450		A	Removal, sweat gland lesion	3.22	5.94	5.38	2.97	2.54	0.48	090
11451		A	Removal, sweat gland lesion	4.43	7.20	6.66	3.53	3.05	0.66	090
11462		A	Removal, sweat gland lesion	3.00	6.06	5.51	2.99	2.56	0.44	090
11463		A	Removal, sweat gland lesion	4.43	7.45	6.96	3.63	3.19	0.65	090
11470		A	Removal, sweat gland lesion	3.74	6.30	5.67	3.25	2.78	0.52	090
11471		A	Removal, sweat gland lesion	4.89	7.47	6.81	3.78	3.22	0.67	090
1150F		I	Doc pt rsk death w/in 1yr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
1151F		I	Doc no pt rsk death w/in 1yr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
1152F		I	Doc advncd dis comfort 1st	0.00	0.00	0.00	0.00	0.00	0.00	XXX
1153F		I	Doc advncd dis cmfrt not 1st	0.00	0.00	0.00	0.00	0.00	0.00	XXX
1157F		I	Advnc care plan in rcrd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
1158F		I	Advnc care plan tlk docd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
1159F		I	Med list docd in rcrd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
11600		A	Exc tr-ext mlg+marg 0.5 < cm	1.63	3.04	2.82	1.39	1.20	0.19	010
11601		A	Exc tr-ext mlg+marg 0.6-1 cm	2.07	3.55	3.38	1.74	1.56	0.23	010
11602		A	Exc tr-ext mlg+marg 1.1-2 cm	2.27	3.84	3.71	1.92	1.73	0.25	010
11603		A	Exc tr-ext mlg+marg 2.1-3 cm	2.82	4.17	3.96	2.18	1.92	0.31	010
11604		A	Exc tr-ext mlg+marg 3.1-4 cm	3.17	4.57	4.30	2.30	2.01	0.38	010
11606		A	Exc tr-ext mlg+marg > 4 cm	5.02	6.08	5.48	3.10	2.59	0.65	010
1160F		I	Rvw meds by rx/dr in rcrd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
11620		A	Exc h-f-nk-sp mlg+marg 0.5 <	1.64	3.10	2.90	1.43	1.24	0.19	010
11621		A	Exc h-f-nk-sp mlg+marg 0.6-1	2.08	3.58	3.42	1.76	1.59	0.23	010
11622		A	Exc h-f-nk-sp mlg+marg 1.1-2	2.41	3.92	3.79	1.99	1.81	0.27	010
11623		A	Exc h-f-nk-sp mlg+marg 2.1-3	3.11	4.34	4.11	2.33	2.06	0.36	010

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11624		A	Exc h-f-nk-sp mlg+marg 3.1-4	3.62	4.78	4.47	2.53	2.22	0.44	010
11626		A	Exc h-f-nk-sp mlg+mar > 4 cm	4.61	5.53	5.14	2.92	2.58	0.59	010
11640		A	Exc face-mm malig+marg 0.5 <	1.67	3.22	3.06	1.51	1.34	0.19	010
11641		A	Exc face-mm malig+marg 0.6-1	2.17	3.70	3.58	1.84	1.71	0.24	010
11642		A	Exc face-mm malig+marg 1.1-2	2.62	4.11	3.99	2.12	1.95	0.29	010
11643		A	Exc face-mm malig+marg 2.1-3	3.42	4.55	4.33	2.52	2.26	0.40	010
11644		A	Exc face-mm malig+marg 3.1-4	4.34	5.49	5.18	3.00	2.69	0.52	010
11646		A	Exc face-mm mlg+marg > 4 cm	6.26	6.66	6.19	3.96	3.53	0.77	010
11719		R	Trim nail(s)	0.17	0.39	0.36	0.04	0.05	0.01	000
11720		A	Debride nail, 1-5	0.32	0.48	0.44	0.08	0.09	0.02	000
11721		A	Debride nail, 6 or more	0.54	0.56	0.53	0.13	0.16	0.03	000
11730		A	Removal of nail plate	1.10	1.39	1.29	0.27	0.31	0.06	000
11732		A	Remove nail plate, add-on	0.57	0.56	0.53	0.14	0.17	0.03	ZZZ
11740		A	Drain blood from under nail	0.37	0.84	0.75	0.45	0.42	0.02	000
11750		A	Removal of nail bed	2.50	3.13	2.85	1.98	1.89	0.16	010
11752		A	Remove nail bed/finger tip	3.63	4.44	3.98	3.05	2.92	0.29	010
11755		A	Biopsy, nail unit	1.31	2.10	1.96	0.79	0.78	0.08	000
11760		A	Repair of nail bed	1.63	3.98	3.43	1.71	1.59	0.19	010
11762		A	Reconstruction of nail bed	2.94	4.13	3.67	1.88	1.89	0.23	010
11765		A	Excision of nail fold, toe	0.74	2.83	2.53	1.06	0.97	0.04	010
11770		A	Removal of pilonidal lesion	2.66	4.03	3.65	1.90	1.65	0.38	010
11771		A	Removal of pilonidal lesion	6.09	7.91	6.91	4.66	3.98	0.91	090
11772		A	Removal of pilonidal lesion	7.35	9.49	8.38	6.79	5.87	1.08	090
1180F		I	Thromboemb risk assessed	0.00	0.00	0.00	0.00	0.00	0.00	XXX
11900		A	Injection into skin lesions	0.52	0.87	0.87	0.31	0.27	0.05	000
11901		A	Added skin lesions injection	0.80	0.99	0.96	0.48	0.43	0.08	000
11920		R	Correct skin color defects	1.61	2.62	2.71	1.32	1.19	0.23	000
11921		R	Correct skin color defects	1.93	2.99	3.01	1.52	1.36	0.27	000
11922		R	Correct skin color defects	0.49	1.02	0.99	0.28	0.25	0.06	ZZZ
11950		R	Therapy for contour defects	0.84	1.05	1.01	0.55	0.44	0.07	000
11951		R	Therapy for contour defects	1.19	1.45	1.30	0.74	0.58	0.18	000
11952		R	Therapy for contour defects	1.69	1.43	1.66	0.67	0.76	0.18	000
11954		R	Therapy for contour defects	1.85	2.18	2.06	1.13	0.96	0.26	000
11960		A	Insert tissue expander(s)	11.49	NA	NA	11.65	11.07	1.35	090
11970		A	Replace tissue expander	8.01	NA	NA	7.42	6.62	1.15	090
11971		A	Remove tissue expander(s)	3.41	8.13	7.92	4.63	4.16	0.47	090

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11975		N	Insert contraceptive cap	1.48	1.80	1.76	0.54	0.53	0.07	XXX
11976		R	Removal of contraceptive cap	1.78	1.80	1.82	0.69	0.59	0.22	000
11977		N	Removal/reinsert contra cap	3.30	2.49	2.47	1.21	1.18	0.18	XXX
11980		A	Implant hormone pellet(s)	1.48	1.16	1.10	0.62	0.54	0.17	000
11981		A	Insert drug implant device	1.48	1.78	1.86	0.58	0.63	0.18	XXX
11982		A	Remove drug implant device	1.78	1.80	2.00	0.68	0.77	0.18	XXX
11983		A	Remove/insert drug implant	3.30	2.13	2.53	1.13	1.38	0.26	XXX
12001		A	Repair superficial wound(s)	1.75	2.15	1.89	0.96	0.81	0.21	010
12002		A	Repair superficial wound(s)	1.91	2.21	1.95	1.08	0.92	0.23	010
12004		A	Repair superficial wound(s)	2.29	2.53	2.25	1.19	1.02	0.28	010
12005		A	Repair superficial wound(s)	2.91	3.06	2.72	1.36	1.18	0.36	010
12006		A	Repair superficial wound(s)	3.71	3.65	3.25	1.65	1.44	0.47	010
12007		A	Repair superficial wound(s)	4.16	3.98	3.65	1.84	1.67	0.53	010
1200F		I	Seizure type(s)+ frq docd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
12011		A	Repair superficial wound(s)	1.81	2.30	2.05	0.96	0.82	0.23	010
12013		A	Repair superficial wound(s)	2.04	2.48	2.21	1.11	0.96	0.25	010
12014		A	Repair superficial wound(s)	2.51	2.76	2.47	1.22	1.07	0.31	010
12015		A	Repair superficial wound(s)	3.24	3.32	3.00	1.40	1.23	0.40	010
12016		A	Repair superficial wound(s)	3.97	3.82	3.45	1.61	1.45	0.50	010
12017		A	Repair superficial wound(s)	4.75	NA	NA	1.50	1.58	0.61	010
12018		A	Repair superficial wound(s)	5.57	NA	NA	1.64	2.11	0.73	010
12020		A	Closure of split wound	2.67	4.13	3.85	2.06	1.89	0.31	010
12021		A	Closure of split wound	1.89	2.11	1.94	1.55	1.42	0.23	010
12031		A	Intmd wnd repair s/tr/ext	2.20	3.96	3.66	1.99	1.73	0.26	010
12032		A	Intmd wnd repair s/tr/ext	2.52	5.02	4.97	2.44	2.29	0.28	010
12034		A	Intmd wnd repair s/tr/ext	2.97	4.72	4.41	2.25	2.01	0.37	010
12035		A	Intmd wnd repair s/tr/ext	3.47	5.82	5.46	2.50	2.28	0.47	010
12036		A	Intmd wnd repair s/tr/ext	4.09	6.07	5.63	2.70	2.46	0.57	010
12037		A	Intmd wnd repair s/tr/ext	4.71	6.63	6.20	3.14	2.89	0.66	010
12041		A	Intmd wnd repair n-hf/genit	2.42	4.03	3.71	2.03	1.77	0.27	010
12042		A	Intmd wnd repair n-hg/genit	2.79	4.44	4.31	2.34	2.12	0.30	010
12044		A	Intmd wnd repair n-hg/genit	3.19	5.63	5.08	2.24	2.01	0.38	010
12045		A	Intmd wnd repair n-hg/genit	3.68	5.64	5.30	2.50	2.28	0.46	010
12046		A	Intmd wnd repair n-hg/genit	4.29	8.01	6.64	3.51	2.83	0.62	010
12047		A	Intmd wnd repair n-hg/genit	4.69	8.22	6.96	3.99	3.14	0.67	010
12051		A	Intmd wnd repair face/mm	2.52	4.17	4.01	2.15	1.95	0.29	010

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12052		A	Intmd wnd repair face/mm	2.87	4.78	4.60	2.75	2.46	0.31	010
12053		A	Intmd wnd repair face/mm	3.17	5.37	5.02	2.37	2.14	0.37	010
12054		A	Intmd wnd repair, face/mm	3.50	5.61	5.15	2.32	2.09	0.43	010
12055		A	Intmd wnd repair face/mm	4.47	6.45	5.88	2.58	2.28	0.54	010
12056		A	Intmd wnd repair face/mm	5.28	7.76	6.95	2.04	2.61	0.49	010
12057		A	Intmd wnd repair face/mm	6.00	7.91	7.54	3.41	3.35	0.56	010
1205F		I	EPI etiol synd rvwd and docd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
13100		A	Repair of wound or lesion	3.17	4.56	4.51	2.77	2.62	0.37	010
13101		A	Repair of wound or lesion	3.96	5.87	5.78	3.30	3.10	0.45	010
13102		A	Repair wound/lesion add-on	1.24	1.45	1.37	0.68	0.60	0.17	ZZZ
13120		A	Repair of wound or lesion	3.35	4.68	4.63	2.88	2.71	0.38	010
13121		A	Repair of wound or lesion	4.42	6.58	6.44	3.94	3.67	0.49	010
13122		A	Repair wound/lesion add-on	1.44	1.51	1.46	0.76	0.66	0.19	ZZZ
13131		A	Repair of wound or lesion	3.83	5.07	4.99	3.19	3.02	0.43	010
13132		A	Repair of wound or lesion	6.58	7.95	7.69	5.46	5.11	0.72	010
13133		A	Repair wound/lesion add-on	2.19	2.04	1.93	1.24	1.11	0.25	ZZZ
13150		A	Repair of wound or lesion	3.85	5.03	4.90	3.16	2.92	0.45	010
13151		A	Repair of wound or lesion	4.49	5.62	5.51	3.62	3.42	0.49	010
13152		A	Repair of wound or lesion	6.37	7.66	7.44	4.53	4.26	0.70	010
13153		A	Repair wound/lesion add-on	2.38	2.28	2.13	1.32	1.17	0.28	ZZZ
13160		A	Late closure of wound	12.04	NA	NA	8.31	7.58	1.64	090
14000		A	Skin tissue rearrangement	6.37	9.11	8.73	6.40	5.99	0.83	090
14001		A	Skin tissue rearrangement	8.78	11.19	10.74	7.93	7.51	1.13	090
14020		A	Skin tissue rearrangement	7.22	10.17	9.78	7.28	6.92	0.89	090
14021		A	Skin tissue rearrangement	9.72	12.15	11.72	8.76	8.43	1.14	090
14040		A	Skin tissue rearrangement	8.60	10.67	10.26	7.78	7.44	0.97	090
14041		A	Skin tissue rearrangement	10.83	13.01	12.62	9.33	8.97	1.19	090
14060		A	Skin tissue rearrangement	9.23	10.42	9.92	8.15	7.70	1.04	090
14061		A	Skin tissue rearrangement	11.48	14.10	13.68	10.05	9.67	1.26	090
14301		A	Skin tissue rearrangement	12.65	14.34	14.34	9.98	9.98	1.57	090
14302		A	Skin tissue rearrange add-on	3.73	2.09	2.09	2.09	2.09	0.46	ZZZ
14350		A	Skin tissue rearrangement	11.05	NA	NA	7.73	7.24	1.14	090
15002		A	Wound prep, trk/arm/leg	3.65	4.87	4.42	2.14	1.86	0.48	000
15003		A	Wound prep, addl 100 cm	0.80	1.05	0.95	0.36	0.31	0.12	ZZZ
15004		A	Wound prep, f/n/hf/g	4.58	5.45	5.11	2.49	2.26	0.49	000
15005		A	Wnd prep, f/n/hf/g, addl cm	1.60	1.49	1.31	0.73	0.60	0.23	ZZZ

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15040		A	Harvest cultured skin graft	2.00	4.33	4.18	1.30	1.13	0.27	000
15050		A	Skin pinch graft	5.57	8.59	7.81	5.81	5.32	0.66	090
15100		A	Skin splt grft, trnk/arm/leg	9.90	11.38	10.89	8.14	7.45	1.43	090
15101		A	Skin splt grft t/a/l, add-on	1.72	2.80	2.82	1.07	0.99	0.25	ZZZ
15110		A	Epidrm autogrft trnk/arm/leg	10.97	10.31	9.51	7.76	6.85	1.58	090
15111		A	Epidrm autogrft t/a/l add-on	1.85	1.05	1.04	0.78	0.73	0.28	ZZZ
15115		A	Epidrm a-grft face/nck/hf/g	11.28	10.46	9.59	7.97	7.24	1.36	090
15116		A	Epidrm a-grft f/n/hf/g addl	2.50	1.82	1.53	1.46	1.16	0.36	ZZZ
15120		A	Skn splt a-grft fac/nck/hf/g	11.16	12.93	11.80	9.01	8.09	1.42	090
15121		A	Skn splt a-grft f/n/hf/g add	2.67	3.90	3.77	1.66	1.50	0.37	ZZZ
15130		A	Derm autograft, trnk/arm/leg	7.53	9.08	8.67	6.57	6.05	1.09	090
15131		A	Derm autograft t/a/l add-on	1.50	0.75	0.82	0.56	0.59	0.23	ZZZ
15135		A	Derm autograft face/nck/hf/g	11.03	10.92	9.93	8.45	7.65	1.38	090
15136		A	Derm autograft, f/n/hf/g add	1.50	0.72	0.67	0.59	0.52	0.07	ZZZ
15150		A	Cult epiderm grft t/arm/leg	9.39	7.65	7.34	6.24	5.93	1.46	090
15151		A	Cult epiderm grft t/a/l addl	2.00	0.96	1.01	0.74	0.77	0.31	ZZZ
15152		A	Cult epiderm graft t/a/l +%	2.50	1.16	1.38	0.93	1.11	0.36	ZZZ
15155		A	Cult epiderm graft, f/n/hf/g	10.14	5.74	7.01	4.61	5.85	0.56	090
15156		A	Cult epidrm grft f/n/hfg add	2.75	1.46	1.47	1.27	1.25	0.43	ZZZ
15157		A	Cult epiderm grft f/n/hfg +%	3.00	1.35	1.59	1.10	1.28	0.16	ZZZ
15170		A	Acell graft trunk/arms/legs	5.99	5.03	4.41	3.49	2.95	0.80	090
15171		A	Acell graft t/arm/leg add-on	1.55	0.81	0.71	0.66	0.59	0.23	ZZZ
15175		A	Acellular graft, f/n/hf/g	7.99	5.23	4.96	3.80	3.59	0.77	090
15176		A	Acell graft, f/n/hf/g add-on	2.45	1.27	1.17	1.00	0.94	0.29	ZZZ
15200		A	Skin full graft, trunk	9.15	11.49	10.51	7.88	6.99	1.21	090
15201		A	Skin full graft trunk add-on	1.32	2.30	2.24	0.64	0.60	0.19	ZZZ
15220		A	Skin full graft sclp/arm/leg	8.09	11.13	10.56	7.60	7.10	1.02	090
15221		A	Skin full graft add-on	1.19	2.18	2.14	0.67	0.59	0.17	ZZZ
15240		A	Skin full grft face/genit/hf	10.41	13.02	12.16	10.09	9.26	1.25	090
15241		A	Skin full graft add-on	1.86	2.75	2.60	1.05	0.93	0.24	ZZZ
15260		A	Skin full graft een & lips	11.64	13.81	12.97	10.53	9.79	1.30	090
15261		A	Skin full graft add-on	2.23	3.17	3.01	1.45	1.33	0.27	ZZZ
15300		A	Apply skinallogrft, t/arm/lg	4.65	4.22	3.68	2.78	2.41	0.63	090
15301		A	Apply sknallogrft t/a/l addl	1.00	0.60	0.53	0.45	0.40	0.15	ZZZ
15320		A	Apply skin allogrft f/n/hf/g	5.36	4.24	3.92	2.70	2.53	0.54	090
15321		A	Aply sknallogrft f/n/hfg add	1.50	0.86	0.77	0.67	0.60	0.22	ZZZ

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15330		A	Aply acell alogrft t/arm/leg	3.99	4.18	3.69	2.72	2.40	0.56	090
15331		A	Aply acell grft t/a/l add-on	1.00	0.60	0.53	0.47	0.41	0.15	ZZZ
15335		A	Apply acell graft, f/n/hf/g	4.50	3.63	3.45	2.25	2.19	0.37	090
15336		A	Aply acell grft f/n/hf/g add	1.43	0.55	0.63	0.35	0.44	0.07	ZZZ
15340		A	Apply cult skin substitute	3.82	4.18	3.91	3.02	2.80	0.38	010
15341		A	Apply cult skin sub add-on	0.50	0.71	0.65	0.17	0.16	0.05	ZZZ
15360		A	Apply cult derm sub, t/a/l	4.02	4.98	4.77	3.66	3.47	0.44	090
15361		A	Aply cult derm sub t/a/l add	1.15	0.63	0.56	0.44	0.39	0.15	ZZZ
15365		A	Apply cult derm sub f/n/hf/g	4.30	4.41	4.28	3.23	3.12	0.30	090
15366		A	Apply cult derm f/hf/g add	1.45	0.63	0.63	0.43	0.45	0.12	ZZZ
15400		A	Apply skin xenograft, t/a/l	4.47	5.93	5.28	4.60	4.23	0.51	090
15401		A	Apply skn xenogrft t/a/l add	1.00	1.14	1.22	0.42	0.38	0.16	ZZZ
15420		A	Apply skin xgraft, f/n/hf/g	4.98	6.15	5.86	4.89	4.61	0.49	090
15421		A	Apply skn xgrft f/n/hf/g add	1.50	1.39	1.27	0.67	0.57	0.22	ZZZ
15430		A	Apply acellular xenograft	6.20	7.59	6.84	6.99	6.33	0.77	090
15431		C	Apply acellular xgraft add	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
15570		A	Form skin pedicle flap	10.21	11.97	11.14	7.98	7.17	1.52	090
15572		A	Form skin pedicle flap	10.12	11.74	10.71	8.63	7.62	1.34	090
15574		A	Form skin pedicle flap	10.70	12.30	11.29	8.96	8.04	1.34	090
15576		A	Form skin pedicle flap	9.37	11.00	10.23	7.96	7.17	1.13	090
15600		A	Skin graft	2.01	5.80	5.91	3.12	2.94	0.28	090
15610		A	Skin graft	2.52	6.11	5.59	3.51	3.29	0.33	090
15620		A	Skin graft	3.75	7.06	6.93	4.48	4.10	0.45	090
15630		A	Skin graft	4.08	7.34	7.21	4.75	4.48	0.48	090
15650		A	Transfer skin pedicle flap	4.77	7.71	7.72	4.93	4.78	0.57	090
15731		A	Forehead flap w/vasc pedicle	14.38	14.53	13.42	11.87	10.75	1.77	090
15732		A	Muscle-skin graft, head/neck	19.90	18.24	16.58	14.58	12.57	2.60	090
15734		A	Muscle-skin graft, trunk	19.86	18.32	17.12	14.26	12.88	2.93	090
15736		A	Muscle-skin graft, arm	17.04	16.17	15.44	12.18	11.01	2.47	090
15738		A	Muscle-skin graft, leg	19.04	16.35	15.56	12.60	11.45	2.80	090
15740		A	Island pedicle flap graft	11.80	14.00	13.34	10.42	9.77	1.30	090
15750		A	Neurovascular pedicle graft	12.96	NA	NA	10.47	9.45	1.68	090
15756		A	Free myo/skin flap microvasc	36.94	NA	NA	23.87	21.03	4.67	090
15757		A	Free skin flap, microvasc	37.15	NA	NA	23.37	20.65	4.35	090
15758		A	Free fascial flap, microvasc	36.90	NA	NA	23.07	20.63	4.35	090
15760		A	Composite skin graft	9.86	11.72	10.87	8.44	7.65	1.16	090

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15770		A	Derma-fat-fascia graft	8.96	NA	NA	8.12	7.21	1.20	090
15775		R	Hair transplant punch grafts	3.95	3.52	3.69	1.78	1.66	0.21	000
15776		R	Hair transplant punch grafts	5.53	4.82	5.06	2.36	2.43	0.28	000
15780		A	Abrasion treatment of skin	8.73	11.74	11.64	7.10	7.17	0.88	090
15781		A	Abrasion treatment of skin	5.02	8.52	8.18	5.83	5.60	0.56	090
15782		A	Abrasion treatment of skin	4.44	10.39	9.66	6.46	5.86	0.46	090
15783		A	Abrasion treatment of skin	4.41	7.65	7.54	5.15	4.82	0.46	090
15786		A	Abrasion, lesion, single	2.08	4.11	3.86	1.52	1.38	0.24	010
15787		A	Abrasion, lesions, add-on	0.33	0.92	0.87	0.16	0.13	0.03	ZZZ
15788		R	Chemical peel, face, epiderm	2.09	9.21	8.59	4.17	3.84	0.26	090
15789		R	Chemical peel, face, dermal	4.91	8.60	8.89	5.62	5.59	0.50	090
15792		R	Chemical peel, nonfacial	1.86	8.78	8.52	4.64	4.57	0.22	090
15793		A	Chemical peel, nonfacial	3.96	8.09	7.82	5.22	4.96	0.41	090
15819		A	Plastic surgery, neck	10.65	NA	NA	8.12	7.47	1.54	090
15820		A	Revision of lower eyelid	6.27	8.02	7.11	6.77	5.85	0.91	090
15821		A	Revision of lower eyelid	6.84	8.52	7.41	7.12	6.02	0.98	090
15822		A	Revision of upper eyelid	4.62	6.53	5.81	5.31	4.60	0.60	090
15823		A	Revision of upper eyelid	8.32	9.68	8.29	8.31	6.96	1.14	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
15830		R	Exc skin abd	17.11	NA	NA	12.52	10.89	2.49	090
15832		A	Excise excessive skin tissue	12.85	NA	NA	9.86	8.80	1.89	090
15833		A	Excise excessive skin tissue	11.90	NA	NA	10.36	8.78	1.71	090
15834		A	Excise excessive skin tissue	12.17	NA	NA	10.51	8.48	1.76	090
15835		A	Excise excessive skin tissue	12.99	NA	NA	10.98	8.88	1.88	090
15836		A	Excise excessive skin tissue	10.61	NA	NA	7.27	7.12	1.53	090
15837		A	Excise excessive skin tissue	9.55	10.17	9.23	6.80	6.56	1.48	090
15838		A	Excise excessive skin tissue	8.25	NA	NA	6.80	6.12	0.78	090
15839		A	Excise excessive skin tissue	10.50	11.45	10.34	8.10	7.18	1.42	090
15840		A	Graft for face nerve palsy	14.99	NA	NA	11.56	10.11	1.76	090
15841		A	Graft for face nerve palsy	25.99	NA	NA	16.66	15.29	2.47	090
15842		A	Flap for face nerve palsy	41.01	NA	NA	20.15	22.03	3.88	090
15845		A	Skin and muscle repair, face	14.32	NA	NA	11.96	9.83	1.35	090

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15847		C	Exc skin abd add-on	0.00	0.00	0.00	0.00	0.00	0.00	YYY
15850		B	Removal of sutures	0.78	1.36	1.43	0.29	0.28	0.04	XXX
15851		A	Removal of sutures	0.86	1.53	1.45	0.34	0.29	0.09	000
15852		A	Dressing change not for burn	0.86	NA	NA	0.33	0.31	0.10	000
15860		A	Test for blood flow in graft	1.95	NA	NA	1.15	0.84	0.28	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	8.29	NA	NA	6.79	5.99	1.26	090
15922		A	Removal of tail bone ulcer	10.38	NA	NA	7.33	7.33	1.49	090
15931		A	Remove sacrum pressure sore	10.07	NA	NA	6.88	6.05	1.52	090
15933		A	Remove sacrum pressure sore	11.77	NA	NA	9.35	8.19	1.77	090
15934		A	Remove sacrum pressure sore	13.68	NA	NA	9.62	8.41	2.04	090
15935		A	Remove sacrum pressure sore	15.78	NA	NA	12.07	10.60	2.34	090
15936		A	Remove sacrum pressure sore	13.16	NA	NA	9.24	8.18	1.96	090
15937		A	Remove sacrum pressure sore	15.14	NA	NA	10.99	9.80	2.25	090
15940		A	Remove hip pressure sore	10.20	NA	NA	7.17	6.33	1.52	090
15941		A	Remove hip pressure sore	12.41	NA	NA	10.42	9.23	1.82	090
15944		A	Remove hip pressure sore	12.44	NA	NA	9.99	8.84	1.84	090
15945		A	Remove hip pressure sore	13.75	NA	NA	11.22	9.89	2.01	090
15946		A	Remove hip pressure sore	24.12	NA	NA	17.33	15.28	3.54	090
15950		A	Remove thigh pressure sore	8.03	NA	NA	6.34	5.73	1.17	090
15951		A	Remove thigh pressure sore	11.58	NA	NA	8.35	7.89	1.67	090
15952		A	Remove thigh pressure sore	12.31	NA	NA	8.14	8.01	1.93	090
15953		A	Remove thigh pressure sore	13.57	NA	NA	11.81	9.71	1.96	090
15956		A	Remove thigh pressure sore	16.79	NA	NA	12.02	10.74	2.51	090
15958		A	Remove thigh pressure sore	16.75	NA	NA	12.71	11.37	2.49	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	0.89	0.80	0.33	0.27	0.09	000
16020		A	Dress/debrid p-thick burn, s	0.80	1.32	1.20	0.69	0.60	0.08	000
16025		A	Dress/debrid p-thick burn, m	1.85	1.96	1.74	1.15	0.98	0.23	000
16030		A	Dress/debrid p-thick burn, l	2.08	2.47	2.21	1.32	1.13	0.27	000
16035		A	Incision of burn scab, initi	3.74	NA	NA	1.36	1.38	0.46	000
16036		A	Escharotomy; addl incision	1.50	NA	NA	0.63	0.56	0.20	ZZZ
17000		A	Destruct premalg lesion	0.65	1.35	1.33	0.77	0.73	0.06	010

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17003		A	Destruct premalg les, 2-14	0.07	0.10	0.11	0.04	0.04	0.01	ZZZ
17004		A	Destroy premlg lesions 15+	1.85	2.41	2.45	1.52	1.50	0.20	010
17106		A	Destruction of skin lesions	3.69	4.82	4.75	3.28	3.20	0.39	090
17107		A	Destruction of skin lesions	4.79	5.99	6.19	3.98	4.13	0.54	090
17108		A	Destruction of skin lesions	7.49	8.16	7.86	5.50	5.40	0.96	090
17110		A	Destruct b9 lesion, 1-14	0.70	2.00	2.01	1.06	1.01	0.06	010
17111		A	Destruct lesion, 15 or more	0.97	2.26	2.26	1.21	1.15	0.09	010
17250		A	Chemical cautery, tissue	0.50	1.42	1.33	0.43	0.39	0.05	000
17260		A	Destruction of skin lesions	0.96	1.39	1.39	0.79	0.74	0.09	010
17261		A	Destruction of skin lesions	1.22	2.31	2.30	1.13	1.07	0.13	010
17262		A	Destruction of skin lesions	1.63	2.66	2.65	1.38	1.29	0.17	010
17263		A	Destruction of skin lesions	1.84	2.90	2.88	1.50	1.39	0.19	010
17264		A	Destruction of skin lesions	1.99	3.09	3.05	1.58	1.46	0.21	010
17266		A	Destruction of skin lesions	2.39	3.40	3.34	1.79	1.63	0.25	010
17270		A	Destruction of skin lesions	1.37	2.34	2.29	1.20	1.11	0.15	010
17271		A	Destruction of skin lesions	1.54	2.51	2.49	1.32	1.24	0.17	010
17272		A	Destruction of skin lesions	1.82	2.82	2.78	1.49	1.40	0.19	010
17273		A	Destruction of skin lesions	2.10	3.07	3.03	1.65	1.53	0.22	010
17274		A	Destruction of skin lesions	2.64	3.50	3.43	1.96	1.81	0.27	010
17276		A	Destruction of skin lesions	3.25	3.90	3.76	2.29	2.07	0.35	010
17280		A	Destruction of skin lesions	1.22	2.24	2.21	1.11	1.04	0.13	010
17281		A	Destruction of skin lesions	1.77	2.62	2.59	1.46	1.36	0.19	010
17282		A	Destruction of skin lesions	2.09	3.01	2.96	1.65	1.54	0.22	010
17283		A	Destruction of skin lesions	2.69	3.48	3.40	2.00	1.84	0.28	010
17284		A	Destruction of skin lesions	3.26	3.94	3.82	2.32	2.13	0.33	010
17286		A	Destruction of skin lesions	4.48	4.68	4.44	2.97	2.72	0.49	010
17311		A	Mohs, 1 stage, h/n/hf/g	6.20	9.99	10.64	3.75	3.43	0.64	000
17312		A	Mohs addl stage	3.30	6.29	6.78	1.99	1.82	0.33	ZZZ
17313		A	Mohs, 1 stage, t/a/l	5.56	9.19	9.81	3.36	3.08	0.57	000
17314		A	Mohs, addl stage, t/a/l	3.06	5.83	6.28	1.85	1.69	0.31	ZZZ
17315		A	Mohs surg, addl block	0.87	1.11	1.15	0.53	0.48	0.08	ZZZ
17340		A	Cryotherapy of skin	0.77	0.54	0.45	0.48	0.40	0.07	010
17360		A	Skin peel therapy	1.46	1.81	1.80	1.12	1.05	0.16	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	1.81	1.93	0.28	0.30	0.08	000

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19001		A	Drain breast lesion add-on	0.42	0.25	0.26	0.14	0.15	0.04	ZZZ
19020		A	Incision of breast lesion	3.83	7.51	6.86	3.65	3.18	0.57	090
19030		A	Injection for breast x-ray	1.53	2.35	2.68	0.46	0.55	0.10	000
19100		A	Bx breast percut w/o image	1.27	2.35	2.17	0.47	0.40	0.19	000
19101		A	Biopsy of breast, open	3.23	5.02	4.61	2.22	1.96	0.49	010
19102		A	Bx breast percut w/image	2.00	3.12	3.52	0.62	0.71	0.16	000
19103		A	Bx breast percut w/device	3.69	9.38	10.31	1.18	1.28	0.35	000
19105		A	Cryosurg ablate fa, each	3.69	43.12	49.93	1.30	1.32	0.29	000
19110		A	Nipple exploration	4.44	7.44	6.61	3.99	3.43	0.68	090
19112		A	Excise breast duct fistula	3.81	7.38	6.58	3.86	3.31	0.59	090
19120		A	Removal of breast lesion	5.92	6.11	5.33	4.24	3.62	0.92	090
19125		A	Excision, breast lesion	6.69	6.69	5.79	4.61	3.92	1.04	090
19126		A	Excision, addl breast lesion	2.93	NA	NA	1.08	0.92	0.46	ZZZ
19260		A	Removal of chest wall lesion	17.78	NA	NA	12.07	11.11	2.91	090
19271		A	Revision of chest wall	22.19	NA	NA	18.27	17.30	3.71	090
19272		A	Extensive chest wall surgery	25.17	NA	NA	19.06	18.36	4.38	090
19290		A	Place needle wire, breast	1.27	2.56	2.85	0.39	0.46	0.09	000
19291		A	Place needle wire, breast	0.63	1.01	1.14	0.19	0.22	0.04	ZZZ
19295		A	Place breast clip, percut	0.00	2.06	2.31	NA	NA	0.01	ZZZ
19296		A	Place po breast cath for rad	3.63	92.58	95.41	1.62	1.42	0.54	000
19297		A	Place breast cath for rad	1.72	NA	NA	0.64	0.55	0.26	ZZZ
19298		A	Place breast rad tube/caths	6.00	22.26	26.28	2.61	2.39	0.56	000
19300		A	Removal of breast tissue	5.31	7.32	6.74	4.74	4.06	0.83	090
19301		A	Partical mastectomy	10.13	NA	NA	6.00	4.89	1.58	090
19302		A	P-mastectomy w/ln removal	13.99	NA	NA	8.05	6.88	2.19	090
19303		A	Mast, simple, complete	15.85	NA	NA	9.15	7.40	2.48	090
19304		A	Mast, subq	7.95	NA	NA	6.13	5.31	1.23	090
19305		A	Mast, radical	17.46	NA	NA	10.50	8.91	2.74	090
19306		A	Mast, rad, urban type	18.13	NA	NA	11.47	9.59	2.84	090
19307		A	Mast, mod rad	18.23	NA	NA	11.34	9.58	2.84	090
19316		A	Suspension of breast	11.09	NA	NA	8.41	7.56	1.61	090
19318		A	Reduction of large breast	16.03	NA	NA	12.21	11.03	2.32	090
19324		A	Enlarge breast	6.80	NA	NA	5.25	4.77	1.07	090
19325		A	Enlarge breast with implant	8.64	NA	NA	7.74	6.93	1.24	090
19328		A	Removal of breast implant	6.48	NA	NA	6.04	5.38	0.94	090
19330		A	Removal of implant material	8.54	NA	NA	7.47	6.63	1.22	090

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19340		A	Immediate breast prosthesis	13.99	NA	NA	11.59	5.21	2.02	090
19342		A	Delayed breast prosthesis	12.63	NA	NA	10.92	9.69	1.79	090
19350		A	Breast reconstruction	9.11	11.43	11.17	7.97	7.21	1.31	090
19355		A	Correct inverted nipple(s)	8.52	8.64	8.48	5.55	5.09	1.34	090
19357		A	Breast reconstruction	21.07	NA	NA	18.77	16.67	3.03	090
19361		A	Breast reconstr w/lat flap	23.36	NA	NA	20.27	17.21	3.38	090
19364		A	Breast reconstruction	42.58	NA	NA	28.26	24.95	6.06	090
19366		A	Breast reconstruction	21.84	NA	NA	13.01	11.38	3.28	090
19367		A	Breast reconstruction	26.80	NA	NA	18.98	16.96	3.87	090
19368		A	Breast reconstruction	33.90	NA	NA	23.03	20.12	4.90	090
19369		A	Breast reconstruction	31.31	NA	NA	21.50	18.45	4.52	090
19370		A	Surgery of breast capsule	9.17	NA	NA	8.25	7.35	1.32	090
19371		A	Removal of breast capsule	10.62	NA	NA	9.33	8.32	1.52	090
19380		A	Revise breast reconstruction	10.41	NA	NA	9.21	8.22	1.49	090
19396		A	Design custom breast implant	2.17	4.61	3.47	1.12	1.03	0.33	000
19499		C	Breast surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
20000		A	Incision of abscess	2.17	2.99	2.84	1.68	1.63	0.20	010
20005		A	Incision of deep abscess	3.58	4.15	3.81	2.36	2.20	0.43	010
20100		A	Explore wound, neck	10.38	NA	NA	4.86	4.03	1.44	010
20101		A	Explore wound, chest	3.23	6.42	6.31	1.69	1.62	0.51	010
20102		A	Explore wound, abdomen	3.98	7.88	7.35	2.37	2.06	0.59	010
20103		A	Explore wound, extremity	5.34	8.98	8.34	3.47	3.17	0.73	010
20150		A	Excise epiphyseal bar	14.75	NA	NA	8.29	8.28	2.15	090
20200		A	Muscle biopsy	1.46	3.41	3.21	0.85	0.77	0.24	000
20205		A	Deep muscle biopsy	2.35	4.46	4.05	1.41	1.24	0.41	000
20206		A	Needle biopsy, muscle	0.99	4.76	5.41	0.52	0.60	0.07	000
20220		A	Bone biopsy, trocar/needle	1.27	2.46	3.05	0.62	0.71	0.08	000
20225		A	Bone biopsy, trocar/needle	1.87	11.24	14.33	0.95	1.08	0.17	000
20240		A	Bone biopsy, excisional	3.28	NA	NA	2.40	2.28	0.38	010
20245		A	Bone biopsy, excisional	8.95	NA	NA	6.86	6.32	1.21	010
20250		A	Open bone biopsy	5.19	NA	NA	4.10	3.77	0.90	010
20251		A	Open bone biopsy	5.72	NA	NA	4.44	4.16	0.97	010
20500		A	Injection of sinus tract	1.28	1.35	1.54	0.89	1.03	0.09	010
20501		A	Inject sinus tract for x-ray	0.76	2.10	2.44	0.23	0.28	0.05	000
2050F		I	Wound char size etc docd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
20520		A	Removal of foreign body	1.90	3.06	2.80	1.76	1.61	0.22	010

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20525		A	Removal of foreign body	3.54	8.13	7.83	2.70	2.47	0.47	010
20526		A	Ther injection, carp tunnel	0.94	0.94	0.89	0.51	0.47	0.10	000
20550		A	Inj tendon sheath/ligament	0.75	0.70	0.67	0.33	0.29	0.06	000
20551		A	Inj tendon origin/insertion	0.75	0.78	0.68	0.38	0.32	0.06	000
20552		A	Inj trigger point, 1/2 muscl	0.66	0.71	0.65	0.33	0.27	0.05	000
20553		A	Inject trigger points, =/> 3	0.75	0.83	0.74	0.37	0.29	0.05	000
20555		A	Place ndl musc/tis for rt	6.00	NA	NA	2.61	2.43	0.63	000
20600		A	Drain/inject, joint/bursa	0.66	0.72	0.68	0.35	0.33	0.05	000
20605		A	Drain/inject, joint/bursa	0.68	0.81	0.77	0.38	0.35	0.06	000
2060F		I	Pt talk eval hlthwkr re mdd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
20610		A	Drain/inject, joint/bursa	0.79	1.20	1.10	0.49	0.44	0.09	000
20612		A	Aspirate/inj ganglion cyst	0.70	0.81	0.74	0.38	0.36	0.06	000
20615		A	Treatment of bone cyst	2.33	3.03	3.00	1.66	1.61	0.21	010
20650		A	Insert and remove bone pin	2.28	2.72	2.53	1.60	1.53	0.21	010
20660		A	Apply, rem fixation device	4.00	NA	NA	1.85	1.69	0.81	000
20661		A	Application of head brace	5.26	NA	NA	6.56	5.96	1.21	090
20662		A	Application of pelvis brace	6.38	NA	NA	4.00	5.06	0.45	090
20663		A	Application of thigh brace	5.74	NA	NA	5.81	5.13	0.84	090
20664		A	Halo brace application	10.06	NA	NA	10.05	8.54	2.65	090
20665		A	Removal of fixation device	1.36	1.42	1.56	1.07	1.09	0.08	010
20670		A	Removal of support implant	1.79	7.44	7.78	1.93	1.84	0.22	010
20680		A	Removal of support implant	5.96	9.35	8.67	4.79	4.29	0.78	090
20690		A	Apply bone fixation device	8.78	NA	NA	6.02	4.95	1.19	090
20692		A	Apply bone fixation device	16.27	NA	NA	11.95	9.61	2.06	090
20693		A	Adjust bone fixation device	6.06	NA	NA	5.35	5.03	0.79	090
20694		A	Remove bone fixation device	4.28	6.20	5.97	4.18	3.88	0.56	090
20696		A	Comp multiplane ext fixation	17.56	NA	NA	9.96	8.58	0.92	090
20697		A	Comp ext fixate strut change	0.00	38.47	34.94	NA	NA	0.01	000
20802		A	Replantation, arm, complete	42.62	NA	NA	19.27	17.97	2.24	090
20805		A	Replant forearm, complete	51.46	NA	NA	30.98	24.34	7.45	090
20808		A	Replantation hand, complete	63.09	NA	NA	42.15	37.96	9.13	090
20816		A	Replantation digit, complete	31.95	NA	NA	19.87	22.08	2.93	090
20822		A	Replantation digit, complete	26.66	NA	NA	17.74	19.17	3.87	090
20824		A	Replantation thumb, complete	31.95	NA	NA	19.95	21.89	4.62	090
20827		A	Replantation thumb, complete	27.48	NA	NA	18.15	20.38	3.98	090
20838		A	Replantation foot, complete	42.88	NA	NA	21.19	20.13	2.25	090

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20900		A	Removal of bone for graft	3.00	7.21	7.01	2.49	2.95	0.41	000
20902		A	Removal of bone for graft	4.58	NA	NA	3.14	3.65	0.64	000
20910		A	Remove cartilage for graft	5.53	NA	NA	5.24	5.05	0.52	090
20912		A	Remove cartilage for graft	6.54	NA	NA	5.96	5.47	0.73	090
20920		A	Removal of fascia for graft	5.51	NA	NA	4.89	4.53	0.51	090
20922		A	Removal of fascia for graft	6.93	7.89	7.92	5.44	5.31	0.94	090
20924		A	Removal of tendon for graft	6.68	NA	NA	5.96	5.56	0.88	090
20926		A	Removal of tissue for graft	5.79	NA	NA	5.19	4.82	0.86	090
20930		B	Sp bone algrft morsel add-on	0.00	0.00	0.00	0.00	0.00	0.00	XXX
20931		A	Sp bone algrft struct add-on	1.81	NA	NA	0.85	0.81	0.41	ZZZ
20936		B	Sp bone agrft local add-on	0.00	0.00	0.00	0.00	0.00	0.00	XXX
20937		A	Sp bone agrft morsel add-on	2.79	NA	NA	1.36	1.28	0.50	ZZZ
20938		A	Sp bone agrft struct add-on	3.02	NA	NA	1.45	1.36	0.61	ZZZ
20950		A	Fluid pressure, muscle	1.26	4.62	4.73	1.01	0.94	0.17	000
20955		A	Fibula bone graft, microvasc	40.26	NA	NA	24.96	22.51	4.90	090
20956		A	Iliac bone graft, microvasc	41.18	NA	NA	25.33	22.99	5.97	090
20957		A	Mt bone graft, microvasc	42.61	NA	NA	26.53	19.80	6.18	090
20962		A	Other bone graft, microvasc	39.21	NA	NA	27.48	24.06	5.68	090
20969		A	Bone/skin graft, microvasc	45.43	NA	NA	27.68	24.64	4.90	090
20970		A	Bone/skin graft, iliac crest	44.58	NA	NA	27.38	24.58	6.47	090
20972		A	Bone/skin graft, metatarsal	44.51	NA	NA	14.61	17.20	2.52	090
20973		A	Bone/skin graft, great toe	47.27	NA	NA	20.83	19.01	2.48	090
20974		A	Electrical bone stimulation	0.62	1.19	1.01	0.60	0.54	0.09	000
20975		A	Electrical bone stimulation	2.60	NA	NA	1.75	1.64	0.43	000
20979		A	Us bone stimulation	0.62	0.70	0.67	0.23	0.24	0.06	000
20982		A	Ablate, bone tumor(s) perq	7.27	75.19	84.95	2.49	2.85	0.59	000
20985		A	Cptr-asst dir ms px	2.50	NA	NA	1.23	1.12	0.36	ZZZ
20999		C	Musculoskeletal surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
21010		A	Incision of jaw joint	11.04	NA	NA	9.01	7.26	1.04	090
21011		A	Exc face les sc < 2 cm	2.99	5.16	5.16	3.33	3.33	0.33	090
21012		A	Exc face les sc = 2 cm	4.45	NA	NA	4.13	4.13	0.53	090
21013		A	Exc face tum deep < 2 cm	5.42	7.17	7.17	4.69	4.69	0.60	090
21014		A	Exc face tum deep = 2 cm	7.13	NA	NA	6.10	6.10	0.85	090
21015		A	Resect face tum < 2 cm	9.89	NA	NA	7.95	5.49	1.37	090
21016		A	Resect face tum = 2 cm	15.26	NA	NA	10.91	10.91	2.14	090
21025		A	Excision of bone, lower jaw	10.03	12.65	11.67	9.38	8.38	1.06	090

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21026		A	Excision of facial bone(s)	5.70	9.85	9.00	7.02	6.39	0.61	090
21029		A	Contour of face bone lesion	8.39	11.02	10.06	7.96	7.13	1.21	090
21030		A	Excise max/zygoma b9 tumor	4.91	8.06	7.33	5.69	5.10	0.56	090
21031		A	Remove exostosis, mandible	3.30	6.53	6.03	4.21	3.78	0.30	090
21032		A	Remove exostosis, maxilla	3.34	6.64	6.14	4.12	3.66	0.31	090
21034		A	Excise max/zygoma mlg tumor	17.38	16.80	15.38	13.02	11.68	1.79	090
21040		A	Excise mandible lesion	4.91	8.19	7.45	5.77	5.07	0.55	090
21044		A	Removal of jaw bone lesion	12.80	NA	NA	10.27	9.14	1.31	090
21045		A	Extensive jaw surgery	18.37	NA	NA	13.83	12.21	1.85	090
21046		A	Remove mandible cyst complex	14.21	NA	NA	14.52	12.73	1.34	090
21047		A	Excise lwr jaw cyst w/repair	20.07	NA	NA	14.20	12.29	1.90	090
21048		A	Remove maxilla cyst complex	14.71	NA	NA	14.78	12.72	1.39	090
21049		A	Excis uppr jaw cyst w/repair	19.32	NA	NA	13.09	12.04	1.81	090
21050		A	Removal of jaw joint	11.76	NA	NA	10.34	9.51	1.69	090
21060		A	Remove jaw joint cartilage	11.07	NA	NA	10.06	8.53	1.72	090
21070		A	Remove coronoid process	8.62	NA	NA	8.10	7.12	0.81	090
21073		A	Mnpj of tmj w/anesth	3.45	5.99	5.63	3.17	2.58	0.50	090
21076		A	Prepare face/oral prosthesis	13.40	11.69	10.10	8.61	6.99	1.25	010
21077		A	Prepare face/oral prosthesis	33.70	27.84	24.30	21.77	18.07	3.18	090
21079		A	Prepare face/oral prosthesis	22.31	20.01	17.42	14.57	11.93	2.11	090
21080		A	Prepare face/oral prosthesis	25.06	22.70	19.92	16.08	13.27	2.37	090
21081		A	Prepare face/oral prosthesis	22.85	20.93	18.36	14.79	12.20	2.17	090
21082		A	Prepare face/oral prosthesis	20.84	20.48	17.61	14.44	11.68	1.96	090
21083		A	Prepare face/oral prosthesis	19.27	19.96	17.29	13.48	10.86	1.01	090
21084		A	Prepare face/oral prosthesis	22.48	22.55	19.79	15.45	12.69	2.13	090
21085		A	Prepare face/oral prosthesis	8.99	9.15	7.91	5.96	4.92	2.46	010
21086		A	Prepare face/oral prosthesis	24.88	20.04	17.25	15.94	12.90	2.35	090
21087		A	Prepare face/oral prosthesis	24.88	19.84	17.21	15.70	12.87	2.35	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	YYY
21100		A	Maxillofacial fixation	4.73	12.93	12.92	5.01	5.14	0.47	090
21110		A	Interdental fixation	5.99	14.00	12.74	10.93	9.88	0.56	090
21116		A	Injection, jaw joint x-ray	0.81	3.14	2.97	0.39	0.30	0.04	000
21120		A	Reconstruction of chin	5.10	11.19	10.34	8.01	7.25	0.74	090
21121		A	Reconstruction of chin	7.81	11.75	11.11	8.71	8.23	0.40	090
21122		A	Reconstruction of chin	8.71	NA	NA	7.87	8.51	0.45	090

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21123		A	Reconstruction of chin	11.34	NA	NA	11.87	10.01	0.59	090
21125		A	Augmentation, lower jaw bone	10.80	75.63	67.63	9.95	8.18	1.57	090
21127		A	Augmentation, lower jaw bone	12.44	83.76	78.99	9.09	8.80	1.17	090
21137		A	Reduction of forehead	10.24	NA	NA	9.02	7.58	1.47	090
21138		A	Reduction of forehead	12.87	NA	NA	10.42	9.14	1.34	090
21139		A	Reduction of forehead	15.02	NA	NA	9.24	9.55	0.78	090
21141		A	Reconstruct midface, lefort	19.57	NA	NA	15.17	13.67	2.83	090
21142		A	Reconstruct midface, lefort	20.28	NA	NA	16.42	13.10	2.94	090
21143		A	Reconstruct midface, lefort	21.05	NA	NA	13.56	13.12	3.30	090
21145		A	Reconstruct midface, lefort	23.94	NA	NA	18.31	14.68	1.24	090
21146		A	Reconstruct midface, lefort	24.87	NA	NA	19.56	16.20	3.60	090
21147		A	Reconstruct midface, lefort	26.47	NA	NA	18.68	16.30	1.38	090
21150		A	Reconstruct midface, lefort	25.96	NA	NA	14.74	14.98	1.35	090
21151		A	Reconstruct midface, lefort	29.02	NA	NA	20.32	21.02	2.75	090
21154		A	Reconstruct midface, lefort	31.29	NA	NA	21.78	19.93	2.95	090
21155		A	Reconstruct midface, lefort	35.22	NA	NA	25.46	21.02	1.84	090
21159		A	Reconstruct midface, lefort	43.14	NA	NA	27.52	24.05	4.06	090
21160		A	Reconstruct midface, lefort	47.19	NA	NA	22.80	23.32	2.47	090
21172		A	Reconstruct orbit/forehead	28.20	NA	NA	20.19	16.02	2.66	090
21175		A	Reconstruct orbit/forehead	33.56	NA	NA	21.69	18.76	8.84	090
21179		A	Reconstruct entire forehead	22.65	NA	NA	13.87	13.16	3.28	090
21180		A	Reconstruct entire forehead	25.58	NA	NA	15.37	14.93	2.42	090
21181		A	Contour cranial bone lesion	10.28	NA	NA	7.38	6.92	0.96	090
21182		A	Reconstruct cranial bone	32.58	NA	NA	18.73	17.72	3.07	090
21183		A	Reconstruct cranial bone	35.70	NA	NA	24.04	20.50	5.16	090
21184		A	Reconstruct cranial bone	38.62	NA	NA	23.13	20.42	5.60	090
21188		A	Reconstruction of midface	23.15	NA	NA	21.59	18.22	2.19	090
21193		A	Reconst lwr jaw w/o graft	18.90	NA	NA	10.16	10.94	2.97	090
21194		A	Reconst lwr jaw w/graft	21.82	NA	NA	14.54	13.32	2.06	090
21195		A	Reconst lwr jaw w/o fixation	19.16	NA	NA	16.11	14.36	1.80	090
21196		A	Reconst lwr jaw w/fixation	20.83	NA	NA	17.70	15.55	1.96	090
21198		A	Reconstr lwr jaw segment	15.71	NA	NA	14.22	12.95	1.60	090
21199		A	Reconstr lwr jaw w/advance	16.73	NA	NA	10.18	8.92	1.58	090
21206		A	Reconstruct upper jaw bone	15.59	NA	NA	16.09	13.24	2.27	090
21208		A	Augmentation of facial bones	11.42	36.35	32.46	10.20	9.21	1.65	090
21209		A	Reduction of facial bones	7.82	14.96	12.84	9.70	8.30	1.13	090

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21210		A	Face bone graft	11.69	44.24	40.55	10.65	9.00	1.11	090
21215		A	Lower jaw bone graft	12.23	85.52	77.78	11.03	9.24	1.76	090
21230		A	Rib cartilage graft	11.17	NA	NA	9.17	7.83	1.61	090
21235		A	Ear cartilage graft	7.50	11.01	10.47	7.23	6.66	0.81	090
21240		A	Reconstruction of jaw joint	16.07	NA	NA	12.86	11.20	1.50	090
21242		A	Reconstruction of jaw joint	14.59	NA	NA	11.86	10.52	1.38	090
21243		A	Reconstruction of jaw joint	24.53	NA	NA	20.42	16.94	2.32	090
21244		A	Reconstruction of lower jaw	13.62	NA	NA	13.97	12.54	1.42	090
21245		A	Reconstruction of jaw	13.12	15.80	14.98	10.33	9.62	1.23	090
21246		A	Reconstruction of jaw	12.92	NA	NA	8.93	8.09	1.21	090
21247		A	Reconstruct lower jaw bone	24.37	NA	NA	16.35	15.22	3.54	090
21248		A	Reconstruction of jaw	12.74	15.57	13.72	10.76	9.08	1.20	090
21249		A	Reconstruction of jaw	18.77	20.21	17.59	14.76	12.01	1.76	090
21255		A	Reconstruct lower jaw bone	18.46	NA	NA	16.44	16.53	1.73	090
21256		A	Reconstruction of orbit	17.66	NA	NA	13.97	11.79	1.66	090
21260		A	Revise eye sockets	17.90	NA	NA	12.18	14.26	0.93	090
21261		A	Revise eye sockets	34.07	NA	NA	23.50	21.43	4.94	090
21263		A	Revise eye sockets	31.01	NA	NA	18.68	18.64	1.62	090
21267		A	Revise eye sockets	20.69	NA	NA	20.38	18.11	3.00	090
21268		A	Revise eye sockets	27.07	NA	NA	27.90	21.27	3.92	090
21270		A	Augmentation, cheek bone	10.63	14.19	12.30	8.67	7.11	1.11	090
21275		A	Revision, orbitofacial bones	11.76	NA	NA	9.73	8.27	1.69	090
21280		A	Revision of eyelid	7.13	NA	NA	7.47	6.32	1.03	090
21282		A	Revision of eyelid	4.27	NA	NA	5.36	4.66	0.57	090
21295		A	Revision of jaw muscle/bone	1.90	NA	NA	2.59	2.48	0.27	090
21296		A	Revision of jaw muscle/bone	4.78	NA	NA	6.57	5.92	0.45	090
21299		C	Cranio/maxillofacial surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
21310		A	Treatment of nose fracture	0.58	2.34	2.11	0.14	0.13	0.07	000
21315		A	Treatment of nose fracture	1.83	5.01	4.70	1.99	1.87	0.21	010
21320		A	Treatment of nose fracture	1.88	4.59	4.33	1.65	1.51	0.20	010
21325		A	Treatment of nose fracture	4.18	NA	NA	7.67	7.50	0.49	090
21330		A	Treatment of nose fracture	5.79	NA	NA	8.64	8.37	0.54	090
21335		A	Treatment of nose fracture	9.02	NA	NA	9.91	9.27	0.90	090
21336		A	Treat nasal septal fracture	6.77	NA	NA	9.78	9.25	0.67	090
21337		A	Treat nasal septal fracture	3.39	6.76	6.36	4.15	3.78	0.38	090
21338		A	Treat nasoethmoid fracture	6.87	NA	NA	11.83	11.24	1.00	090

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21339		A	Treat nasoethmoid fracture	8.50	NA	NA	12.79	11.74	1.22	090
21340		A	Treatment of nose fracture	11.49	NA	NA	8.41	8.20	1.09	090
21343		A	Treatment of sinus fracture	14.32	NA	NA	16.48	14.42	2.08	090
21344		A	Treatment of sinus fracture	21.57	NA	NA	18.16	15.61	5.69	090
21345		A	Treat nose/jaw fracture	9.06	11.34	10.69	7.57	7.10	0.86	090
21346		A	Treat nose/jaw fracture	11.45	NA	NA	12.33	11.93	1.09	090
21347		A	Treat nose/jaw fracture	13.53	NA	NA	13.15	13.29	1.26	090
21348		A	Treat nose/jaw fracture	17.52	NA	NA	11.46	10.50	1.65	090
21355		A	Treat cheek bone fracture	4.45	6.69	6.39	4.03	3.68	0.41	010
21356		A	Treat cheek bone fracture	4.83	7.70	7.28	4.83	4.45	0.52	010
21360		A	Treat cheek bone fracture	7.19	NA	NA	6.66	5.96	0.67	090
21365		A	Treat cheek bone fracture	16.77	NA	NA	12.09	10.55	2.06	090
21366		A	Treat cheek bone fracture	18.60	NA	NA	14.24	11.55	2.70	090
21385		A	Treat eye socket fracture	9.57	NA	NA	8.46	7.95	0.90	090
21386		A	Treat eye socket fracture	9.57	NA	NA	7.03	6.67	1.38	090
21387		A	Treat eye socket fracture	10.11	NA	NA	8.71	8.12	1.45	090
21390		A	Treat eye socket fracture	11.23	NA	NA	9.31	8.03	1.39	090
21395		A	Treat eye socket fracture	14.70	NA	NA	9.49	8.89	1.38	090
21400		A	Treat eye socket fracture	1.50	3.14	2.91	2.31	2.12	0.20	090
21401		A	Treat eye socket fracture	3.68	8.00	7.89	3.84	3.60	0.53	090
21406		A	Treat eye socket fracture	7.42	NA	NA	6.15	5.82	0.70	090
21407		A	Treat eye socket fracture	9.02	NA	NA	7.68	6.76	1.17	090
21408		A	Treat eye socket fracture	12.78	NA	NA	10.35	8.84	1.85	090
21421		A	Treat mouth roof fracture	6.02	13.93	12.29	10.64	9.49	0.87	090
21422		A	Treat mouth roof fracture	8.73	NA	NA	8.56	7.76	0.83	090
21423		A	Treat mouth roof fracture	10.85	NA	NA	9.41	8.61	1.57	090
21431		A	Treat craniofacial fracture	7.90	NA	NA	11.94	10.63	1.14	090
21432		A	Treat craniofacial fracture	8.82	NA	NA	8.04	7.57	1.26	090
21433		A	Treat craniofacial fracture	26.29	NA	NA	15.65	15.00	3.81	090
21435		A	Treat craniofacial fracture	20.26	NA	NA	13.41	12.67	1.91	090
21436		A	Treat craniofacial fracture	30.30	NA	NA	22.44	18.81	4.39	090
21440		A	Treat dental ridge fracture	3.44	10.66	9.88	8.13	7.57	0.49	090
21445		A	Treat dental ridge fracture	6.26	12.98	12.28	9.59	8.99	0.59	090
21450		A	Treat lower jaw fracture	3.71	11.05	10.20	8.27	7.82	0.48	090
21451		A	Treat lower jaw fracture	5.65	13.33	12.45	10.43	9.71	0.53	090
21452		A	Treat lower jaw fracture	2.40	11.19	12.12	6.00	5.85	0.35	090

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21453		A	Treat lower jaw fracture	6.64	15.86	14.46	12.82	11.93	0.77	090
21454		A	Treat lower jaw fracture	7.36	NA	NA	7.39	6.42	0.68	090
21461		A	Treat lower jaw fracture	9.31	43.03	39.11	14.54	13.48	1.03	090
21462		A	Treat lower jaw fracture	11.01	44.56	40.92	15.52	14.13	1.04	090
21465		A	Treat lower jaw fracture	13.12	NA	NA	10.87	9.45	1.90	090
21470		A	Treat lower jaw fracture	17.54	NA	NA	13.72	11.87	2.13	090
21480		A	Reset dislocated jaw	0.61	1.66	1.62	0.23	0.19	0.07	000
21485		A	Reset dislocated jaw	4.77	12.69	11.59	9.94	9.13	0.45	090
21490		A	Repair dislocated jaw	12.95	NA	NA	10.73	9.54	1.88	090
21495		A	Treat hyoid bone fracture	6.79	NA	NA	11.55	10.49	0.63	090
21497		A	Interdental wiring	4.64	12.29	11.72	9.76	9.30	0.66	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	3.98	7.30	6.80	4.11	3.80	0.55	090
21502		A	Drain chest lesion	7.55	NA	NA	5.67	5.17	1.18	090
21510		A	Drainage of bone lesion	6.20	NA	NA	4.73	4.92	1.07	090
21550		A	Biopsy of neck/chest	2.11	4.29	4.19	1.88	1.82	0.22	010
21552		A	Exc neck les sc = 3 cm	6.49	NA	NA	4.74	4.74	0.94	090
21554		A	Exc neck tum deep = 5 cm	11.13	NA	NA	7.32	7.32	1.53	090
21555		A	Exc neck les sc < 3 cm	3.96	6.28	5.96	3.76	3.56	0.57	090
21556		A	Exc neck tum deep < 5 cm	7.66	NA	NA	5.78	4.65	1.06	090
21557		A	Resect neck tum < 5 cm	14.75	NA	NA	9.68	6.15	2.05	090
21558		A	Resect neck tum = 5 cm	21.58	NA	NA	12.94	12.94	3.00	090
21600		A	Partial removal of rib	7.26	NA	NA	6.86	6.25	1.15	090
21610		A	Partial removal of rib	15.91	NA	NA	11.81	9.72	4.20	090
21615		A	Removal of rib	10.45	NA	NA	5.97	5.74	1.81	090
21616		A	Removal of rib and nerves	12.69	NA	NA	6.21	7.45	2.23	090
21620		A	Partial removal of sternum	7.28	NA	NA	5.57	5.39	1.19	090
21627		A	Sternal debridement	7.30	NA	NA	6.34	6.05	1.21	090
21630		A	Extensive sternum surgery	19.18	NA	NA	12.24	11.56	2.97	090
21632		A	Extensive sternum surgery	19.68	NA	NA	11.03	10.56	3.63	090
21685		A	Hyoid myotomy & suspension	15.26	NA	NA	11.07	9.86	1.44	090
21700		A	Revision of neck muscle	6.31	NA	NA	3.18	3.94	1.10	090
21705		A	Revision of neck muscle/rib	9.92	NA	NA	4.24	5.22	1.72	090
21720		A	Revision of neck muscle	5.80	NA	NA	4.87	4.18	1.52	090
21725		A	Revision of neck muscle	7.19	NA	NA	6.19	5.63	1.04	090
21740		A	Reconstruction of sternum	17.57	NA	NA	8.11	8.41	2.55	090

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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	11.40	NA	NA	5.84	5.85	1.99	090
21800		A	Treatment of rib fracture	1.01	1.63	1.43	1.70	1.48	0.13	090
21805		A	Treatment of rib fracture	2.88	NA	NA	3.63	3.45	0.49	090
21810		A	Treatment of rib fracture(s)	7.03	NA	NA	5.41	5.10	1.20	090
21820		A	Treat sternum fracture	1.36	2.08	1.87	2.16	1.92	0.19	090
21825		A	Treat sternum fracture	7.76	NA	NA	6.30	5.98	1.34	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	2.11	4.30	4.20	2.01	1.86	0.25	010
21925		A	Biopsy soft tissue of back	4.63	6.12	5.61	4.02	3.59	0.68	090
21930		A	Exc back les sc < 3 cm	4.94	6.59	6.21	4.12	3.88	0.75	090
21931		A	Exc back les sc = 3 cm	6.88	NA	NA	4.82	4.82	1.04	090
21932		A	Exc back tum deep < 5 cm	9.82	NA	NA	6.94	6.94	1.53	090
21933		A	Exc back tum deep = 5 cm	11.13	NA	NA	7.31	7.31	1.73	090
21935		A	Resect back tum < 5 cm	15.72	NA	NA	9.96	9.39	2.36	090
21936		A	Resect back tum = 5 cm	22.55	NA	NA	13.16	13.16	3.38	090
22010		A	I&d, p-spine, c/t/cerv-thor	12.75	NA	NA	9.98	9.15	2.42	090
22015		A	I&d, p-spine, l/s/ls	12.64	NA	NA	10.02	9.16	2.26	090
22100		A	Remove part of neck vertebra	11.00	NA	NA	9.56	8.54	2.91	090
22101		A	Remove part, thorax vertebra	11.08	NA	NA	10.41	8.77	2.92	090
22102		A	Remove part, lumbar vertebra	11.08	NA	NA	8.98	8.36	1.96	090
22103		A	Remove extra spine segment	2.34	NA	NA	1.14	1.07	0.47	ZZZ
22110		A	Remove part of neck vertebra	14.00	NA	NA	10.80	9.98	3.70	090
22112		A	Remove part, thorax vertebra	14.07	NA	NA	11.81	9.69	3.71	090
22114		A	Remove part, lumbar vertebra	14.07	NA	NA	10.89	9.89	2.04	090
22116		A	Remove extra spine segment	2.32	NA	NA	1.11	1.04	0.44	ZZZ
22206		A	Cut spine 3 col, thor	37.18	NA	NA	21.98	19.76	5.38	090
22207		A	Cut spine 3 col, lumb	36.68	NA	NA	21.92	19.62	6.76	090
22208		A	Cut spine 3 col, addl seg	9.66	NA	NA	4.72	4.23	1.90	ZZZ
22210		A	Revision of neck spine	25.38	NA	NA	17.31	15.96	4.96	090
22212		A	Revision of thorax spine	20.99	NA	NA	15.16	13.76	3.65	090
22214		A	Revision of lumbar spine	21.02	NA	NA	15.23	13.93	3.76	090
22216		A	Revise, extra spine segment	6.03	NA	NA	2.94	2.77	1.11	ZZZ
22220		A	Revision of neck spine	22.94	NA	NA	16.10	14.37	4.72	090
22222		A	Revision of thorax spine	23.09	NA	NA	16.01	12.03	3.34	090

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22224		A	Revision of lumbar spine	23.09	NA	NA	15.68	14.29	3.95	090
22226		A	Revise, extra spine segment	6.03	NA	NA	2.88	2.73	1.16	ZZZ
22305		A	Treat spine process fracture	2.13	2.58	2.33	2.18	1.96	0.30	090
22310		A	Treat spine fracture	3.89	3.66	3.20	3.11	2.71	0.57	090
22315		A	Treat spine fracture	10.11	11.36	10.33	8.74	7.90	1.87	090
22318		A	Treat odontoid fx w/o graft	22.72	NA	NA	15.42	14.16	5.64	090
22319		A	Treat odontoid fx w/graft	25.33	NA	NA	16.86	15.13	6.69	090
22325		A	Treat spine fracture	19.87	NA	NA	14.57	13.17	4.18	090
22326		A	Treat neck spine fracture	20.84	NA	NA	14.45	13.19	4.63	090
22327		A	Treat thorax spine fracture	20.77	NA	NA	14.94	13.42	4.13	090
22328		A	Treat each add spine fx	4.60	NA	NA	2.22	2.06	1.00	ZZZ
22505		A	Manipulation of spine	1.87	NA	NA	1.15	1.02	0.21	010
22520		A	Percut vertebroplasty thor	9.22	43.94	47.01	3.89	4.40	0.78	010
22521		A	Percut vertebroplasty lumb	8.65	43.86	46.35	3.73	4.21	0.74	010
22522		A	Percut vertebroplasty addl	4.30	NA	NA	1.53	1.66	0.40	ZZZ
22523		A	Percut kyphoplasty, thor	9.26	NA	NA	5.10	5.21	1.34	010
22524		A	Percut kyphoplasty, lumbar	8.86	NA	NA	4.95	5.04	1.28	010
22525		A	Percut kyphoplasty, add-on	4.47	NA	NA	1.94	1.95	0.70	ZZZ
22526		N	Idet, single level	6.10	49.87	44.29	2.91	2.19	0.40	010
22527		N	Idet, 1 or more levels	3.03	42.83	36.88	1.11	0.71	0.18	ZZZ
22532		A	Lat thorax spine fusion	25.99	NA	NA	16.85	15.24	5.56	090
22533		A	Lat lumbar spine fusion	24.79	NA	NA	16.41	14.76	4.69	090
22534		A	Lat thor/lumb, addl seg	5.99	NA	NA	2.88	2.71	1.17	ZZZ
22548		A	Neck spine fusion	27.06	NA	NA	17.89	16.19	7.14	090
22554		A	Neck spine fusion	17.69	NA	NA	12.56	11.76	4.02	090
22556		A	Thorax spine fusion	24.70	NA	NA	15.59	14.41	4.87	090
22558		A	Lumbar spine fusion	23.53	NA	NA	14.37	13.05	4.16	090
22585		A	Additional spinal fusion	5.52	NA	NA	2.61	2.45	1.17	ZZZ
22590		A	Spine & skull spinal fusion	21.76	NA	NA	15.39	14.10	5.18	090
22595		A	Neck spinal fusion	20.64	NA	NA	14.82	13.54	4.83	090
22600		A	Neck spine fusion	17.40	NA	NA	13.15	12.00	3.91	090
22610		A	Thorax spine fusion	17.28	NA	NA	12.93	11.83	3.57	090
22612		A	Lumbar spine fusion	23.53	NA	NA	15.22	14.00	4.58	090
22614		A	Spine fusion, extra segment	6.43	NA	NA	3.10	2.92	1.30	ZZZ
22630		A	Lumbar spine fusion	22.09	NA	NA	15.07	13.81	4.61	090
22632		A	Spine fusion, extra segment	5.22	NA	NA	2.51	2.36	1.10	ZZZ

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22800		A	Fusion of spine	19.50	NA	NA	13.63	12.53	3.60	090
22802		A	Fusion of spine	32.11	NA	NA	19.72	18.38	5.52	090
22804		A	Fusion of spine	37.50	NA	NA	22.27	20.84	6.27	090
22808		A	Fusion of spine	27.51	NA	NA	16.82	15.69	5.34	090
22810		A	Fusion of spine	31.50	NA	NA	18.43	16.95	5.83	090
22812		A	Fusion of spine	34.25	NA	NA	21.36	19.22	4.96	090
22818		A	Kyphectomy, 1-2 segments	34.33	NA	NA	20.37	18.56	4.97	090
22819		A	Kyphectomy, 3 or more	39.38	NA	NA	24.03	21.57	10.40	090
22830		A	Exploration of spinal fusion	11.22	NA	NA	8.48	7.82	2.13	090
22840		A	Insert spine fixation device	12.52	NA	NA	6.04	5.68	2.56	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	12.56	NA	NA	6.06	5.71	2.53	ZZZ
22843		A	Insert spine fixation device	13.44	NA	NA	6.49	6.07	2.57	ZZZ
22844		A	Insert spine fixation device	16.42	NA	NA	8.05	7.66	2.71	ZZZ
22845		A	Insert spine fixation device	11.94	NA	NA	5.69	5.34	2.69	ZZZ
22846		A	Insert spine fixation device	12.40	NA	NA	5.91	5.55	2.77	ZZZ
22847		A	Insert spine fixation device	13.78	NA	NA	6.43	6.16	3.64	ZZZ
22848		A	Insert pelv fixation device	5.99	NA	NA	2.94	2.79	1.02	ZZZ
22849		A	Reinsert spinal fixation	19.17	NA	NA	12.42	11.46	3.78	090
22850		A	Remove spine fixation device	9.82	NA	NA	7.64	7.03	1.92	090
22851		A	Apply spine prosth device	6.70	NA	NA	3.22	3.01	1.39	ZZZ
22852		A	Remove spine fixation device	9.37	NA	NA	7.39	6.79	1.77	090
22855		A	Remove spine fixation device	15.86	NA	NA	10.89	9.99	3.49	090
22856		A	Cerv artific diskectomy	24.05	NA	NA	15.35	14.27	5.35	090
22857		R	Lumbar artif diskectomy	27.13	NA	NA	13.76	13.96	4.25	090
22861		A	Revise cerv artific disc	33.36	NA	NA	14.53	13.99	1.73	090
22862		R	Revise lumbar artif disc	32.63	NA	NA	15.79	14.45	4.72	090
22864		A	Remove cerv artif disc	29.40	NA	NA	13.08	12.62	1.53	090
22865		R	Remove lumb artif disc	31.75	NA	NA	19.77	18.89	4.59	090
22899		C	Spine surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
22900		A	Exc back tum deep < 5 cm	8.32	NA	NA	5.68	4.12	1.26	090
22901		A	Exc back tum deep = 5 cm	10.11	NA	NA	6.36	6.36	1.54	090
22902		A	Exc abd les sc < 3 cm	4.42	6.40	6.40	4.14	4.14	0.52	090
22903		A	Exc abd les sc > 3 cm	6.39	NA	NA	4.63	4.63	0.89	090
22904		A	Resect abd tum < 5 cm	16.69	NA	NA	8.92	8.92	2.61	090
22905		A	Resect abd tum > 5 cm	21.58	NA	NA	11.63	11.63	3.38	090

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22999		C	Abdomen surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
23000		A	Removal of calcium deposits	4.48	9.44	8.55	4.61	4.21	0.63	090
23020		A	Release shoulder joint	9.36	NA	NA	7.86	7.24	1.32	090
23030		A	Drain shoulder lesion	3.47	7.10	6.76	2.84	2.67	0.50	010
23031		A	Drain shoulder bursa	2.79	6.92	6.60	2.49	2.32	0.39	010
23035		A	Drain shoulder bone lesion	9.16	NA	NA	7.74	7.30	1.32	090
23040		A	Exploratory shoulder surgery	9.75	NA	NA	8.14	7.53	1.40	090
23044		A	Exploratory shoulder surgery	7.59	NA	NA	6.69	6.17	1.10	090
23065		A	Biopsy shoulder tissues	2.30	3.10	2.93	1.95	1.80	0.28	010
23066		A	Biopsy shoulder tissues	4.30	8.90	8.10	4.35	3.94	0.62	090
23071		A	Exc shoulder les sc > 3 cm	5.91	NA	NA	4.52	4.52	0.89	090
23073		A	Exc shoulder tum deep > 5 cm	10.13	NA	NA	7.11	7.11	1.50	090
23075		A	Exc shoulder les sc < 3 cm	4.21	7.04	4.58	3.91	2.33	0.63	090
23076		A	Exc shoulder tum deep < 5 cm	7.41	NA	NA	5.88	5.62	1.11	090
23077		A	Resect shoulder tum < 5 cm	17.66	NA	NA	11.19	10.43	2.64	090
23078		A	Resect shoulder tum > 5 cm	22.55	NA	NA	11.99	11.99	3.54	090
23100		A	Biopsy of shoulder joint	6.20	NA	NA	6.13	5.57	0.90	090
23101		A	Shoulder joint surgery	5.72	NA	NA	5.36	5.03	0.83	090
23105		A	Remove shoulder joint lining	8.48	NA	NA	7.31	6.80	1.22	090
23106		A	Incision of collarbone joint	6.13	NA	NA	6.09	5.42	0.89	090
23107		A	Explore treat shoulder joint	8.87	NA	NA	7.54	7.00	1.26	090
23120		A	Partial removal, collar bone	7.39	NA	NA	7.12	6.49	1.07	090
23125		A	Removal of collar bone	9.64	NA	NA	7.94	7.24	1.39	090
23130		A	Remove shoulder bone, part	7.77	NA	NA	7.27	6.75	1.12	090
23140		A	Removal of bone lesion	7.12	NA	NA	5.81	5.27	1.04	090
23145		A	Removal of bone lesion	9.40	NA	NA	7.82	7.22	1.36	090
23146		A	Removal of bone lesion	8.08	NA	NA	7.27	6.44	1.17	090
23150		A	Removal of humerus lesion	8.91	NA	NA	7.52	6.90	1.26	090
23155		A	Removal of humerus lesion	10.86	NA	NA	8.82	8.13	1.57	090
23156		A	Removal of humerus lesion	9.11	NA	NA	7.68	7.06	1.32	090
23170		A	Remove collar bone lesion	7.21	NA	NA	6.62	5.70	1.04	090
23172		A	Remove shoulder blade lesion	7.31	NA	NA	6.67	5.95	1.07	090
23174		A	Remove humerus lesion	10.05	NA	NA	8.73	8.07	1.45	090
23180		A	Remove collar bone lesion	8.99	NA	NA	7.57	7.39	1.33	090
23182		A	Remove shoulder blade lesion	8.61	NA	NA	7.80	7.33	1.24	090
23184		A	Remove humerus lesion	9.90	NA	NA	8.38	7.97	1.40	090

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23190		A	Partial removal of scapula	7.47	NA	NA	6.66	5.99	1.09	090
23195		A	Removal of head of humerus	10.36	NA	NA	8.39	7.71	1.49	090
23200		A	Resect clavicle tumor	22.71	NA	NA	15.24	10.02	3.29	090
23210		A	Resect scapula tumor	27.21	NA	NA	17.46	10.96	3.94	090
23220		A	Resect prox humerus tumor	30.21	NA	NA	18.69	12.15	4.38	090
23330		A	Remove shoulder foreign body	1.90	3.99	3.61	1.91	1.73	0.26	010
23331		A	Remove shoulder foreign body	7.63	NA	NA	7.01	6.50	1.10	090
23332		A	Remove shoulder foreign body	12.37	NA	NA	9.65	8.93	1.76	090
23350		A	Injection for shoulder x-ray	1.00	2.49	2.85	0.33	0.36	0.07	000
23395		A	Muscle transfer,shoulder/arm	18.54	NA	NA	13.67	12.56	2.64	090
23397		A	Muscle transfers	16.76	NA	NA	11.71	10.88	2.43	090
23400		A	Fixation of shoulder blade	13.87	NA	NA	10.30	9.60	2.01	090
23405		A	Incision of tendon & muscle	8.54	NA	NA	7.15	6.62	1.22	090
23406		A	Incise tendon(s) & muscle(s)	11.01	NA	NA	8.37	7.83	1.59	090
23410		A	Repair rotator cuff, acute	11.39	NA	NA	9.10	8.53	1.63	090
23412		A	Repair rotator cuff, chronic	11.93	NA	NA	9.38	8.83	1.70	090
23415		A	Release of shoulder ligament	9.23	NA	NA	7.99	7.45	1.33	090
23420		A	Repair of shoulder	13.54	NA	NA	10.65	9.95	1.95	090
23430		A	Repair biceps tendon	10.17	NA	NA	8.20	7.62	1.45	090
23440		A	Remove/transplant tendon	10.64	NA	NA	8.24	7.66	1.52	090
23450		A	Repair shoulder capsule	13.70	NA	NA	9.95	9.21	1.99	090
23455		A	Repair shoulder capsule	14.67	NA	NA	10.42	9.72	2.10	090
23460		A	Repair shoulder capsule	15.82	NA	NA	11.36	10.61	2.30	090
23462		A	Repair shoulder capsule	15.72	NA	NA	11.03	10.22	2.29	090
23465		A	Repair shoulder capsule	16.30	NA	NA	11.53	10.73	2.36	090
23466		A	Repair shoulder capsule	15.80	NA	NA	12.28	11.23	2.29	090
23470		A	Reconstruct shoulder joint	17.89	NA	NA	12.40	11.52	2.58	090
23472		A	Reconstruct shoulder joint	22.65	NA	NA	14.93	13.80	3.25	090
23480		A	Revision of collar bone	11.54	NA	NA	8.88	8.21	1.66	090
23485		A	Revision of collar bone	13.91	NA	NA	10.05	9.35	2.00	090
23490		A	Reinforce clavicle	12.16	NA	NA	9.29	8.41	1.76	090
23491		A	Reinforce shoulder bones	14.54	NA	NA	10.76	9.98	2.11	090
23500		A	Treat clavicle fracture	2.21	3.11	2.84	3.19	2.83	0.30	090
23505		A	Treat clavicle fracture	3.83	4.77	4.35	4.32	3.91	0.53	090
23515		A	Treat clavicle fracture	9.69	NA	NA	8.45	7.52	1.39	090
23520		A	Treat clavicle dislocation	2.29	3.32	2.95	3.40	2.99	0.32	090

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23525		A	Treat clavicle dislocation	3.79	5.55	4.54	4.88	3.98	0.54	090
23530		A	Treat clavicle dislocation	7.48	NA	NA	6.66	5.64	1.09	090
23532		A	Treat clavicle dislocation	8.20	NA	NA	7.23	6.69	1.18	090
23540		A	Treat clavicle dislocation	2.36	3.08	2.81	3.16	2.78	0.31	090
23545		A	Treat clavicle dislocation	3.43	4.49	4.09	3.81	3.48	0.44	090
23550		A	Treat clavicle dislocation	7.59	NA	NA	6.59	6.14	1.08	090
23552		A	Treat clavicle dislocation	8.82	NA	NA	7.56	6.99	1.25	090
23570		A	Treat shoulder blade fx	2.36	3.29	3.00	3.45	3.10	0.32	090
23575		A	Treat shoulder blade fx	4.23	5.54	4.95	4.95	4.41	0.61	090
23585		A	Treat scapula fracture	14.23	NA	NA	10.42	9.16	2.03	090
23600		A	Treat humerus fracture	3.11	4.78	4.40	4.31	3.86	0.44	090
23605		A	Treat humerus fracture	5.06	6.32	5.87	5.43	5.00	0.72	090
23615		A	Treat humerus fracture	12.30	NA	NA	9.80	8.93	1.76	090
23616		A	Treat humerus fracture	18.37	NA	NA	12.82	12.17	2.63	090
23620		A	Treat humerus fracture	2.55	4.01	3.65	3.71	3.31	0.36	090
23625		A	Treat humerus fracture	4.10	5.22	4.80	4.63	4.24	0.57	090
23630		A	Treat humerus fracture	10.57	NA	NA	8.93	7.87	1.52	090
23650		A	Treat shoulder dislocation	3.53	3.86	3.53	3.32	2.94	0.45	090
23655		A	Treat shoulder dislocation	4.76	NA	NA	4.97	4.46	0.65	090
23660		A	Treat shoulder dislocation	7.66	NA	NA	6.85	6.28	1.10	090
23665		A	Treat dislocation/fracture	4.66	5.76	5.27	5.10	4.66	0.65	090
23670		A	Treat dislocation/fracture	12.28	NA	NA	9.65	8.44	1.76	090
23675		A	Treat dislocation/fracture	6.27	7.12	6.59	5.99	5.57	0.88	090
23680		A	Treat dislocation/fracture	13.15	NA	NA	10.05	9.00	1.89	090
23700		A	Fixation of shoulder	2.57	NA	NA	2.27	2.10	0.36	010
23800		A	Fusion of shoulder joint	14.73	NA	NA	10.82	10.02	2.15	090
23802		A	Fusion of shoulder joint	18.42	NA	NA	13.59	12.02	2.66	090
23900		A	Amputation of arm & girdle	20.72	NA	NA	13.98	11.65	3.01	090
23920		A	Amputation at shoulder joint	16.23	NA	NA	11.87	10.11	2.35	090
23921		A	Amputation follow-up surgery	5.72	NA	NA	4.80	3.99	1.00	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	2.99	5.68	5.50	2.39	2.21	0.45	010
23931		A	Drainage of arm bursa	1.84	4.98	4.84	2.08	1.95	0.25	010
23935		A	Drain arm/elbow bone lesion	6.38	NA	NA	5.98	5.54	0.91	090
24000		A	Exploratory elbow surgery	6.08	NA	NA	5.73	5.27	0.86	090
24006		A	Release elbow joint	9.74	NA	NA	7.99	7.38	1.34	090

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24065		A	Biopsy arm/elbow soft tissue	2.13	4.18	4.04	2.10	1.98	0.25	010
24066		A	Biopsy arm/elbow soft tissue	5.35	9.59	8.84	4.79	4.28	0.79	090
24071		A	Exc arm/elbow les sc = 3 cm	5.70	NA	NA	4.44	4.44	0.85	090
24073		A	Ex arm/elbow tum deep > 5 cm	10.13	NA	NA	7.23	7.23	1.48	090
24075		A	Exc arm/elbow les sc < 3 cm	4.24	7.53	7.38	3.99	3.55	0.62	090
24076		A	Ex arm/elbow tum deep < 5 cm	7.41	NA	NA	6.03	5.12	1.09	090
24077		A	Resect arm/elbow tum < 5 cm	15.72	NA	NA	10.29	8.07	2.34	090
24079		A	Resect arm/elbow tum > 5 cm	20.61	NA	NA	11.27	11.27	3.22	090
24100		A	Biopsy elbow joint lining	5.07	NA	NA	5.20	4.67	0.74	090
24101		A	Explore/treat elbow joint	6.30	NA	NA	6.04	5.63	0.89	090
24102		A	Remove elbow joint lining	8.26	NA	NA	7.06	6.50	1.14	090
24105		A	Removal of elbow bursa	3.78	NA	NA	4.79	4.37	0.53	090
24110		A	Remove humerus lesion	7.58	NA	NA	6.93	6.39	1.10	090
24115		A	Remove/graft bone lesion	10.12	NA	NA	6.91	7.13	1.46	090
24116		A	Remove/graft bone lesion	12.23	NA	NA	9.22	8.51	1.77	090
24120		A	Remove elbow lesion	6.82	NA	NA	6.23	5.72	0.95	090
24125		A	Remove/graft bone lesion	8.14	NA	NA	7.20	6.52	1.17	090
24126		A	Remove/graft bone lesion	8.62	NA	NA	7.44	6.86	1.24	090
24130		A	Removal of head of radius	6.42	NA	NA	6.18	5.71	0.88	090
24134		A	Removal of arm bone lesion	10.22	NA	NA	8.32	7.83	1.47	090
24136		A	Remove radius bone lesion	8.40	NA	NA	7.21	6.08	1.21	090
24138		A	Remove elbow bone lesion	8.50	NA	NA	8.15	7.49	1.22	090
24140		A	Partial removal of arm bone	9.55	NA	NA	8.00	7.65	1.31	090
24145		A	Partial removal of radius	7.81	NA	NA	6.83	6.61	1.13	090
24147		A	Partial removal of elbow	7.84	NA	NA	7.52	7.21	1.11	090
24149		A	Radical resection of elbow	16.22	NA	NA	13.17	11.90	2.19	090
24150		A	Resect distal humerus tumor	23.46	NA	NA	15.52	10.86	3.40	090
24152		A	Resect radius tumor	19.99	NA	NA	13.81	8.89	2.89	090
24155		A	Removal of elbow joint	12.09	NA	NA	9.14	8.36	1.75	090
24160		A	Remove elbow joint implant	8.00	NA	NA	7.06	6.52	1.10	090
24164		A	Remove radius head implant	6.43	NA	NA	5.86	5.45	0.93	090
24200		A	Removal of arm foreign body	1.81	3.20	2.99	1.67	1.51	0.23	010
24201		A	Removal of arm foreign body	4.70	8.88	8.53	4.37	4.05	0.68	090
24220		A	Injection for elbow x-ray	1.31	2.59	2.92	0.46	0.50	0.09	000
24300		A	Manipulate elbow w/anesth	4.04	NA	NA	5.95	5.53	0.53	090
24301		A	Muscle/tendon transfer	10.38	NA	NA	8.28	7.72	1.49	090

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24305		A	Arm tendon lengthening	7.62	NA	NA	6.83	6.32	1.00	090
24310		A	Revision of arm tendon	6.12	NA	NA	5.74	5.29	0.87	090
24320		A	Repair of arm tendon	10.86	NA	NA	8.54	7.81	1.57	090
24330		A	Revision of arm muscles	9.79	NA	NA	8.01	7.42	1.41	090
24331		A	Revision of arm muscles	10.95	NA	NA	8.58	8.03	1.59	090
24332		A	Tenolysis, triceps	7.91	NA	NA	7.22	6.66	1.14	090
24340		A	Repair of biceps tendon	8.08	NA	NA	7.13	6.62	1.16	090
24341		A	Repair arm tendon/muscle	9.49	NA	NA	9.06	8.18	1.36	090
24342		A	Repair of ruptured tendon	10.86	NA	NA	8.58	7.97	1.52	090
24343		A	Repr elbow lat ligmnt w/tiss	9.16	NA	NA	8.51	7.81	1.23	090
24344		A	Reconstruct elbow lat ligmnt	15.21	NA	NA	12.08	11.10	2.21	090
24345		A	Repr elbw med ligmnt w/tissu	9.16	NA	NA	8.38	7.69	1.23	090
24346		A	Reconstruct elbow med ligmnt	15.21	NA	NA	12.08	11.16	2.21	090
24357		A	Repair elbow, perc	5.44	NA	NA	5.62	5.22	0.76	090
24358		A	Repair elbow w/deb, open	6.66	NA	NA	6.34	5.86	0.92	090
24359		A	Repair elbow deb/attch open	8.98	NA	NA	7.49	6.75	1.23	090
24360		A	Reconstruct elbow joint	12.67	NA	NA	9.69	9.02	1.82	090
24361		A	Reconstruct elbow joint	14.41	NA	NA	10.64	9.95	2.09	090
24362		A	Reconstruct elbow joint	15.32	NA	NA	11.09	10.27	2.23	090
24363		A	Replace elbow joint	22.65	NA	NA	15.12	13.72	3.09	090
24365		A	Reconstruct head of radius	8.62	NA	NA	7.21	6.73	1.24	090
24366		A	Reconstruct head of radius	9.36	NA	NA	7.63	7.08	1.30	090
24400		A	Revision of humerus	11.33	NA	NA	9.12	8.46	1.61	090
24410		A	Revision of humerus	15.11	NA	NA	11.21	10.14	2.20	090
24420		A	Revision of humerus	13.73	NA	NA	10.89	10.10	1.99	090
24430		A	Repair of humerus	15.25	NA	NA	11.28	10.21	2.17	090
24435		A	Repair humerus with graft	14.99	NA	NA	11.95	10.89	2.15	090
24470		A	Revision of elbow joint	8.93	NA	NA	7.68	6.41	1.30	090
24495		A	Decompression of forearm	8.41	NA	NA	7.47	7.39	1.32	090
24498		A	Reinforce humerus	12.28	NA	NA	9.30	8.68	1.77	090
24500		A	Treat humerus fracture	3.41	5.25	4.80	4.52	4.03	0.47	090
24505		A	Treat humerus fracture	5.39	6.84	6.33	5.76	5.30	0.77	090
24515		A	Treat humerus fracture	12.12	NA	NA	9.73	8.99	1.72	090
24516		A	Treat humerus fracture	12.19	NA	NA	9.29	8.62	1.75	090
24530		A	Treat humerus fracture	3.69	5.57	5.10	4.74	4.27	0.51	090
24535		A	Treat humerus fracture	7.11	8.07	7.47	6.98	6.43	1.01	090

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24538		A	Treat humerus fracture	9.77	NA	NA	8.58	8.07	1.41	090
24545		A	Treat humerus fracture	13.15	NA	NA	10.07	9.07	1.88	090
24546		A	Treat humerus fracture	14.91	NA	NA	11.09	10.36	2.13	090
24560		A	Treat humerus fracture	2.98	4.82	4.40	4.05	3.58	0.41	090
24565		A	Treat humerus fracture	5.78	7.23	6.38	6.21	5.44	0.84	090
24566		A	Treat humerus fracture	9.06	NA	NA	8.63	7.94	1.32	090
24575		A	Treat humerus fracture	9.71	NA	NA	8.50	7.90	1.38	090
24576		A	Treat humerus fracture	3.06	5.20	4.73	4.41	3.93	0.43	090
24577		A	Treat humerus fracture	6.01	7.40	6.61	6.33	5.60	0.87	090
24579		A	Treat humerus fracture	11.44	NA	NA	9.39	8.63	1.62	090
24582		A	Treat humerus fracture	10.14	NA	NA	9.80	8.89	1.46	090
24586		A	Treat elbow fracture	15.78	NA	NA	11.36	10.59	2.24	090
24587		A	Treat elbow fracture	15.79	NA	NA	11.54	10.59	2.15	090
24600		A	Treat elbow dislocation	4.37	4.47	4.19	3.80	3.44	0.56	090
24605		A	Treat elbow dislocation	5.64	NA	NA	5.87	5.36	0.80	090
24615		A	Treat elbow dislocation	9.83	NA	NA	7.94	7.37	1.35	090
24620		A	Treat elbow fracture	7.22	NA	NA	6.35	5.97	1.00	090
24635		A	Treat elbow fracture	8.80	NA	NA	7.94	8.54	1.23	090
24640		A	Treat elbow dislocation	1.25	1.96	1.68	0.98	0.85	0.17	010
24650		A	Treat radius fracture	2.31	4.03	3.69	3.54	3.14	0.31	090
24655		A	Treat radius fracture	4.62	6.09	5.62	5.20	4.75	0.63	090
24665		A	Treat radius fracture	8.36	NA	NA	7.82	7.22	1.17	090
24666		A	Treat radius fracture	9.86	NA	NA	8.42	7.77	1.37	090
24670		A	Treat ulnar fracture	2.69	4.35	4.02	3.71	3.34	0.37	090
24675		A	Treat ulnar fracture	4.91	6.22	5.81	5.31	4.93	0.68	090
24685		A	Treat ulnar fracture	8.37	NA	NA	7.85	7.23	1.19	090
24800		A	Fusion of elbow joint	11.41	NA	NA	9.18	7.98	1.65	090
24802		A	Fusion/graft of elbow joint	14.32	NA	NA	10.61	9.77	2.08	090
24900		A	Amputation of upper arm	10.18	NA	NA	7.96	7.20	1.48	090
24920		A	Amputation of upper arm	10.13	NA	NA	8.06	7.11	1.46	090
24925		A	Amputation follow-up surgery	7.30	NA	NA	6.66	6.13	1.06	090
24930		A	Amputation follow-up surgery	10.83	NA	NA	8.40	7.45	1.57	090
24931		A	Amputate upper arm & implant	13.44	NA	NA	7.04	6.69	0.70	090
24935		A	Revision of amputation	16.45	NA	NA	12.23	9.04	2.38	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

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CPT[1]/ HCPCS	Mod	Status	Description	Physician Work RVUs[2,3,4]	Fully Implemented Non-Facility PE RVUs[2,4]	Year 2010 Transitional Non-Facility PE RVUs[2,4]	Fully Implemented Facility PE RVUs[2,4]	Year 2010 Transitional Facility PE RVUs[2,4]	Mal-Practice RVUs[2,4]	Global
25000		A	Incision of tendon sheath	3.55	NA	NA	4.72	4.80	0.47	090
25001		A	Incise flexor carpi radialis	3.79	NA	NA	4.67	4.26	0.49	090
25020		A	Decompress forearm 1 space	6.06	NA	NA	8.13	7.82	0.78	090
25023		A	Decompress forearm 1 space	13.83	NA	NA	14.01	12.83	2.01	090
25024		A	Decompress forearm 2 spaces	10.79	NA	NA	8.47	7.86	1.56	090
25025		A	Decompress forearm 2 spaces	17.94	NA	NA	12.65	11.10	2.60	090
25028		A	Drainage of forearm lesion	5.39	NA	NA	7.37	7.02	0.76	090
25031		A	Drainage of forearm bursa	4.26	NA	NA	4.68	4.74	0.61	090
25035		A	Treat forearm bone lesion	7.65	NA	NA	6.52	7.49	1.09	090
25040		A	Explore/treat wrist joint	7.50	NA	NA	6.51	6.22	1.00	090
25065		A	Biopsy forearm soft tissues	2.04	4.25	4.10	2.12	2.02	0.24	010
25066		A	Biopsy forearm soft tissues	4.27	NA	NA	4.51	4.71	0.59	090
25071		A	Exc forearm les sc > 3 cm	5.91	NA	NA	4.74	4.74	0.86	090
25073		A	Exc forearm tum deep = 3 cm	7.13	NA	NA	6.20	6.20	1.00	090
25075		A	Exc forearm les sc < 3 cm	3.96	7.53	4.94	3.96	4.03	0.56	090
25076		A	Exc forearm tum deep < 3 cm	6.74	NA	NA	6.02	5.73	0.94	090
25077		A	Resect forearm/wrist tum<3cm	12.93	NA	NA	9.12	8.22	1.92	090
25078		A	Resect forearm/wrist tum=3cm	17.69	NA	NA	10.19	10.19	2.78	090
25085		A	Incision of wrist capsule	5.64	NA	NA	5.47	5.43	0.81	090
25100		A	Biopsy of wrist joint	4.02	NA	NA	4.46	4.29	0.57	090
25101		A	Explore/treat wrist joint	4.83	NA	NA	5.16	4.93	0.66	090
25105		A	Remove wrist joint lining	6.02	NA	NA	6.00	5.81	0.81	090
25107		A	Remove wrist joint cartilage	7.70	NA	NA	7.66	7.23	1.00	090
25109		A	Excise tendon forearm/wrist	6.94	NA	NA	6.47	5.79	0.91	090
25110		A	Remove wrist tendon lesion	4.04	NA	NA	4.35	4.54	0.55	090
25111		A	Remove wrist tendon lesion	3.53	NA	NA	4.31	4.08	0.49	090
25112		A	Reremove wrist tendon lesion	4.67	NA	NA	4.83	4.56	0.64	090
25115		A	Remove wrist/forearm lesion	10.09	NA	NA	8.92	9.23	1.32	090
25116		A	Remove wrist/forearm lesion	7.56	NA	NA	7.41	7.97	0.98	090
25118		A	Excise wrist tendon sheath	4.51	NA	NA	4.93	4.74	0.59	090
25119		A	Partial removal of ulna	6.21	NA	NA	6.04	5.93	0.90	090
25120		A	Removal of forearm lesion	6.27	NA	NA	6.06	6.81	0.86	090
25125		A	Remove/graft forearm lesion	7.67	NA	NA	6.97	7.67	1.11	090
25126		A	Remove/graft forearm lesion	7.74	NA	NA	7.00	7.64	1.12	090
25130		A	Removal of wrist lesion	5.43	NA	NA	5.69	5.43	0.73	090
25135		A	Remove & graft wrist lesion	7.08	NA	NA	7.05	6.52	1.02	090

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25136		A	Remove & graft wrist lesion	6.14	NA	NA	6.00	5.73	0.89	090
25145		A	Remove forearm bone lesion	6.54	NA	NA	6.20	6.92	0.94	090
25150		A	Partial removal of ulna	7.38	NA	NA	6.64	6.50	1.00	090
25151		A	Partial removal of radius	7.68	NA	NA	6.91	7.49	1.11	090
25170		A	Resect radius/ulnar tumor	22.21	NA	NA	14.81	11.05	3.21	090
25210		A	Removal of wrist bone	6.12	NA	NA	6.06	5.77	0.79	090
25215		A	Removal of wrist bones	8.14	NA	NA	7.31	7.07	1.03	090
25230		A	Partial removal of radius	5.37	NA	NA	5.39	5.14	0.66	090
25240		A	Partial removal of ulna	5.31	NA	NA	5.37	5.29	0.67	090
25246		A	Injection for wrist x-ray	1.45	2.50	2.84	0.49	0.54	0.10	000
25248		A	Remove forearm foreign body	5.31	NA	NA	4.90	5.19	0.77	090
25250		A	Removal of wrist prosthesis	6.77	NA	NA	6.30	5.85	0.97	090
25251		A	Removal of wrist prosthesis	9.82	NA	NA	8.01	7.45	1.42	090
25259		A	Manipulate wrist w/anesthes	4.04	NA	NA	6.00	5.58	0.53	090
25260		A	Repair forearm tendon/muscle	8.04	NA	NA	7.64	8.16	1.09	090
25263		A	Repair forearm tendon/muscle	8.04	NA	NA	7.43	8.09	1.16	090
25265		A	Repair forearm tendon/muscle	10.10	NA	NA	8.44	9.02	1.45	090
25270		A	Repair forearm tendon/muscle	6.17	NA	NA	6.06	6.75	0.85	090
25272		A	Repair forearm tendon/muscle	7.21	NA	NA	6.56	7.30	0.97	090
25274		A	Repair forearm tendon/muscle	8.94	NA	NA	7.60	8.27	1.30	090
25275		A	Repair forearm tendon sheath	8.96	NA	NA	7.74	7.24	1.30	090
25280		A	Revise wrist/forearm tendon	7.39	NA	NA	6.75	7.38	0.94	090
25290		A	Incise wrist/forearm tendon	5.43	NA	NA	5.39	6.86	0.72	090
25295		A	Release wrist/forearm tendon	6.72	NA	NA	6.32	7.01	0.87	090
25300		A	Fusion of tendons at wrist	9.02	NA	NA	7.91	7.50	1.31	090
25301		A	Fusion of tendons at wrist	8.59	NA	NA	7.52	7.08	1.15	090
25310		A	Transplant forearm tendon	8.08	NA	NA	7.44	7.95	1.02	090
25312		A	Transplant forearm tendon	9.82	NA	NA	8.20	8.71	1.31	090
25315		A	Revise palsy hand tendon(s)	10.68	NA	NA	8.45	9.09	1.54	090
25316		A	Revise palsy hand tendon(s)	12.90	NA	NA	10.62	10.35	1.18	090
25320		A	Repair/revise wrist joint	12.75	NA	NA	11.99	10.96	1.66	090
25332		A	Revise wrist joint	11.74	NA	NA	9.27	8.62	1.60	090
25335		A	Realignment of hand	13.39	NA	NA	7.20	8.96	0.70	090
25337		A	Reconstruct ulna/radioulnar	11.73	NA	NA	10.56	9.86	1.48	090
25350		A	Revision of radius	9.09	NA	NA	7.76	8.41	1.18	090
25355		A	Revision of radius	10.53	NA	NA	8.47	9.09	1.52	090

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25360		A	Revision of ulna	8.74	NA	NA	7.53	8.23	1.21	090
25365		A	Revise radius & ulna	12.91	NA	NA	9.83	10.17	1.87	090
25370		A	Revise radius or ulna	14.10	NA	NA	10.91	11.16	2.04	090
25375		A	Revise radius & ulna	13.55	NA	NA	7.26	9.94	0.70	090
25390		A	Shorten radius or ulna	10.70	NA	NA	8.65	9.14	1.38	090
25391		A	Lengthen radius or ulna	14.28	NA	NA	10.50	10.90	2.08	090
25392		A	Shorten radius & ulna	14.58	NA	NA	10.65	11.07	2.13	090
25393		A	Lengthen radius & ulna	16.56	NA	NA	11.63	12.00	2.41	090
25394		A	Repair carpal bone, shorten	10.85	NA	NA	8.60	7.94	1.57	090
25400		A	Repair radius or ulna	11.28	NA	NA	8.89	9.45	1.52	090
25405		A	Repair/graft radius or ulna	15.01	NA	NA	11.04	11.42	2.01	090
25415		A	Repair radius & ulna	13.80	NA	NA	10.69	11.06	2.00	090
25420		A	Repair/graft radius & ulna	17.04	NA	NA	12.08	12.50	2.48	090
25425		A	Repair/graft radius or ulna	13.72	NA	NA	10.23	11.63	1.99	090
25426		A	Repair/graft radius & ulna	16.45	NA	NA	11.57	10.59	2.38	090
25430		A	Vasc graft into carpal bone	9.71	NA	NA	8.94	7.76	0.89	090
25431		A	Repair nonunion carpal bone	10.89	NA	NA	8.69	7.92	1.58	090
25440		A	Repair/graft wrist bone	10.68	NA	NA	8.45	8.06	1.39	090
25441		A	Reconstruct wrist joint	13.29	NA	NA	10.83	9.59	1.21	090
25442		A	Reconstruct wrist joint	11.12	NA	NA	9.23	8.47	1.02	090
25443		A	Reconstruct wrist joint	10.66	NA	NA	8.70	8.15	1.54	090
25444		A	Reconstruct wrist joint	11.42	NA	NA	6.47	7.80	0.59	090
25445		A	Reconstruct wrist joint	9.88	NA	NA	8.13	7.52	1.32	090
25446		A	Wrist replacement	17.30	NA	NA	12.32	11.31	2.17	090
25447		A	Repair wrist joint(s)	11.14	NA	NA	9.61	8.72	1.44	090
25449		A	Remove wrist joint implant	14.94	NA	NA	10.81	10.07	2.17	090
25450		A	Revision of wrist joint	8.06	NA	NA	6.44	6.36	1.16	090
25455		A	Revision of wrist joint	9.71	NA	NA	5.86	6.77	0.50	090
25490		A	Reinforce radius	9.73	NA	NA	7.33	8.23	0.92	090
25491		A	Reinforce ulna	10.15	NA	NA	8.19	8.85	1.46	090
25492		A	Reinforce radius and ulna	12.66	NA	NA	9.80	10.20	1.82	090
25500		A	Treat fracture of radius	2.60	3.97	3.57	3.47	3.03	0.33	090
25505		A	Treat fracture of radius	5.45	6.91	6.35	5.95	5.42	0.76	090
25515		A	Treat fracture of radius	8.80	NA	NA	7.83	7.22	1.23	090
25520		A	Treat fracture of radius	6.50	7.39	6.52	6.72	5.88	0.94	090
25525		A	Treat fracture of radius	10.55	NA	NA	8.89	8.53	1.48	090

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25526		A	Treat fracture of radius	13.15	NA	NA	10.43	10.38	1.91	090
25530		A	Treat fracture of ulna	2.24	4.09	3.74	3.51	3.14	0.30	090
25535		A	Treat fracture of ulna	5.36	6.66	6.07	5.83	5.32	0.75	090
25545		A	Treat fracture of ulna	7.94	NA	NA	7.52	7.01	1.11	090
25560		A	Treat fracture radius & ulna	2.59	4.08	3.67	3.48	3.02	0.35	090
25565		A	Treat fracture radius & ulna	5.85	6.95	6.46	5.85	5.39	0.81	090
25574		A	Treat fracture radius & ulna	8.80	NA	NA	7.94	7.23	1.25	090
25575		A	Treat fracture radius/ulna	12.29	NA	NA	10.12	9.31	1.72	090
25600		A	Treat fracture radius/ulna	2.78	4.34	3.98	3.76	3.34	0.38	090
25605		A	Treat fracture radius/ulna	7.25	8.13	7.39	7.30	6.59	1.02	090
25606		A	Treat fx distal radial	8.31	NA	NA	8.05	7.66	1.18	090
25607		A	Treat fx rad extra-articul	9.56	NA	NA	8.71	7.82	1.34	090
25608		A	Treat fx rad intra-articul	11.07	NA	NA	9.50	8.51	1.52	090
25609		A	Treat fx radial 3+ frag	14.38	NA	NA	11.80	10.57	1.98	090
25622		A	Treat wrist bone fracture	2.79	4.62	4.19	3.99	3.51	0.38	090
25624		A	Treat wrist bone fracture	4.77	6.59	6.11	5.63	5.15	0.65	090
25628		A	Treat wrist bone fracture	9.67	NA	NA	8.32	7.65	1.28	090
25630		A	Treat wrist bone fracture	3.03	4.46	4.06	3.88	3.40	0.41	090
25635		A	Treat wrist bone fracture	4.61	6.46	5.75	5.54	4.68	0.66	090
25645		A	Treat wrist bone fracture	7.42	NA	NA	6.63	6.14	1.08	090
25650		A	Treat wrist bone fracture	3.23	4.56	4.18	4.11	3.62	0.44	090
25651		A	Pin ulnar styloid fracture	5.82	NA	NA	6.18	5.61	0.81	090
25652		A	Treat fracture ulnar styloid	8.06	NA	NA	7.44	6.84	1.08	090
25660		A	Treat wrist dislocation	4.98	NA	NA	5.18	4.69	0.66	090
25670		A	Treat wrist dislocation	8.09	NA	NA	7.02	6.53	1.10	090
25671		A	Pin radioulnar dislocation	6.46	NA	NA	6.60	6.04	0.93	090
25675		A	Treat wrist dislocation	4.89	5.74	5.29	4.90	4.48	0.64	090
25676		A	Treat wrist dislocation	8.29	NA	NA	7.33	6.84	1.13	090
25680		A	Treat wrist fracture	6.23	NA	NA	5.45	4.85	0.79	090
25685		A	Treat wrist fracture	10.09	NA	NA	8.16	7.49	1.45	090
25690		A	Treat wrist dislocation	5.72	NA	NA	6.08	5.43	0.84	090
25695		A	Treat wrist dislocation	8.51	NA	NA	7.17	6.67	1.22	090
25800		A	Fusion of wrist joint	10.07	NA	NA	8.32	7.84	1.33	090
25805		A	Fusion/graft of wrist joint	11.73	NA	NA	9.24	8.86	1.69	090
25810		A	Fusion/graft of wrist joint	11.95	NA	NA	9.81	9.10	1.56	090
25820		A	Fusion of hand bones	7.64	NA	NA	7.69	7.14	1.01	090

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25825		A	Fuse hand bones with graft	9.69	NA	NA	9.22	8.57	1.24	090
25830		A	Fusion, radioulnar jnt/ulna	10.88	NA	NA	12.59	12.05	1.58	090
25900		A	Amputation of forearm	9.61	NA	NA	8.02	8.34	1.34	090
25905		A	Amputation of forearm	9.59	NA	NA	7.80	8.05	1.39	090
25907		A	Amputation follow-up surgery	8.09	NA	NA	7.06	7.39	1.17	090
25909		A	Amputation follow-up surgery	9.31	NA	NA	7.66	7.98	1.35	090
25915		A	Amputation of forearm	17.52	NA	NA	6.50	11.01	2.28	090
25920		A	Amputate hand at wrist	9.03	NA	NA	8.18	7.54	1.31	090
25922		A	Amputate hand at wrist	7.65	NA	NA	5.22	5.95	0.39	090
25924		A	Amputation follow-up surgery	8.81	NA	NA	7.97	7.37	1.26	090
25927		A	Amputation of hand	9.09	NA	NA	10.75	9.95	1.32	090
25929		A	Amputation follow-up surgery	7.82	NA	NA	6.92	5.88	1.13	090
25931		A	Amputation follow-up surgery	8.04	NA	NA	8.53	8.95	1.25	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	1.59	4.68	4.54	1.83	1.64	0.20	010
26011		A	Drainage of finger abscess	2.24	7.10	7.02	2.37	2.18	0.29	010
26020		A	Drain hand tendon sheath	5.08	NA	NA	5.67	5.21	0.68	090
26025		A	Drainage of palm bursa	5.08	NA	NA	5.44	4.93	0.67	090
26030		A	Drainage of palm bursa(s)	6.25	NA	NA	6.02	5.52	0.85	090
26034		A	Treat hand bone lesion	6.63	NA	NA	6.70	6.16	0.90	090
26035		A	Decompress fingers/hand	11.37	NA	NA	9.86	8.71	1.64	090
26037		A	Decompress fingers/hand	7.57	NA	NA	6.66	6.10	1.06	090
26040		A	Release palm contracture	3.46	NA	NA	4.28	3.92	0.41	090
26045		A	Release palm contracture	5.73	NA	NA	5.83	5.39	0.80	090
26055		A	Incise finger tendon sheath	3.11	10.28	10.43	4.50	4.09	0.41	090
26060		A	Incision of finger tendon	2.91	NA	NA	3.66	3.39	0.40	090
26070		A	Explore/treat hand joint	3.81	NA	NA	3.82	3.42	0.48	090
26075		A	Explore/treat finger joint	3.91	NA	NA	4.14	3.73	0.49	090
26080		A	Explore/treat finger joint	4.47	NA	NA	5.14	4.73	0.57	090
26100		A	Biopsy hand joint lining	3.79	NA	NA	4.40	3.96	0.54	090
26105		A	Biopsy finger joint lining	3.83	NA	NA	4.42	4.05	0.55	090
26110		A	Biopsy finger joint lining	3.65	NA	NA	4.31	3.95	0.47	090
26111		A	Exc hand les sc > 1.5 cm	5.42	NA	NA	5.01	5.01	0.73	090
26113		A	Exc hand tum deep > 1.5 cm	7.13	NA	NA	6.61	6.61	0.92	090
26115		A	Exc hand les sc < 1.5 cm	3.96	8.04	10.09	4.36	4.45	0.52	090
26116		A	Exc hand tum deep < 1.5 cm	6.74	NA	NA	6.41	5.84	0.88	090

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26117		A	Exc hand tum ra < 3 cm	10.13	NA	NA	8.60	7.15	1.36	090
26118		A	Exc hand tum ra > 3 cm	14.81	NA	NA	11.84	11.84	2.16	090
26121		A	Release palm contracture	7.73	NA	NA	7.17	6.61	1.03	090
26123		A	Release palm contracture	10.88	NA	NA	9.97	9.02	1.41	090
26125		A	Release palm contracture	4.60	NA	NA	2.42	2.23	0.60	ZZZ
26130		A	Remove wrist joint lining	5.59	NA	NA	5.80	5.29	0.78	090
26135		A	Revise finger joint, each	7.13	NA	NA	6.57	6.09	0.93	090
26140		A	Revise finger joint, each	6.34	NA	NA	6.20	5.74	0.84	090
26145		A	Tendon excision, palm/finger	6.49	NA	NA	6.25	5.76	0.87	090
26160		A	Remove tendon sheath lesion	3.57	10.23	10.05	4.65	4.23	0.48	090
26170		A	Removal of palm tendon, each	4.91	NA	NA	5.21	4.79	0.63	090
26180		A	Removal of finger tendon	5.35	NA	NA	5.72	5.26	0.66	090
26185		A	Remove finger bone	6.52	NA	NA	7.00	6.34	0.94	090
26200		A	Remove hand bone lesion	5.65	NA	NA	5.52	5.13	0.76	090
26205		A	Remove/graft bone lesion	7.93	NA	NA	6.94	6.50	1.15	090
26210		A	Removal of finger lesion	5.32	NA	NA	5.64	5.21	0.70	090
26215		A	Remove/graft finger lesion	7.27	NA	NA	6.62	6.09	1.06	090
26230		A	Partial removal of hand bone	6.47	NA	NA	5.96	5.55	0.83	090
26235		A	Partial removal, finger bone	6.33	NA	NA	6.01	5.54	0.81	090
26236		A	Partial removal, finger bone	5.46	NA	NA	5.53	5.09	0.72	090
26250		A	Extensive hand surgery	15.21	NA	NA	11.45	7.49	2.21	090
26260		A	Resect prox finger tumor	11.16	NA	NA	8.81	6.55	1.61	090
26262		A	Resect distal finger tumor	8.29	NA	NA	7.39	5.61	1.19	090
26320		A	Removal of implant from hand	4.10	NA	NA	4.50	4.16	0.52	090
26340		A	Manipulate finger w/anesth	2.80	NA	NA	5.34	4.90	0.38	090
26350		A	Repair finger/hand tendon	6.21	NA	NA	10.91	10.96	0.83	090
26352		A	Repair/graft hand tendon	7.87	NA	NA	11.74	11.60	1.14	090
26356		A	Repair finger/hand tendon	10.62	NA	NA	15.96	15.38	1.41	090
26357		A	Repair finger/hand tendon	8.77	NA	NA	12.18	12.04	1.26	090
26358		A	Repair/graft hand tendon	9.36	NA	NA	12.75	12.66	1.36	090
26370		A	Repair finger/hand tendon	7.28	NA	NA	11.10	11.17	1.00	090
26372		A	Repair/graft hand tendon	9.01	NA	NA	12.30	12.31	1.31	090
26373		A	Repair finger/hand tendon	8.41	NA	NA	12.01	11.95	1.21	090
26390		A	Revise hand/finger tendon	9.43	NA	NA	10.83	10.49	1.37	090
26392		A	Repair/graft hand tendon	10.50	NA	NA	13.04	12.78	1.52	090
26410		A	Repair hand tendon	4.77	NA	NA	8.79	8.86	0.64	090

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CPT[1]/ HCPCS	Mod	Status	Description	Physician Work RVUs[2,3,4]	Fully Implemented Non-Facility PE RVUs[2,4]	Year 2010 Transitional Non-Facility PE RVUs[2,4]	Fully Implemented Facility PE RVUs[2,4]	Year 2010 Transitional Facility PE RVUs[2,4]	Mal-Practice RVUs[2,4]	Global
26412		A	Repair/graft hand tendon	6.48	NA	NA	10.02	10.03	0.85	090
26415		A	Excision, hand/finger tendon	8.51	NA	NA	8.85	8.83	0.86	090
26416		A	Graft hand or finger tendon	9.56	NA	NA	11.84	9.85	1.38	090
26418		A	Repair finger tendon	4.47	NA	NA	9.34	9.34	0.60	090
26420		A	Repair/graft finger tendon	6.94	NA	NA	10.34	10.20	1.01	090
26426		A	Repair finger/hand tendon	6.32	NA	NA	6.16	7.08	0.84	090
26428		A	Repair/graft finger tendon	7.40	NA	NA	10.78	10.64	1.08	090
26432		A	Repair finger tendon	4.16	NA	NA	7.84	7.81	0.54	090
26433		A	Repair finger tendon	4.70	NA	NA	8.06	8.08	0.63	090
26434		A	Repair/graft finger tendon	6.26	NA	NA	9.27	9.09	0.91	090
26437		A	Realignment of tendons	5.99	NA	NA	9.07	8.96	0.76	090
26440		A	Release palm/finger tendon	5.16	NA	NA	9.75	9.88	0.66	090
26442		A	Release palm & finger tendon	9.75	NA	NA	13.77	13.28	1.28	090
26445		A	Release hand/finger tendon	4.45	NA	NA	9.40	9.55	0.57	090
26449		A	Release forearm/hand tendon	8.59	NA	NA	8.79	9.49	1.11	090
26450		A	Incision of palm tendon	3.79	NA	NA	6.06	5.89	0.50	090
26455		A	Incision of finger tendon	3.76	NA	NA	5.99	5.85	0.51	090
26460		A	Incise hand/finger tendon	3.58	NA	NA	5.91	5.78	0.46	090
26471		A	Fusion of finger tendons	5.90	NA	NA	9.02	8.85	0.76	090
26474		A	Fusion of finger tendons	5.49	NA	NA	8.89	8.72	0.79	090
26476		A	Tendon lengthening	5.35	NA	NA	8.82	8.51	0.78	090
26477		A	Tendon shortening	5.32	NA	NA	8.73	8.59	0.75	090
26478		A	Lengthening of hand tendon	5.97	NA	NA	9.08	9.06	0.80	090
26479		A	Shortening of hand tendon	5.91	NA	NA	9.09	8.98	0.86	090
26480		A	Transplant hand tendon	6.90	NA	NA	11.32	11.26	0.89	090
26483		A	Transplant/graft hand tendon	8.48	NA	NA	11.81	11.86	1.15	090
26485		A	Transplant palm tendon	7.89	NA	NA	11.65	11.66	1.03	090
26489		A	Transplant/graft palm tendon	9.86	NA	NA	12.72	11.60	1.42	090
26490		A	Revise thumb tendon	8.60	NA	NA	10.38	10.25	1.24	090
26492		A	Tendon transfer with graft	9.84	NA	NA	11.52	11.19	1.42	090
26494		A	Hand tendon/muscle transfer	8.66	NA	NA	10.66	10.42	1.24	090
26496		A	Revise thumb tendon	9.78	NA	NA	11.34	10.91	1.21	090
26497		A	Finger tendon transfer	9.76	NA	NA	11.20	10.92	1.41	090
26498		A	Finger tendon transfer	14.21	NA	NA	13.67	13.24	2.06	090
26499		A	Revision of finger	9.17	NA	NA	10.91	10.61	1.33	090
26500		A	Hand tendon reconstruction	6.13	NA	NA	9.02	8.90	0.84	090

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CPT[1]/ HCPCS	Mod	Status	Description	Physician Work RVUs[2,3,4]	Fully Implemented Non-Facility PE RVUs[2,4]	Year 2010 Transitional Non-Facility PE RVUs[2,4]	Fully Implemented Facility PE RVUs[2,4]	Year 2010 Transitional Facility PE RVUs[2,4]	Mal-Practice RVUs[2,4]	Global
26502		A	Hand tendon reconstruction	7.31	NA	NA	9.78	9.58	1.07	090
26508		A	Release thumb contracture	6.18	NA	NA	8.92	8.86	0.81	090
26510		A	Thumb tendon transfer	5.60	NA	NA	8.85	8.78	0.72	090
26516		A	Fusion of knuckle joint	7.32	NA	NA	9.75	9.54	0.95	090
26517		A	Fusion of knuckle joints	9.08	NA	NA	10.87	10.67	1.32	090
26518		A	Fusion of knuckle joints	9.27	NA	NA	10.96	10.72	1.34	090
26520		A	Release knuckle contracture	5.47	NA	NA	10.19	10.27	0.73	090
26525		A	Release finger contracture	5.50	NA	NA	10.20	10.30	0.70	090
26530		A	Revise knuckle joint	6.88	NA	NA	6.50	5.97	0.90	090
26531		A	Revise knuckle with implant	8.13	NA	NA	7.49	6.86	1.02	090
26535		A	Revise finger joint	5.41	NA	NA	5.03	4.38	0.61	090
26536		A	Revise/implant finger joint	6.56	NA	NA	10.73	9.84	0.83	090
26540		A	Repair hand joint	6.60	NA	NA	9.36	9.25	0.87	090
26541		A	Repair hand joint with graft	8.81	NA	NA	10.82	10.53	1.12	090
26542		A	Repair hand joint with graft	6.95	NA	NA	9.34	9.38	0.92	090
26545		A	Reconstruct finger joint	7.11	NA	NA	9.83	9.60	0.93	090
26546		A	Repair nonunion hand	10.83	NA	NA	13.22	12.81	1.36	090
26548		A	Reconstruct finger joint	8.22	NA	NA	10.28	10.11	1.10	090
26550		A	Construct thumb replacement	21.68	NA	NA	18.69	15.18	3.13	090
26551		A	Great toe-hand transfer	48.48	NA	NA	33.49	28.90	7.02	090
26553		A	Single transfer, toe-hand	48.17	NA	NA	23.95	21.83	2.52	090
26554		A	Double transfer, toe-hand	57.01	NA	NA	27.51	28.98	2.98	090
26555		A	Positional change of finger	17.08	NA	NA	17.33	16.06	2.48	090
26556		A	Toe joint transfer	49.75	NA	NA	13.64	19.76	2.91	090
26560		A	Repair of web finger	5.52	NA	NA	8.42	8.18	0.80	090
26561		A	Repair of web finger	11.10	NA	NA	9.86	10.41	1.73	090
26562		A	Repair of web finger	16.68	NA	NA	11.36	14.01	0.87	090
26565		A	Correct metacarpal flaw	6.91	NA	NA	9.54	9.36	1.00	090
26567		A	Correct finger deformity	6.99	NA	NA	9.59	9.41	0.91	090
26568		A	Lengthen metacarpal/finger	9.27	NA	NA	12.43	12.21	1.34	090
26580		A	Repair hand deformity	19.75	NA	NA	17.35	14.68	2.86	090
26587		A	Reconstruct extra finger	14.50	NA	NA	9.10	8.59	2.28	090
26590		A	Repair finger deformity	18.67	NA	NA	15.89	12.45	2.72	090
26591		A	Repair muscles of hand	3.38	NA	NA	6.93	7.12	0.45	090
26593		A	Release muscles of hand	5.50	NA	NA	9.07	8.89	0.68	090
26596		A	Excision constricting tissue	9.14	NA	NA	9.43	8.54	1.33	090

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26600		A	Treat metacarpal fracture	2.60	4.54	4.02	4.14	3.55	0.35	090
26605		A	Treat metacarpal fracture	3.03	4.81	4.42	4.15	3.76	0.41	090
26607		A	Treat metacarpal fracture	5.48	NA	NA	5.72	5.03	0.78	090
26608		A	Treat metacarpal fracture	5.55	NA	NA	6.23	5.80	0.76	090
26615		A	Treat metacarpal fracture	7.07	NA	NA	7.21	6.34	0.95	090
26641		A	Treat thumb dislocation	4.13	4.88	4.50	4.16	3.76	0.53	090
26645		A	Treat thumb fracture	4.58	5.84	5.17	5.03	4.40	0.65	090
26650		A	Treat thumb fracture	5.35	NA	NA	6.44	6.02	0.75	090
26665		A	Treat thumb fracture	7.94	NA	NA	7.68	6.90	1.08	090
26670		A	Treat hand dislocation	3.83	4.34	3.93	3.64	3.18	0.49	090
26675		A	Treat hand dislocation	4.83	6.24	5.54	5.40	4.73	0.70	090
26676		A	Pin hand dislocation	5.74	NA	NA	6.62	6.18	0.78	090
26685		A	Treat hand dislocation	7.07	NA	NA	7.20	6.49	1.02	090
26686		A	Treat hand dislocation	8.17	NA	NA	7.23	6.68	1.18	090
26700		A	Treat knuckle dislocation	3.83	3.99	3.59	3.56	3.10	0.48	090
26705		A	Treat knuckle dislocation	4.38	5.77	5.16	4.95	4.37	0.60	090
26706		A	Pin knuckle dislocation	5.31	NA	NA	5.61	5.06	0.70	090
26715		A	Treat knuckle dislocation	7.03	NA	NA	7.11	6.34	0.96	090
26720		A	Treat finger fracture, each	1.76	3.04	2.76	2.73	2.39	0.24	090
26725		A	Treat finger fracture, each	3.48	4.81	4.45	4.05	3.65	0.47	090
26727		A	Treat finger fracture, each	5.42	NA	NA	6.17	5.76	0.73	090
26735		A	Treat finger fracture, each	7.42	NA	NA	7.40	6.52	1.01	090
26740		A	Treat finger fracture, each	2.07	3.51	3.18	3.19	2.86	0.26	090
26742		A	Treat finger fracture, each	3.99	5.04	4.68	4.26	3.88	0.53	090
26746		A	Treat finger fracture, each	9.80	NA	NA	8.74	7.49	1.31	090
26750		A	Treat finger fracture, each	1.80	2.68	2.42	2.69	2.34	0.24	090
26755		A	Treat finger fracture, each	3.23	4.42	4.10	3.51	3.15	0.43	090
26756		A	Pin finger fracture, each	4.58	NA	NA	5.72	5.33	0.61	090
26765		A	Treat finger fracture, each	5.86	NA	NA	6.54	5.65	0.80	090
26770		A	Treat finger dislocation	3.15	3.53	3.18	3.09	2.66	0.40	090
26775		A	Treat finger dislocation	3.90	5.47	5.03	4.63	4.13	0.51	090
26776		A	Pin finger dislocation	4.99	NA	NA	5.89	5.51	0.67	090
26785		A	Treat finger dislocation	6.60	NA	NA	6.94	5.96	0.89	090
26820		A	Thumb fusion with graft	8.45	NA	NA	10.56	10.39	1.22	090
26841		A	Fusion of thumb	7.35	NA	NA	10.29	10.15	1.02	090
26842		A	Thumb fusion with graft	8.49	NA	NA	10.58	10.44	1.22	090

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26843		A	Fusion of hand joint	7.78	NA	NA	10.02	9.82	1.13	090
26844		A	Fusion/graft of hand joint	8.98	NA	NA	10.82	10.61	1.31	090
26850		A	Fusion of knuckle	7.14	NA	NA	9.71	9.56	0.91	090
26852		A	Fusion of knuckle with graft	8.71	NA	NA	10.74	10.45	1.08	090
26860		A	Fusion of finger joint	4.88	NA	NA	8.70	8.63	0.62	090
26861		A	Fusion of finger jnt, add-on	1.74	NA	NA	0.91	0.83	0.23	ZZZ
26862		A	Fusion/graft of finger joint	7.56	NA	NA	10.16	9.89	0.96	090
26863		A	Fuse/graft added joint	3.89	NA	NA	1.92	1.84	0.55	ZZZ
26910		A	Amputate metacarpal bone	7.79	NA	NA	9.63	9.34	1.10	090
26951		A	Amputation of finger/thumb	6.04	NA	NA	9.73	9.17	0.84	090
26952		A	Amputation of finger/thumb	6.48	NA	NA	9.14	9.06	0.89	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	7.95	NA	NA	7.43	6.89	1.16	090
26991		A	Drainage of pelvis bursa	7.06	10.18	9.68	5.96	5.43	1.02	090
26992		A	Drainage of bone lesion	13.48	NA	NA	10.42	9.64	1.96	090
27000		A	Incision of hip tendon	5.74	NA	NA	5.04	4.90	0.79	090
27001		A	Incision of hip tendon	7.14	NA	NA	6.29	5.81	1.03	090
27003		A	Incision of hip tendon	7.81	NA	NA	6.92	6.29	1.13	090
27005		A	Incision of hip tendon	10.07	NA	NA	8.03	7.43	1.45	090
27006		A	Incision of hip tendons	10.11	NA	NA	8.20	7.61	1.44	090
27025		A	Incision of hip/thigh fascia	12.89	NA	NA	9.85	8.87	1.89	090
27027		A	Buttock fasciotomy	13.04	NA	NA	9.10	8.07	0.67	090
27030		A	Drainage of hip joint	13.65	NA	NA	9.80	9.11	1.96	090
27033		A	Exploration of hip joint	14.11	NA	NA	10.19	9.47	2.04	090
27035		A	Denervation of hip joint	17.37	NA	NA	12.03	9.78	2.52	090
27036		A	Excision of hip joint/muscle	14.38	NA	NA	10.73	9.91	2.05	090
27040		A	Biopsy of soft tissues	2.92	5.42	5.37	2.08	2.03	0.35	010
27041		A	Biopsy of soft tissues	10.18	NA	NA	6.61	6.40	1.33	090
27043		A	Exc hip pelvis les sc > 3 cm	6.88	NA	NA	4.80	4.80	1.04	090
27045		A	Exc hip/pelv tum deep > 5 cm	11.13	NA	NA	7.43	7.43	1.66	090
27047		A	Exc hip/pelvis les sc < 3 cm	4.94	6.55	7.03	4.12	4.56	0.75	090
27048		A	Exc hip/pelv tum deep < 5 cm	8.85	NA	NA	6.34	5.21	1.33	090
27049		A	Resect hip/pelv tum < 5 cm	21.55	NA	NA	12.42	9.54	3.18	090
27050		A	Biopsy of sacroiliac joint	4.74	NA	NA	5.13	4.02	0.68	090
27052		A	Biopsy of hip joint	7.42	NA	NA	6.85	6.13	1.08	090
27054		A	Removal of hip joint lining	9.21	NA	NA	7.83	7.18	1.33	090

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27057		A	Buttock fasciotomy w/dbrdmt	14.91	NA	NA	10.41	8.97	0.78	090
27059		A	Resect hip/pelv tum > 5 cm	29.35	NA	NA	15.99	15.99	4.25	090
27060		A	Removal of ischial bursa	5.87	NA	NA	4.60	4.46	0.86	090
27062		A	Remove femur lesion/bursa	5.75	NA	NA	5.51	5.07	0.83	090
27065		A	Removal of hip bone lesion	6.55	NA	NA	6.03	5.55	0.94	090
27066		A	Removal of hip bone lesion	11.20	NA	NA	9.01	8.29	1.62	090
27067		A	Remove/graft hip bone lesion	14.72	NA	NA	11.03	10.23	2.14	090
27070		A	Partial removal of hip bone	11.56	NA	NA	9.70	8.93	1.67	090
27071		A	Partial removal of hip bone	12.39	NA	NA	10.25	9.54	1.79	090
27075		A	Resect hip tumor	32.71	NA	NA	19.21	18.43	4.73	090
27076		A	Resect hip tum incl acetabul	40.21	NA	NA	22.93	16.12	5.83	090
27077		A	Resect hip tum w/innom bone	45.21	NA	NA	26.23	22.49	6.55	090
27078		A	Rsect hip tum incl femur	32.21	NA	NA	19.83	12.20	4.66	090
27080		A	Removal of tail bone	6.89	NA	NA	5.76	5.12	1.04	090
27086		A	Remove hip foreign body	1.92	4.06	4.01	1.75	1.67	0.23	010
27087		A	Remove hip foreign body	8.83	NA	NA	6.96	6.42	1.25	090
27090		A	Removal of hip prosthesis	11.69	NA	NA	9.00	8.34	1.68	090
27091		A	Removal of hip prosthesis	24.35	NA	NA	15.89	14.41	3.53	090
27093		A	Injection for hip x-ray	1.30	3.38	3.50	0.54	0.52	0.10	000
27095		A	Injection for hip x-ray	1.50	4.22	4.32	0.64	0.59	0.13	000
27096		A	Inject sacroiliac joint	1.40	3.41	3.15	0.55	0.41	0.09	000
27097		A	Revision of hip tendon	9.27	NA	NA	7.63	6.81	1.34	090
27098		A	Transfer tendon to pelvis	9.32	NA	NA	5.87	5.80	1.35	090
27100		A	Transfer of abdominal muscle	11.35	NA	NA	9.15	8.43	1.64	090
27105		A	Transfer of spinal muscle	12.04	NA	NA	9.49	8.79	1.73	090
27110		A	Transfer of iliopsoas muscle	13.77	NA	NA	10.34	9.37	2.00	090
27111		A	Transfer of iliopsoas muscle	12.60	NA	NA	9.76	8.26	1.81	090
27120		A	Reconstruction of hip socket	19.25	NA	NA	13.24	11.98	2.79	090
27122		A	Reconstruction of hip socket	16.09	NA	NA	11.46	10.61	2.32	090
27125		A	Partial hip replacement	16.64	NA	NA	11.74	10.71	2.41	090
27130		A	Total hip arthroplasty	21.79	NA	NA	14.48	13.25	3.15	090
27132		A	Total hip arthroplasty	25.69	NA	NA	16.55	15.24	3.72	090
27134		A	Revise hip joint replacement	30.28	NA	NA	18.18	16.87	4.38	090
27137		A	Revise hip joint replacement	22.70	NA	NA	14.46	13.36	3.28	090
27138		A	Revise hip joint replacement	23.70	NA	NA	14.94	13.82	3.43	090
27140		A	Transplant femur ridge	12.78	NA	NA	9.58	8.90	1.85	090

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27146		A	Incision of hip bone	18.92	NA	NA	13.19	11.83	2.75	090
27147		A	Revision of hip bone	22.07	NA	NA	14.74	13.52	3.19	090
27151		A	Incision of hip bones	24.12	NA	NA	15.75	13.22	3.50	090
27156		A	Revision of hip bones	26.23	NA	NA	16.79	15.26	3.79	090
27158		A	Revision of pelvis	21.04	NA	NA	14.04	12.54	3.05	090
27161		A	Incision of neck of femur	17.89	NA	NA	12.50	11.61	2.58	090
27165		A	Incision/fixation of femur	20.29	NA	NA	14.17	12.93	2.93	090
27170		A	Repair/graft femur head/neck	17.61	NA	NA	11.95	10.99	2.55	090
27175		A	Treat slipped epiphysis	9.38	NA	NA	7.20	6.62	1.36	090
27176		A	Treat slipped epiphysis	12.92	NA	NA	9.92	9.09	1.88	090
27177		A	Treat slipped epiphysis	16.09	NA	NA	11.70	10.77	2.33	090
27178		A	Treat slipped epiphysis	12.92	NA	NA	9.92	8.97	1.88	090
27179		A	Revise head/neck of femur	13.97	NA	NA	10.35	9.53	2.02	090
27181		A	Treat slipped epiphysis	16.18	NA	NA	11.84	10.73	2.35	090
27185		A	Revision of femur epiphysis	9.79	NA	NA	5.70	6.00	0.51	090
27187		A	Reinforce hip bones	14.23	NA	NA	10.54	9.79	2.06	090
27193		A	Treat pelvic ring fracture	6.09	5.57	5.09	5.72	5.20	0.88	090
27194		A	Treat pelvic ring fracture	10.20	NA	NA	7.13	6.89	1.22	090
27200		A	Treat tail bone fracture	1.92	2.50	2.23	2.67	2.34	0.26	090
27202		A	Treat tail bone fracture	7.31	NA	NA	5.91	7.54	1.07	090
27215		I	Treat pelvic fracture(s)	10.45	NA	NA	5.50	6.50	0.54	090
27216		I	Treat pelvic ring fracture	15.73	NA	NA	7.96	9.27	0.83	090
27217		I	Treat pelvic ring fracture	14.65	NA	NA	7.56	9.01	0.77	090
27218		I	Treat pelvic ring fracture	20.93	NA	NA	9.86	11.39	1.10	090
27220		A	Treat hip socket fracture	6.83	6.32	5.77	6.21	5.67	0.98	090
27222		A	Treat hip socket fracture	14.11	NA	NA	10.22	9.51	2.03	090
27226		A	Treat hip wall fracture	15.57	NA	NA	10.94	9.62	2.26	090
27227		A	Treat hip fracture(s)	25.41	NA	NA	16.36	15.09	3.68	090
27228		A	Treat hip fracture(s)	29.33	NA	NA	18.30	16.97	4.25	090
27230		A	Treat thigh fracture	5.81	5.94	5.44	5.87	5.30	0.84	090
27232		A	Treat thigh fracture	11.72	NA	NA	7.36	6.88	1.65	090
27235		A	Treat thigh fracture	13.00	NA	NA	9.67	8.99	1.88	090
27236		A	Treat thigh fracture	17.61	NA	NA	12.39	11.29	2.55	090
27238		A	Treat thigh fracture	5.75	NA	NA	5.63	5.13	0.83	090
27240		A	Treat thigh fracture	13.81	NA	NA	10.12	9.29	1.98	090
27244		A	Treat thigh fracture	18.18	NA	NA	12.67	11.55	2.62	090

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27245		A	Treat thigh fracture	18.18	NA	NA	12.69	12.03	2.62	090
27246		A	Treat thigh fracture	4.83	4.68	4.32	4.72	4.34	0.68	090
27248		A	Treat thigh fracture	10.78	NA	NA	7.82	7.35	1.56	090
27250		A	Treat hip dislocation	3.82	NA	NA	0.81	1.52	0.49	000
27252		A	Treat hip dislocation	11.03	NA	NA	7.90	7.24	1.57	090
27253		A	Treat hip dislocation	13.58	NA	NA	9.94	9.24	1.96	090
27254		A	Treat hip dislocation	18.94	NA	NA	12.74	11.78	2.74	090
27256		A	Treat hip dislocation	4.28	2.92	2.80	1.74	1.64	0.55	010
27257		A	Treat hip dislocation	5.38	NA	NA	2.94	2.74	0.72	010
27258		A	Treat hip dislocation	16.18	NA	NA	11.53	10.60	2.35	090
27259		A	Treat hip dislocation	23.26	NA	NA	15.61	14.30	3.36	090
27265		A	Treat hip dislocation	5.24	NA	NA	4.50	4.25	0.68	090
27266		A	Treat hip dislocation	7.78	NA	NA	6.62	6.12	1.12	090
27267		A	Cltx thigh fx	5.50	NA	NA	5.40	4.63	0.80	090
27268		A	Cltx thigh fx w/mnpj	7.12	NA	NA	6.20	5.33	1.03	090
27269		A	Optx thigh fx	18.89	NA	NA	12.32	10.65	2.72	090
27275		A	Manipulation of hip joint	2.32	NA	NA	2.06	1.98	0.29	010
27280		A	Fusion of sacroiliac joint	14.64	NA	NA	11.02	10.12	2.23	090
27282		A	Fusion of pubic bones	11.85	NA	NA	9.39	7.91	1.70	090
27284		A	Fusion of hip joint	25.06	NA	NA	15.58	12.88	3.64	090
27286		A	Fusion of hip joint	25.17	NA	NA	16.27	15.11	3.65	090
27290		A	Amputation of leg at hip	24.55	NA	NA	16.14	13.94	3.56	090
27295		A	Amputation of leg at hip	19.66	NA	NA	11.88	10.99	2.95	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	6.78	9.59	9.07	5.63	5.14	1.01	090
27303		A	Drainage of bone lesion	8.63	NA	NA	7.27	6.71	1.24	090
27305		A	Incise thigh tendon & fascia	6.18	NA	NA	5.65	5.09	0.90	090
27306		A	Incision of thigh tendon	4.74	NA	NA	4.91	4.39	0.68	090
27307		A	Incision of thigh tendons	6.06	NA	NA	5.77	5.16	0.88	090
27310		A	Exploration of knee joint	10.00	NA	NA	8.20	7.51	1.44	090
27323		A	Biopsy, thigh soft tissues	2.33	4.37	4.16	2.15	2.03	0.30	010
27324		A	Biopsy, thigh soft tissues	5.04	NA	NA	4.57	4.18	0.77	090
27325		A	Neurectomy, hamstring	7.20	NA	NA	6.56	5.65	1.04	090
27326		A	Neurectomy, popliteal	6.47	NA	NA	6.20	5.36	0.93	090
27327		A	Exc thigh/knee les sc < 3 cm	3.96	7.16	6.40	3.83	3.76	0.59	090
27328		A	Exc thigh/knee tum deep <5cm	8.85	NA	NA	6.52	4.86	1.33	090

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27329		A	Resect thigh/knee tum < 5 cm	15.72	NA	NA	10.38	9.36	2.34	090
27330		A	Biopsy, knee joint lining	5.11	NA	NA	4.79	4.47	0.70	090
27331		A	Explore/treat knee joint	6.02	NA	NA	5.74	5.31	0.87	090
27332		A	Removal of knee cartilage	8.46	NA	NA	7.44	6.87	1.21	090
27333		A	Removal of knee cartilage	7.55	NA	NA	6.91	6.38	1.10	090
27334		A	Remove knee joint lining	9.19	NA	NA	7.79	7.15	1.33	090
27335		A	Remove knee joint lining	10.55	NA	NA	8.50	7.86	1.52	090
27337		A	Exc thigh/knee les sc > 3 cm	5.91	NA	NA	4.55	4.55	0.89	090
27339		A	Exc thigh/knee tum deep >5cm	11.13	NA	NA	7.64	7.64	1.66	090
27340		A	Removal of kneecap bursa	4.32	NA	NA	4.80	4.43	0.62	090
27345		A	Removal of knee cyst	6.09	NA	NA	5.88	5.43	0.88	090
27347		A	Remove knee cyst	6.73	NA	NA	6.32	5.75	0.97	090
27350		A	Removal of kneecap	8.66	NA	NA	7.55	6.97	1.24	090
27355		A	Remove femur lesion	8.00	NA	NA	6.96	6.46	1.16	090
27356		A	Remove femur lesion/graft	10.09	NA	NA	8.26	7.62	1.45	090
27357		A	Remove femur lesion/graft	11.16	NA	NA	9.04	8.38	1.62	090
27358		A	Remove femur lesion/fixation	4.73	NA	NA	2.33	2.22	0.67	ZZZ
27360		A	Partial removal, leg bone(s)	11.46	NA	NA	9.68	9.00	1.66	090
27364		A	Resect thigh/knee tum >5 cm	24.49	NA	NA	14.57	14.57	3.65	090
27365		A	Resect femur/knee tumor	32.21	NA	NA	19.84	13.44	4.67	090
27370		A	Injection for knee x-ray	0.96	3.24	3.21	0.43	0.38	0.09	000
27372		A	Removal of foreign body	5.21	9.60	9.11	4.85	4.49	0.76	090
27380		A	Repair of kneecap tendon	7.45	NA	NA	7.24	6.75	1.08	090
27381		A	Repair/graft kneecap tendon	10.76	NA	NA	9.12	8.49	1.56	090
27385		A	Repair of thigh muscle	8.11	NA	NA	7.57	7.07	1.17	090
27386		A	Repair/graft of thigh muscle	11.13	NA	NA	9.54	8.87	1.61	090
27390		A	Incision of thigh tendon	5.53	NA	NA	5.51	5.04	0.80	090
27391		A	Incision of thigh tendons	7.49	NA	NA	6.76	6.24	1.09	090
27392		A	Incision of thigh tendons	9.63	NA	NA	8.02	7.27	1.39	090
27393		A	Lengthening of thigh tendon	6.59	NA	NA	6.01	5.56	0.95	090
27394		A	Lengthening of thigh tendons	8.79	NA	NA	7.45	6.88	1.25	090
27395		A	Lengthening of thigh tendons	12.24	NA	NA	9.59	8.90	1.77	090
27396		A	Transplant of thigh tendon	8.15	NA	NA	7.08	6.59	1.18	090
27397		A	Transplants of thigh tendons	12.66	NA	NA	10.11	9.24	1.82	090
27400		A	Revise thigh muscles/tendons	9.33	NA	NA	7.88	7.24	1.35	090
27403		A	Repair of knee cartilage	8.62	NA	NA	7.32	6.79	1.23	090

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27405		A	Repair of knee ligament	9.08	NA	NA	7.73	7.17	1.32	090
27407		A	Repair of knee ligament	10.85	NA	NA	8.81	7.79	1.57	090
27409		A	Repair of knee ligaments	13.71	NA	NA	10.31	9.53	1.99	090
27412		A	Autochondrocyte implant knee	24.74	NA	NA	16.69	15.22	3.59	090
27415		A	Osteochondral knee allograft	20.00	NA	NA	14.32	13.03	2.89	090
27416		A	Osteochondral knee autograft	14.16	NA	NA	10.29	9.21	2.05	090
27418		A	Repair degenerated kneecap	11.60	NA	NA	9.11	8.49	1.66	090
27420		A	Revision of unstable kneecap	10.26	NA	NA	8.31	7.72	1.47	090
27422		A	Revision of unstable kneecap	10.21	NA	NA	8.33	7.71	1.46	090
27424		A	Revision/removal of kneecap	10.24	NA	NA	8.32	7.72	1.47	090
27425		A	Lat retinacular release open	5.39	NA	NA	5.61	5.21	0.78	090
27427		A	Reconstruction, knee	9.79	NA	NA	8.12	7.49	1.41	090
27428		A	Reconstruction, knee	15.58	NA	NA	12.16	11.16	2.27	090
27429		A	Reconstruction, knee	17.54	NA	NA	13.72	12.48	2.55	090
27430		A	Revision of thigh muscles	10.16	NA	NA	8.29	7.65	1.46	090
27435		A	Incision of knee joint	10.88	NA	NA	9.27	8.43	1.58	090
27437		A	Revise kneecap	8.93	NA	NA	7.45	6.91	1.30	090
27438		A	Revise kneecap with implant	11.89	NA	NA	9.13	8.38	1.71	090
27440		A	Revision of knee joint	11.09	NA	NA	8.73	7.57	1.60	090
27441		A	Revision of knee joint	11.54	NA	NA	8.96	7.73	1.66	090
27442		A	Revision of knee joint	12.37	NA	NA	9.40	8.59	1.78	090
27443		A	Revision of knee joint	11.41	NA	NA	8.89	8.23	1.65	090
27445		A	Revision of knee joint	18.66	NA	NA	12.81	11.81	2.72	090
27446		A	Revision of knee joint	16.38	NA	NA	11.37	10.56	2.37	090
27447		A	Total knee arthroplasty	23.25	NA	NA	15.48	14.23	3.36	090
27448		A	Incision of thigh	11.60	NA	NA	8.77	8.15	1.68	090
27450		A	Incision of thigh	14.61	NA	NA	10.80	10.00	2.13	090
27454		A	Realignment of thigh bone	19.17	NA	NA	13.31	11.97	2.78	090
27455		A	Realignment of knee	13.36	NA	NA	10.09	9.37	1.93	090
27457		A	Realignment of knee	14.03	NA	NA	9.99	9.32	2.03	090
27465		A	Shortening of thigh bone	18.60	NA	NA	12.74	11.33	2.71	090
27466		A	Lengthening of thigh bone	17.28	NA	NA	12.41	11.39	2.51	090
27468		A	Shorten/lengthen thighs	19.97	NA	NA	13.61	12.40	2.89	090
27470		A	Repair of thigh	17.14	NA	NA	12.38	11.43	2.49	090
27472		A	Repair/graft of thigh	18.72	NA	NA	13.00	12.07	2.72	090
27475		A	Surgery to stop leg growth	8.93	NA	NA	7.47	6.92	1.30	090

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27477		A	Surgery to stop leg growth	10.14	NA	NA	8.06	7.46	1.46	090
27479		A	Surgery to stop leg growth	13.16	NA	NA	6.99	8.39	0.68	090
27485		A	Surgery to stop leg growth	9.13	NA	NA	7.50	6.98	1.33	090
27486		A	Revise/replace knee joint	21.12	NA	NA	14.29	13.15	3.05	090
27487		A	Revise/replace knee joint	27.11	NA	NA	17.27	15.94	3.92	090
27488		A	Removal of knee prosthesis	17.60	NA	NA	12.54	11.51	2.55	090
27495		A	Reinforce thigh	16.54	NA	NA	11.72	10.87	2.39	090
27496		A	Decompression of thigh/knee	6.78	NA	NA	6.62	5.58	0.98	090
27497		A	Decompression of thigh/knee	7.79	NA	NA	6.63	5.53	1.13	090
27498		A	Decompression of thigh/knee	8.66	NA	NA	7.54	6.01	1.24	090
27499		A	Decompression of thigh/knee	9.43	NA	NA	7.92	6.63	1.37	090
27500		A	Treatment of thigh fracture	6.30	6.50	5.95	5.61	5.07	0.90	090
27501		A	Treatment of thigh fracture	6.45	6.01	5.56	5.91	5.40	0.93	090
27502		A	Treatment of thigh fracture	11.36	NA	NA	8.20	7.61	1.61	090
27503		A	Treatment of thigh fracture	11.27	NA	NA	8.73	8.06	1.62	090
27506		A	Treatment of thigh fracture	19.65	NA	NA	13.89	12.73	2.84	090
27507		A	Treatment of thigh fracture	14.48	NA	NA	9.94	9.25	2.10	090
27508		A	Treatment of thigh fracture	6.20	6.77	6.22	6.05	5.51	0.88	090
27509		A	Treatment of thigh fracture	8.14	NA	NA	7.83	7.33	1.17	090
27510		A	Treatment of thigh fracture	9.80	NA	NA	7.50	7.00	1.38	090
27511		A	Treatment of thigh fracture	15.11	NA	NA	9.94	9.51	2.19	090
27513		A	Treatment of thigh fracture	19.25	NA	NA	11.99	11.55	2.79	090
27514		A	Treatment of thigh fracture	14.60	NA	NA	9.68	9.73	2.11	090
27516		A	Treat thigh fx growth plate	5.59	6.84	6.18	6.12	5.50	0.81	090
27517		A	Treat thigh fx growth plate	9.12	NA	NA	7.86	7.25	1.32	090
27519		A	Treat thigh fx growth plate	13.25	NA	NA	9.03	8.92	1.92	090
27520		A	Treat kneecap fracture	3.04	4.83	4.43	4.18	3.73	0.43	090
27524		A	Treat kneecap fracture	10.37	NA	NA	8.39	7.78	1.49	090
27530		A	Treat knee fracture	4.09	5.68	5.22	5.05	4.57	0.57	090
27532		A	Treat knee fracture	7.55	7.65	7.06	6.77	6.24	1.09	090
27535		A	Treat knee fracture	13.41	NA	NA	9.11	8.67	1.93	090
27536		A	Treat knee fracture	17.39	NA	NA	12.45	11.43	2.52	090
27538		A	Treat knee fracture(s)	5.09	6.46	5.98	5.77	5.28	0.73	090
27540		A	Treat knee fracture	11.30	NA	NA	8.97	8.49	1.63	090
27550		A	Treat knee dislocation	5.98	6.21	5.77	5.38	4.95	0.81	090
27552		A	Treat knee dislocation	8.18	NA	NA	7.33	6.75	1.18	090

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27556		A	Treat knee dislocation	13.00	NA	NA	8.91	8.81	1.89	090
27557		A	Treat knee dislocation	15.90	NA	NA	10.34	10.19	2.31	090
27558		A	Treat knee dislocation	18.39	NA	NA	11.57	11.12	2.66	090
27560		A	Treat kneecap dislocation	3.99	5.30	4.79	4.69	4.03	0.56	090
27562		A	Treat kneecap dislocation	5.98	NA	NA	5.93	5.20	0.87	090
27566		A	Treat kneecap dislocation	12.71	NA	NA	9.55	8.85	1.84	090
27570		A	Fixation of knee joint	1.79	NA	NA	1.92	1.77	0.25	010
27580		A	Fusion of knee	21.10	NA	NA	15.00	13.89	3.05	090
27590		A	Amputate leg at thigh	13.47	NA	NA	7.34	6.67	2.17	090
27591		A	Amputate leg at thigh	13.94	NA	NA	8.74	8.24	2.14	090
27592		A	Amputate leg at thigh	10.98	NA	NA	6.56	6.12	1.72	090
27594		A	Amputation follow-up surgery	7.29	NA	NA	5.64	5.18	1.14	090
27596		A	Amputation follow-up surgery	11.29	NA	NA	7.20	6.64	1.76	090
27598		A	Amputate lower leg at knee	11.22	NA	NA	7.61	6.98	1.71	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	6.03	NA	NA	4.44	4.25	0.93	090
27601		A	Decompression of lower leg	6.05	NA	NA	5.05	4.73	0.93	090
27602		A	Decompression of lower leg	7.82	NA	NA	4.99	4.75	1.28	090
27603		A	Drain lower leg lesion	5.23	8.11	7.48	4.64	4.22	0.74	090
27604		A	Drain lower leg bursa	4.59	7.29	6.58	3.95	3.67	0.57	090
27605		A	Incision of achilles tendon	2.92	5.68	5.82	1.91	1.94	0.25	010
27606		A	Incision of achilles tendon	4.18	NA	NA	3.08	2.95	0.53	010
27607		A	Treat lower leg bone lesion	8.62	NA	NA	6.80	6.28	1.16	090
27610		A	Explore/treat ankle joint	9.13	NA	NA	7.28	6.76	1.20	090
27612		A	Exploration of ankle joint	8.15	NA	NA	6.04	5.76	0.85	090
27613		A	Biopsy lower leg soft tissue	2.22	4.07	3.89	1.95	1.88	0.23	010
27614		A	Biopsy lower leg soft tissue	5.80	8.65	7.87	4.52	4.22	0.76	090
27615		A	Resect leg/ankle tum < 5 cm	15.72	NA	NA	10.33	8.66	2.31	090
27616		A	Resect leg/ankle tum > 5 cm	19.63	NA	NA	12.34	12.34	2.87	090
27618		A	Exc leg/ankle tum < 3 cm	3.96	7.02	6.60	3.75	3.92	0.54	090
27619		A	Exc leg/ankle tum deep <5 cm	6.91	NA	NA	5.29	5.50	0.90	090
27620		A	Explore/treat ankle joint	6.15	NA	NA	5.42	5.07	0.77	090
27625		A	Remove ankle joint lining	8.49	NA	NA	6.13	5.90	0.93	090
27626		A	Remove ankle joint lining	9.10	NA	NA	6.88	6.43	1.12	090
27630		A	Removal of tendon lesion	4.94	8.89	8.15	4.30	4.09	0.57	090
27632		A	Exc leg/ankle les sc > 3 cm	5.91	NA	NA	4.47	4.47	0.83	090

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27634		A	Exc leg/ankle tum deep >5 cm	10.13	NA	NA	6.81	6.81	1.32	090
27635		A	Remove lower leg bone lesion	8.03	NA	NA	6.76	6.33	1.10	090
27637		A	Remove/graft leg bone lesion	10.31	NA	NA	8.64	7.94	1.48	090
27638		A	Remove/graft leg bone lesion	10.99	NA	NA	8.46	7.87	1.59	090
27640		A	Partial removal of tibia	12.24	NA	NA	8.87	8.63	1.62	090
27641		A	Partial removal of fibula	9.84	NA	NA	7.18	6.94	1.23	090
27645		A	Resect tibia tumor	27.21	NA	NA	17.46	12.02	3.94	090
27646		A	Resect fibula tumor	23.21	NA	NA	15.49	10.58	3.36	090
27647		A	Resect talus/calcaneus tum	20.26	NA	NA	8.43	7.17	1.49	090
27648		A	Injection for ankle x-ray	0.96	3.13	3.07	0.41	0.37	0.09	000
27650		A	Repair achilles tendon	9.21	NA	NA	7.70	7.20	1.11	090
27652		A	Repair/graft achilles tendon	10.78	NA	NA	7.00	7.02	1.11	090
27654		A	Repair of achilles tendon	10.53	NA	NA	7.54	7.13	1.11	090
27656		A	Repair leg fascia defect	4.71	10.59	8.84	5.04	4.09	0.67	090
27658		A	Repair of leg tendon, each	5.12	NA	NA	4.50	4.23	0.57	090
27659		A	Repair of leg tendon, each	7.10	NA	NA	5.14	5.05	0.73	090
27664		A	Repair of leg tendon, each	4.73	NA	NA	4.41	4.18	0.55	090
27665		A	Repair of leg tendon, each	5.57	NA	NA	4.99	4.65	0.65	090
27675		A	Repair lower leg tendons	7.35	NA	NA	5.20	5.05	0.75	090
27676		A	Repair lower leg tendons	8.73	NA	NA	6.65	6.34	1.25	090
27680		A	Release of lower leg tendon	5.88	NA	NA	4.92	4.67	0.72	090
27681		A	Release of lower leg tendons	7.05	NA	NA	6.45	5.66	1.02	090
27685		A	Revision of lower leg tendon	6.69	9.89	8.83	5.18	4.98	0.67	090
27686		A	Revise lower leg tendons	7.75	NA	NA	6.12	5.90	0.95	090
27687		A	Revision of calf tendon	6.41	NA	NA	5.21	4.90	0.73	090
27690		A	Revise lower leg tendon	9.17	NA	NA	7.07	6.53	0.97	090
27691		A	Revise lower leg tendon	10.49	NA	NA	8.59	7.87	1.34	090
27692		A	Revise additional leg tendon	1.87	NA	NA	0.86	0.82	0.25	ZZZ
27695		A	Repair of ankle ligament	6.70	NA	NA	5.61	5.34	0.79	090
27696		A	Repair of ankle ligaments	8.58	NA	NA	5.65	5.63	0.85	090
27698		A	Repair of ankle ligament	9.61	NA	NA	6.77	6.43	1.11	090
27700		A	Revision of ankle joint	9.66	NA	NA	5.87	5.56	0.88	090
27702		A	Reconstruct ankle joint	14.42	NA	NA	10.20	9.67	1.95	090
27703		A	Reconstruction, ankle joint	16.94	NA	NA	11.77	10.98	2.34	090
27704		A	Removal of ankle implant	7.81	NA	NA	6.60	6.03	1.04	090
27705		A	Incision of tibia	10.86	NA	NA	8.31	7.72	1.48	090

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27707		A	Incision of fibula	4.78	NA	NA	5.26	4.86	0.66	090
27709		A	Incision of tibia & fibula	17.48	NA	NA	11.94	10.43	2.48	090
27712		A	Realignment of lower leg	15.87	NA	NA	11.69	10.75	2.31	090
27715		A	Revision of lower leg	15.50	NA	NA	11.20	10.35	2.26	090
27720		A	Repair of tibia	12.36	NA	NA	9.59	8.92	1.76	090
27722		A	Repair/graft of tibia	12.45	NA	NA	9.70	8.83	1.79	090
27724		A	Repair/graft of tibia	19.31	NA	NA	12.59	11.71	2.79	090
27725		A	Repair of lower leg	17.41	NA	NA	13.01	11.86	2.53	090
27726		A	Repair fibula nonunion	14.34	NA	NA	10.10	8.55	2.04	090
27727		A	Repair of lower leg	14.84	NA	NA	10.99	9.04	2.16	090
27730		A	Repair of tibia epiphysis	7.70	NA	NA	6.80	6.27	1.12	090
27732		A	Repair of fibula epiphysis	5.46	NA	NA	5.55	4.54	0.79	090
27734		A	Repair lower leg epiphyses	8.83	NA	NA	5.27	5.43	0.46	090
27740		A	Repair of leg epiphyses	9.61	NA	NA	7.96	6.64	1.39	090
27742		A	Repair of leg epiphyses	10.63	NA	NA	8.69	6.64	1.53	090
27745		A	Reinforce tibia	10.49	NA	NA	8.41	7.78	1.50	090
27750		A	Treatment of tibia fracture	3.37	5.09	4.66	4.43	3.99	0.47	090
27752		A	Treatment of tibia fracture	6.27	7.00	6.47	6.05	5.58	0.89	090
27756		A	Treatment of tibia fracture	7.45	NA	NA	6.84	6.30	1.07	090
27758		A	Treatment of tibia fracture	12.54	NA	NA	9.72	8.95	1.80	090
27759		A	Treatment of tibia fracture	14.45	NA	NA	10.54	9.79	2.09	090
27760		A	Cltx medial ankle fx	3.21	5.00	4.58	4.32	3.87	0.43	090
27762		A	Cltx med ankle fx w/mnpj	5.47	6.38	5.98	5.44	5.08	0.74	090
27766		A	Optx medial ankle fx	7.89	NA	NA	7.30	6.79	1.11	090
27767		A	Cltx post ankle fx	2.64	4.29	3.72	4.33	3.75	0.37	090
27768		A	Cltx post ankle fx w/mnpj	5.14	NA	NA	5.67	4.79	0.75	090
27769		A	Optx post ankle fx	10.14	NA	NA	8.17	6.90	1.46	090
27780		A	Treatment of fibula fracture	2.83	4.61	4.17	3.97	3.52	0.39	090
27781		A	Treatment of fibula fracture	4.59	5.89	5.38	5.18	4.69	0.64	090
27784		A	Treatment of fibula fracture	9.67	NA	NA	8.22	7.33	1.38	090
27786		A	Treatment of ankle fracture	3.02	4.76	4.36	4.05	3.62	0.40	090
27788		A	Treatment of ankle fracture	4.64	5.78	5.38	4.95	4.57	0.62	090
27792		A	Treatment of ankle fracture	9.71	NA	NA	8.13	7.38	1.35	090
27808		A	Treatment of ankle fracture	3.03	5.12	4.71	4.34	3.92	0.41	090
27810		A	Treatment of ankle fracture	5.32	6.29	5.88	5.32	4.96	0.74	090
27814		A	Treatment of ankle fracture	10.62	NA	NA	8.72	8.10	1.50	090

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27816		A	Treatment of ankle fracture	3.07	4.72	4.27	3.96	3.53	0.40	090
27818		A	Treatment of ankle fracture	5.69	6.22	5.85	5.11	4.80	0.77	090
27822		A	Treatment of ankle fracture	11.21	NA	NA	9.84	9.33	1.59	090
27823		A	Treatment of ankle fracture	13.16	NA	NA	10.78	10.17	1.87	090
27824		A	Treat lower leg fracture	3.31	4.37	4.02	4.16	3.76	0.45	090
27825		A	Treat lower leg fracture	6.69	6.87	6.37	5.71	5.27	0.94	090
27826		A	Treat lower leg fracture	11.10	NA	NA	9.77	8.96	1.57	090
27827		A	Treat lower leg fracture	14.79	NA	NA	12.24	11.52	2.13	090
27828		A	Treat lower leg fracture	18.43	NA	NA	14.08	13.08	2.64	090
27829		A	Treat lower leg joint	8.80	NA	NA	8.34	7.47	1.24	090
27830		A	Treat lower leg dislocation	3.96	5.33	4.63	4.73	4.07	0.56	090
27831		A	Treat lower leg dislocation	4.73	NA	NA	5.10	4.48	0.67	090
27832		A	Treat lower leg dislocation	10.17	NA	NA	8.59	7.40	1.46	090
27840		A	Treat ankle dislocation	4.77	NA	NA	4.19	3.81	0.61	090
27842		A	Treat ankle dislocation	6.46	NA	NA	5.76	5.26	0.89	090
27846		A	Treat ankle dislocation	10.28	NA	NA	8.14	7.58	1.43	090
27848		A	Treat ankle dislocation	11.68	NA	NA	8.92	8.46	1.65	090
27860		A	Fixation of ankle joint	2.39	NA	NA	1.98	1.92	0.29	010
27870		A	Fusion of ankle joint, open	15.41	NA	NA	10.89	10.14	2.06	090
27871		A	Fusion of tibiofibular joint	9.54	NA	NA	7.85	7.25	1.36	090
27880		A	Amputation of lower leg	15.37	NA	NA	8.22	7.40	2.44	090
27881		A	Amputation of lower leg	13.47	NA	NA	8.85	8.27	2.06	090
27882		A	Amputation of lower leg	9.79	NA	NA	5.83	5.57	1.58	090
27884		A	Amputation follow-up surgery	8.76	NA	NA	6.01	5.58	1.37	090
27886		A	Amputation follow-up surgery	10.02	NA	NA	6.88	6.35	1.57	090
27888		A	Amputation of foot at ankle	10.37	NA	NA	7.15	6.84	1.42	090
27889		A	Amputation of foot at ankle	10.86	NA	NA	5.97	5.87	1.77	090
27892		A	Decompression of leg	7.94	NA	NA	6.00	5.43	1.20	090
27893		A	Decompression of leg	7.90	NA	NA	5.87	5.55	1.23	090
27894		A	Decompression of leg	12.67	NA	NA	8.83	8.14	1.96	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	2.78	4.19	3.85	1.65	1.70	0.17	010
28002		A	Treatment of foot infection	5.93	7.25	6.54	3.89	3.74	0.49	010
28003		A	Treatment of foot infection	9.06	8.36	7.70	4.91	4.86	0.78	090
28005		A	Treat foot bone lesion	9.44	NA	NA	5.95	5.83	0.75	090
28008		A	Incision of foot fascia	4.59	6.38	5.87	3.05	3.05	0.30	090

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28010		A	Incision of toe tendon	2.97	3.01	2.81	2.46	2.39	0.20	090
28011		A	Incision of toe tendons	4.28	4.20	3.85	3.35	3.21	0.36	090
28020		A	Exploration of foot joint	5.15	8.14	7.31	3.97	3.82	0.49	090
28022		A	Exploration of foot joint	4.81	7.33	6.69	3.49	3.49	0.36	090
28024		A	Exploration of toe joint	4.52	6.95	6.40	3.28	3.34	0.31	090
28035		A	Decompression of tibia nerve	5.23	8.12	7.31	3.98	3.84	0.48	090
28039		A	Exc foot/toe tum sc > 1.5 cm	5.42	7.01	7.01	3.38	3.38	0.40	090
28041		A	Exc foot/toe tum deep >1.5cm	7.13	NA	NA	4.43	4.43	0.54	090
28043		A	Exc foot/toe tum sc < 1.5 cm	3.96	6.31	4.99	2.95	2.89	0.29	090
28045		A	Exc foot/toe tum deep <1.5cm	5.45	7.48	6.84	3.81	3.49	0.41	090
28046		A	Resect foot/toe tumor < 3 cm	12.38	NA	NA	6.95	6.28	1.22	090
28047		A	Resect foot/toe tumor > 3 cm	17.45	NA	NA	7.07	7.07	0.98	090
28050		A	Biopsy of foot joint lining	4.39	6.82	6.52	3.17	3.35	0.29	090
28052		A	Biopsy of foot joint lining	4.06	7.31	6.27	3.35	3.12	0.36	090
28054		A	Biopsy of toe joint lining	3.57	5.96	5.87	2.59	2.84	0.20	090
28055		A	Neurectomy, foot	6.29	NA	NA	3.61	3.60	0.39	090
28060		A	Partial removal, foot fascia	5.40	7.66	6.94	3.80	3.71	0.40	090
28062		A	Removal of foot fascia	6.69	8.24	7.70	3.96	3.94	0.44	090
28070		A	Removal of foot joint lining	5.24	7.65	6.96	3.62	3.61	0.41	090
28072		A	Removal of foot joint lining	4.72	8.39	7.43	4.01	3.90	0.47	090
28080		A	Removal of foot lesion	4.86	8.30	7.33	4.53	4.19	0.35	090
28086		A	Excise foot tendon sheath	4.92	8.69	7.99	4.25	4.07	0.53	090
28088		A	Excise foot tendon sheath	3.98	7.67	7.02	3.51	3.49	0.40	090
28090		A	Removal of foot lesion	4.55	7.33	6.60	3.42	3.32	0.35	090
28092		A	Removal of toe lesions	3.78	6.99	6.33	3.22	3.15	0.29	090
28100		A	Removal of ankle/heel lesion	5.83	9.07	8.41	4.51	4.36	0.56	090
28102		A	Remove/graft foot lesion	7.92	NA	NA	4.15	5.43	0.45	090
28103		A	Remove/graft foot lesion	6.67	NA	NA	3.70	4.28	0.37	090
28104		A	Removal of foot lesion	5.26	7.73	7.01	3.68	3.63	0.40	090
28106		A	Remove/graft foot lesion	7.35	NA	NA	4.01	4.31	0.41	090
28107		A	Remove/graft foot lesion	5.73	7.51	7.62	3.47	3.85	0.31	090
28108		A	Removal of toe lesions	4.30	6.78	6.10	3.16	3.09	0.28	090
28110		A	Part removal of metatarsal	4.22	7.40	6.71	3.24	3.16	0.30	090
28111		A	Part removal of metatarsal	5.15	7.69	7.15	3.48	3.42	0.44	090
28112		A	Part removal of metatarsal	4.63	7.73	7.08	3.47	3.41	0.38	090
28113		A	Part removal of metatarsal	6.11	8.99	8.11	4.94	4.68	0.46	090

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28114		A	Removal of metatarsal heads	12.00	15.33	13.65	9.59	8.77	1.21	090
28116		A	Revision of foot	9.14	10.00	9.02	5.60	5.37	0.70	090
28118		A	Removal of heel bone	6.13	8.72	7.91	4.43	4.28	0.55	090
28119		A	Removal of heel spur	5.56	7.77	7.00	3.82	3.69	0.39	090
28120		A	Part removal of ankle/heel	8.27	10.21	8.49	5.86	4.58	0.84	090
28122		A	Partial removal of foot bone	7.72	8.99	8.33	5.15	5.03	0.60	090
28124		A	Partial removal of toe	5.00	7.14	6.52	3.60	3.56	0.31	090
28126		A	Partial removal of toe	3.64	6.39	5.74	2.83	2.79	0.25	090
28130		A	Removal of ankle bone	9.50	NA	NA	6.88	6.43	1.37	090
28140		A	Removal of metatarsal	7.14	8.43	7.90	4.46	4.39	0.66	090
28150		A	Removal of toe	4.23	6.85	6.18	3.19	3.11	0.31	090
28153		A	Partial removal of toe	3.80	6.72	5.97	3.10	2.93	0.27	090
28160		A	Partial removal of toe	3.88	6.89	6.14	3.18	3.10	0.28	090
28171		A	Resect tarsal tumor	16.41	NA	NA	6.37	5.59	0.92	090
28173		A	Resect metatarsal tumor	14.16	NA	NA	6.50	5.27	1.15	090
28175		A	Resect phalanx of toe tumor	8.29	NA	NA	4.83	3.97	0.59	090
28190		A	Removal of foot foreign body	2.01	4.38	3.99	1.47	1.41	0.15	010
28192		A	Removal of foot foreign body	4.78	7.18	6.58	3.40	3.34	0.36	090
28193		A	Removal of foot foreign body	5.90	7.76	7.10	3.81	3.75	0.41	090
28200		A	Repair of foot tendon	4.74	7.24	6.62	3.35	3.35	0.33	090
28202		A	Repair/graft of foot tendon	7.07	8.22	7.81	4.11	4.14	0.47	090
28208		A	Repair of foot tendon	4.51	7.37	6.53	3.49	3.32	0.36	090
28210		A	Repair/graft of foot tendon	6.52	8.06	7.46	4.11	4.03	0.47	090
28220		A	Release of foot tendon	4.67	6.80	6.16	3.22	3.19	0.30	090
28222		A	Release of foot tendons	5.76	7.25	6.66	3.44	3.53	0.37	090
28225		A	Release of foot tendon	3.78	6.34	5.70	2.83	2.76	0.26	090
28226		A	Release of foot tendons	4.67	6.61	6.47	3.03	3.35	0.26	090
28230		A	Incision of foot tendon(s)	4.36	6.60	6.03	2.99	3.07	0.29	090
28232		A	Incision of toe tendon	3.51	6.35	5.77	2.84	2.86	0.25	090
28234		A	Incision of foot tendon	3.54	6.85	6.16	3.32	3.22	0.26	090
28238		A	Revision of foot tendon	7.96	9.27	8.43	4.81	4.65	0.63	090
28240		A	Release of big toe	4.48	6.82	6.21	3.14	3.16	0.32	090
28250		A	Revision of foot fascia	6.06	8.45	7.51	4.28	4.09	0.56	090
28260		A	Release of midfoot joint	8.19	9.60	8.33	5.25	4.89	0.76	090
28261		A	Revision of foot tendon	13.11	11.26	10.53	6.59	6.70	0.94	090
28262		A	Revision of foot and ankle	17.21	17.98	15.88	11.50	10.60	2.21	090

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28264		A	Release of midfoot joint	10.65	8.79	9.80	4.84	6.23	0.60	090
28270		A	Release of foot contracture	4.93	7.51	6.70	3.71	3.61	0.37	090
28272		A	Release of toe joint, each	3.92	6.11	5.57	2.73	2.72	0.23	090
28280		A	Fusion of toes	5.33	7.87	7.27	3.79	3.83	0.44	090
28285		A	Repair of hammertoe	4.76	7.21	6.50	3.57	3.45	0.33	090
28286		A	Repair of hammertoe	4.70	6.86	6.25	3.16	3.13	0.29	090
28288		A	Partial removal of foot bone	6.02	9.40	8.28	5.13	4.86	0.49	090
28289		A	Repair hallux rigidus	8.31	10.38	9.41	5.88	5.61	0.74	090
28290		A	Correction of bunion	5.83	8.96	8.00	4.33	4.23	0.51	090
28292		A	Correction of bunion	9.05	11.18	10.04	6.62	6.22	0.64	090
28293		A	Correction of bunion	11.48	15.20	13.93	7.17	6.87	0.70	090
28294		A	Correction of bunion	8.75	10.35	9.33	5.18	4.93	0.68	090
28296		A	Correction of bunion	8.35	9.93	9.27	5.29	5.21	0.56	090
28297		A	Correction of bunion	9.43	11.53	10.49	5.87	5.73	0.87	090
28298		A	Correction of bunion	8.13	10.21	9.19	5.01	4.86	0.64	090
28299		A	Correction of bunion	11.57	11.39	10.52	6.12	6.01	0.84	090
28300		A	Incision of heel bone	9.73	NA	NA	7.03	6.64	1.18	090
28302		A	Incision of ankle bone	9.74	NA	NA	8.02	6.82	1.41	090
28304		A	Incision of midfoot bones	9.41	10.86	9.74	5.81	5.55	0.89	090
28305		A	Incise/graft midfoot bones	10.77	NA	NA	6.65	6.50	0.60	090
28306		A	Incision of metatarsal	6.00	9.63	8.53	4.49	4.20	0.61	090
28307		A	Incision of metatarsal	6.50	12.71	10.89	6.18	5.25	0.94	090
28308		A	Incision of metatarsal	5.48	8.76	7.76	4.22	3.96	0.45	090
28309		A	Incision of metatarsals	14.16	NA	NA	8.85	8.05	1.54	090
28310		A	Revision of big toe	5.57	8.08	7.35	3.62	3.53	0.40	090
28312		A	Revision of toe	4.69	8.06	7.22	3.51	3.43	0.37	090
28313		A	Repair deformity of toe	5.15	8.35	7.35	4.17	4.12	0.51	090
28315		A	Removal of sesamoid bone	5.00	7.17	6.44	3.42	3.31	0.36	090
28320		A	Repair of foot bones	9.37	NA	NA	6.43	6.11	1.02	090
28322		A	Repair of metatarsals	8.53	11.43	10.14	6.32	5.87	0.96	090
28340		A	Resect enlarged toe tissue	7.15	7.82	7.58	3.81	4.00	0.40	090
28341		A	Resect enlarged toe	8.72	8.71	8.26	4.37	4.48	0.49	090
28344		A	Repair extra toe(s)	4.40	6.52	6.85	2.96	3.40	0.25	090
28345		A	Repair webbed toe(s)	6.09	7.37	7.46	3.56	4.03	0.33	090
28360		A	Reconstruct cleft foot	14.92	NA	NA	9.74	9.00	2.34	090
28400		A	Treatment of heel fracture	2.31	3.87	3.56	3.37	3.08	0.27	090

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28405		A	Treatment of heel fracture	4.74	4.90	4.61	4.07	3.96	0.48	090
28406		A	Treatment of heel fracture	6.56	NA	NA	6.45	6.15	0.86	090
28415		A	Treat heel fracture	16.19	NA	NA	12.04	11.50	2.08	090
28420		A	Treat/graft heel fracture	17.52	NA	NA	13.70	11.99	2.54	090
28430		A	Treatment of ankle fracture	2.22	3.60	3.29	2.99	2.68	0.26	090
28435		A	Treatment of ankle fracture	3.54	5.25	4.31	4.35	3.65	0.51	090
28436		A	Treatment of ankle fracture	4.90	NA	NA	6.11	5.50	0.72	090
28445		A	Treat ankle fracture	15.76	NA	NA	11.24	10.41	2.04	090
28446		A	Osteochondral talus autogrft	17.71	NA	NA	12.85	11.37	2.57	090
28450		A	Treat midfoot fracture, each	2.03	3.34	3.07	2.78	2.53	0.22	090
28455		A	Treat midfoot fracture, each	3.24	4.35	3.83	3.61	3.29	0.32	090
28456		A	Treat midfoot fracture	2.86	NA	NA	5.10	4.11	0.41	090
28465		A	Treat midfoot fracture, each	8.80	NA	NA	6.77	6.35	0.93	090
28470		A	Treat metatarsal fracture	2.03	3.23	3.00	2.73	2.50	0.24	090
28475		A	Treat metatarsal fracture	3.01	3.46	3.28	2.78	2.74	0.28	090
28476		A	Treat metatarsal fracture	3.60	NA	NA	4.88	4.69	0.39	090
28485		A	Treat metatarsal fracture	7.44	NA	NA	6.20	5.77	0.70	090
28490		A	Treat big toe fracture	1.17	2.42	2.17	1.94	1.74	0.12	090
28495		A	Treat big toe fracture	1.68	2.74	2.49	2.08	1.97	0.15	090
28496		A	Treat big toe fracture	2.48	8.12	7.66	3.30	3.10	0.26	090
28505		A	Treat big toe fracture	7.44	9.45	8.70	5.41	4.87	0.68	090
28510		A	Treatment of toe fracture	1.17	1.91	1.71	1.83	1.65	0.10	090
28515		A	Treatment of toe fracture	1.56	2.47	2.22	2.02	1.89	0.13	090
28525		A	Treat toe fracture	5.62	8.76	8.03	4.66	4.20	0.52	090
28530		A	Treat sesamoid bone fracture	1.11	1.82	1.64	1.50	1.41	0.08	090
28531		A	Treat sesamoid bone fracture	2.57	9.07	6.93	3.49	2.48	0.37	090
28540		A	Treat foot dislocation	2.19	2.92	2.69	2.44	2.33	0.16	090
28545		A	Treat foot dislocation	2.60	4.59	3.59	3.80	3.04	0.37	090
28546		A	Treat foot dislocation	3.40	10.53	8.45	4.90	4.12	0.49	090
28555		A	Repair foot dislocation	9.65	12.43	11.27	7.35	6.65	1.18	090
28570		A	Treat foot dislocation	1.76	2.39	2.37	1.83	1.92	0.09	090
28575		A	Treat foot dislocation	3.49	5.41	4.60	4.59	4.00	0.50	090
28576		A	Treat foot dislocation	4.60	NA	NA	5.13	4.23	0.66	090
28585		A	Repair foot dislocation	11.13	13.03	11.28	7.92	7.16	1.21	090
28600		A	Treat foot dislocation	2.02	3.42	3.09	2.69	2.53	0.21	090
28605		A	Treat foot dislocation	2.89	5.06	3.93	4.29	3.41	0.41	090

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28606		A	Treat foot dislocation	5.09	NA	NA	4.80	4.41	0.62	090
28615		A	Repair foot dislocation	10.70	NA	NA	9.09	8.50	1.30	090
28630		A	Treat toe dislocation	1.75	2.12	1.86	1.06	0.98	0.17	010
28635		A	Treat toe dislocation	1.96	2.40	2.28	1.40	1.41	0.16	010
28636		A	Treat toe dislocation	2.77	4.83	4.29	2.26	2.18	0.29	010
28645		A	Repair toe dislocation	7.44	9.00	7.93	4.96	4.53	0.59	090
28660		A	Treat toe dislocation	1.28	1.56	1.37	0.95	0.84	0.15	010
28665		A	Treat toe dislocation	1.97	2.02	1.81	1.46	1.40	0.18	010
28666		A	Treat toe dislocation	2.66	NA	NA	2.57	2.18	0.38	010
28675		A	Repair of toe dislocation	5.62	9.21	8.40	4.99	4.49	0.55	090
28705		A	Fusion of foot bones	20.33	NA	NA	12.66	11.84	2.54	090
28715		A	Fusion of foot bones	14.60	NA	NA	10.04	9.38	1.82	090
28725		A	Fusion of foot bones	12.18	NA	NA	7.89	7.49	1.38	090
28730		A	Fusion of foot bones	12.42	NA	NA	9.01	8.39	1.41	090
28735		A	Fusion of foot bones	12.23	NA	NA	8.05	7.58	1.31	090
28737		A	Revision of foot bones	11.03	NA	NA	6.58	6.47	0.94	090
28740		A	Fusion of foot bones	9.29	12.40	11.32	6.91	6.41	1.00	090
28750		A	Fusion of big toe joint	8.57	12.32	11.48	6.81	6.39	0.96	090
28755		A	Fusion of big toe joint	4.88	7.85	7.23	3.60	3.54	0.38	090
28760		A	Fusion of big toe joint	9.14	11.09	9.95	5.93	5.61	0.77	090
28800		A	Amputation of midfoot	8.79	NA	NA	5.59	5.39	0.96	090
28805		A	Amputation thru metatarsal	12.71	NA	NA	6.67	6.20	1.57	090
28810		A	Amputation toe & metatarsal	6.64	NA	NA	4.63	4.36	0.87	090
28820		A	Amputation of toe	5.00	8.29	7.82	3.92	3.73	0.54	090
28825		A	Partial amputation of toe	6.01	8.77	8.08	4.54	4.16	0.62	090
28890		A	High energy eswt, plantar f	3.45	5.19	4.96	2.51	2.28	0.26	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	3.56	3.93	1.75	1.78	0.13	000
29010		A	Application of body cast	2.06	2.30	3.30	0.84	1.42	0.29	000
29015		A	Application of body cast	2.41	3.65	3.33	1.34	1.44	0.30	000
29020		A	Application of body cast	2.11	3.27	3.27	1.27	1.34	0.06	000
29025		A	Application of body cast	2.40	4.68	3.90	2.11	1.86	0.35	000
29035		A	Application of body cast	1.77	3.95	3.92	1.64	1.60	0.25	000
29040		A	Application of body cast	2.22	3.73	3.33	1.66	1.53	0.31	000
29044		A	Application of body cast	2.12	4.19	4.05	1.82	1.78	0.30	000
29046		A	Application of body cast	2.41	4.25	4.25	1.91	2.00	0.35	000

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29049		A	Application of figure eight	0.89	1.51	1.22	0.84	0.63	0.13	000
29055		A	Application of shoulder cast	1.78	3.60	3.19	1.66	1.48	0.26	000
29058		A	Application of shoulder cast	1.31	1.47	1.33	0.69	0.68	0.17	000
29065		A	Application of long arm cast	0.87	1.48	1.36	0.84	0.76	0.12	000
29075		A	Application of forearm cast	0.77	1.43	1.31	0.79	0.71	0.10	000
29085		A	Apply hand/wrist cast	0.87	1.47	1.34	0.83	0.73	0.10	000
29086		A	Apply finger cast	0.62	1.31	1.12	0.69	0.59	0.06	000
29105		A	Apply long arm splint	0.87	1.29	1.18	0.65	0.57	0.10	000
29125		A	Apply forearm splint	0.59	1.14	1.03	0.52	0.45	0.07	000
29126		A	Apply forearm splint	0.77	1.20	1.09	0.60	0.52	0.08	000
29130		A	Application of finger splint	0.50	0.52	0.47	0.24	0.21	0.05	000
29131		A	Application of finger splint	0.55	0.73	0.67	0.31	0.27	0.06	000
29200		A	Strapping of chest	0.65	0.75	0.66	0.43	0.37	0.04	000
29240		A	Strapping of shoulder	0.71	0.74	0.72	0.44	0.40	0.04	000
29260		A	Strapping of elbow or wrist	0.55	0.75	0.70	0.43	0.38	0.04	000
29280		A	Strapping of hand or finger	0.51	0.75	0.71	0.43	0.38	0.03	000
29305		A	Application of hip cast	2.03	3.95	3.55	1.92	1.76	0.29	000
29325		A	Application of hip casts	2.32	4.31	3.88	2.12	1.95	0.33	000
29345		A	Application of long leg cast	1.40	1.94	1.78	1.13	1.04	0.20	000
29355		A	Application of long leg cast	1.53	1.93	1.75	1.14	1.06	0.21	000
29358		A	Apply long leg cast brace	1.43	2.46	2.19	1.16	1.06	0.21	000
29365		A	Application of long leg cast	1.18	1.82	1.68	1.01	0.94	0.17	000
29405		A	Apply short leg cast	0.86	1.37	1.25	0.76	0.70	0.09	000
29425		A	Apply short leg cast	1.01	1.38	1.27	0.74	0.71	0.09	000
29435		A	Apply short leg cast	1.18	1.74	1.61	0.95	0.89	0.17	000
29440		A	Addition of walker to cast	0.57	0.75	0.69	0.31	0.28	0.06	000
29445		A	Apply rigid leg cast	1.78	1.77	1.68	1.02	0.95	0.18	000
29450		A	Application of leg cast	2.08	1.65	1.57	0.91	0.94	0.16	000
29505		A	Application, long leg splint	0.69	1.28	1.15	0.56	0.48	0.08	000
29515		A	Application lower leg splint	0.73	1.11	0.98	0.55	0.49	0.07	000
29520		A	Strapping of hip	0.54	0.71	0.68	0.40	0.38	0.03	000
29530		A	Strapping of knee	0.57	0.74	0.70	0.41	0.37	0.04	000
29540		A	Strapping of ankle and/or ft	0.51	0.57	0.52	0.31	0.31	0.03	000
29550		A	Strapping of toes	0.47	0.59	0.54	0.31	0.30	0.03	000
29580		A	Application of paste boot	0.55	0.78	0.72	0.38	0.35	0.05	000
29581		A	Apply multlay comprs lwr leg	0.60	1.74	1.74	0.23	0.23	0.05	000

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29590		A	Application of foot splint	0.76	0.63	0.59	0.26	0.27	0.04	000
29700		A	Removal/revision of cast	0.57	1.03	0.97	0.29	0.28	0.07	000
29705		A	Removal/revision of cast	0.76	0.91	0.83	0.45	0.40	0.09	000
29710		A	Removal/revision of cast	1.34	1.69	1.49	0.77	0.67	0.20	000
29715		A	Removal/revision of cast	0.94	1.08	1.17	0.43	0.44	0.09	000
29720		A	Repair of body cast	0.68	1.35	1.22	0.42	0.39	0.09	000
29730		A	Windowing of cast	0.75	0.88	0.80	0.42	0.37	0.08	000
29740		A	Wedging of cast	1.12	1.13	1.08	0.52	0.50	0.13	000
29750		A	Wedging of clubfoot cast	1.26	1.38	1.18	0.71	0.61	0.19	000
29799		C	Casting/strapping procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
29800		A	Jaw arthroscopy/surgery	6.84	NA	NA	6.21	5.75	0.98	090
29804		A	Jaw arthroscopy/surgery	8.87	NA	NA	7.65	6.78	1.28	090
29805		A	Shoulder arthroscopy, dx	6.03	NA	NA	5.64	5.27	0.87	090
29806		A	Shoulder arthroscopy/surgery	15.14	NA	NA	11.37	10.56	2.19	090
29807		A	Shoulder arthroscopy/surgery	14.67	NA	NA	11.17	10.38	2.11	090
29819		A	Shoulder arthroscopy/surgery	7.79	NA	NA	6.78	6.33	1.12	090
29820		A	Shoulder arthroscopy/surgery	7.21	NA	NA	6.22	5.81	1.03	090
29821		A	Shoulder arthroscopy/surgery	7.89	NA	NA	6.83	6.35	1.14	090
29822		A	Shoulder arthroscopy/surgery	7.60	NA	NA	6.72	6.25	1.10	090
29823		A	Shoulder arthroscopy/surgery	8.36	NA	NA	7.30	6.78	1.20	090
29824		A	Shoulder arthroscopy/surgery	8.98	NA	NA	7.91	7.27	1.30	090
29825		A	Shoulder arthroscopy/surgery	7.79	NA	NA	6.80	6.32	1.12	090
29826		A	Shoulder arthroscopy/surgery	9.16	NA	NA	7.49	6.98	1.32	090
29827		A	Arthroscop rotator cuff repr	15.59	NA	NA	11.35	10.61	2.26	090
29828		A	Arthroscopy biceps tenodesis	13.16	NA	NA	9.99	8.97	1.90	090
29830		A	Elbow arthroscopy	5.88	NA	NA	5.38	5.01	0.86	090
29834		A	Elbow arthroscopy/surgery	6.42	NA	NA	5.85	5.45	0.90	090
29835		A	Elbow arthroscopy/surgery	6.62	NA	NA	5.95	5.54	0.95	090
29836		A	Elbow arthroscopy/surgery	7.72	NA	NA	6.77	6.31	1.12	090
29837		A	Elbow arthroscopy/surgery	7.01	NA	NA	6.15	5.73	1.00	090
29838		A	Elbow arthroscopy/surgery	7.88	NA	NA	6.85	6.39	1.10	090
29840		A	Wrist arthroscopy	5.68	NA	NA	5.49	5.11	0.83	090
29843		A	Wrist arthroscopy/surgery	6.15	NA	NA	5.81	5.42	0.89	090
29844		A	Wrist arthroscopy/surgery	6.51	NA	NA	5.97	5.47	0.87	090
29845		A	Wrist arthroscopy/surgery	7.69	NA	NA	6.61	6.11	1.01	090
29846		A	Wrist arthroscopy/surgery	6.89	NA	NA	6.17	5.70	0.90	090

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29847		A	Wrist arthroscopy/surgery	7.22	NA	NA	6.25	5.85	1.04	090
29848		A	Wrist endoscopy/surgery	6.39	NA	NA	6.35	5.75	0.86	090
29850		A	Knee arthroscopy/surgery	8.27	NA	NA	7.20	5.82	1.19	090
29851		A	Knee arthroscopy/surgery	13.26	NA	NA	9.98	9.27	1.92	090
29855		A	Tibial arthroscopy/surgery	10.76	NA	NA	8.85	8.21	1.56	090
29856		A	Tibial arthroscopy/surgery	14.28	NA	NA	10.57	9.88	2.08	090
29860		A	Hip arthroscopy, dx	9.00	NA	NA	7.56	6.82	1.31	090
29861		A	Hip arthroscopy/surgery	10.10	NA	NA	8.10	7.35	1.45	090
29862		A	Hip arthroscopy/surgery	11.17	NA	NA	9.21	8.44	1.61	090
29863		A	Hip arthroscopy/surgery	11.17	NA	NA	9.26	8.39	1.62	090
29866		A	Autgrft implnt, knee w/scope	14.67	NA	NA	11.46	10.59	2.14	090
29867		A	Allgrft implnt, knee w/scope	18.39	NA	NA	13.53	12.33	2.66	090
29868		A	Meniscal trnspl, knee w/scpe	25.10	NA	NA	16.84	15.42	3.64	090
29870		A	Knee arthroscopy, dx	5.19	9.02	9.02	5.01	4.65	0.75	090
29871		A	Knee arthroscopy/drainage	6.69	NA	NA	6.06	5.62	0.96	090
29873		A	Knee arthroscopy/surgery	6.24	NA	NA	6.69	6.20	0.90	090
29874		A	Knee arthroscopy/surgery	7.19	NA	NA	6.17	5.75	1.03	090
29875		A	Knee arthroscopy/surgery	6.45	NA	NA	5.85	5.46	0.93	090
29876		A	Knee arthroscopy/surgery	8.87	NA	NA	7.47	6.87	1.28	090
29877		A	Knee arthroscopy/surgery	8.30	NA	NA	7.19	6.62	1.19	090
29879		A	Knee arthroscopy/surgery	8.99	NA	NA	7.52	6.94	1.30	090
29880		A	Knee arthroscopy/surgery	9.45	NA	NA	7.76	7.16	1.36	090
29881		A	Knee arthroscopy/surgery	8.71	NA	NA	7.40	6.81	1.25	090
29882		A	Knee arthroscopy/surgery	9.60	NA	NA	7.79	7.16	1.39	090
29883		A	Knee arthroscopy/surgery	11.77	NA	NA	9.19	8.56	1.69	090
29884		A	Knee arthroscopy/surgery	8.28	NA	NA	7.19	6.60	1.19	090
29885		A	Knee arthroscopy/surgery	10.21	NA	NA	8.50	7.81	1.47	090
29886		A	Knee arthroscopy/surgery	8.49	NA	NA	7.31	6.73	1.22	090
29887		A	Knee arthroscopy/surgery	10.16	NA	NA	8.44	7.76	1.46	090
29888		A	Knee arthroscopy/surgery	14.30	NA	NA	10.50	9.69	2.06	090
29889		A	Knee arthroscopy/surgery	17.41	NA	NA	13.01	12.06	2.51	090
29891		A	Ankle arthroscopy/surgery	9.67	NA	NA	7.79	7.28	1.21	090
29892		A	Ankle arthroscopy/surgery	10.27	NA	NA	8.82	7.36	1.48	090
29893		A	Scope, plantar fasciotomy	6.32	9.25	8.42	4.84	4.58	0.37	090
29894		A	Ankle arthroscopy/surgery	7.35	NA	NA	5.64	5.24	0.90	090
29895		A	Ankle arthroscopy/surgery	7.13	NA	NA	5.29	5.01	0.83	090

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29897		A	Ankle arthroscopy/surgery	7.32	NA	NA	5.71	5.40	0.91	090
29898		A	Ankle arthroscopy/surgery	8.49	NA	NA	6.06	5.74	0.95	090
29899		A	Ankle arthroscopy/surgery	15.41	NA	NA	10.92	10.17	2.11	090
29900		A	Mcp joint arthroscopy, dx	5.88	NA	NA	4.42	4.91	0.30	090
29901		A	Mcp joint arthroscopy, surg	6.59	NA	NA	6.57	5.68	0.95	090
29902		A	Mcp joint arthroscopy, surg	7.16	NA	NA	7.94	6.22	1.89	090
29904		A	Subtalar arthro w/fb rmvl	8.65	NA	NA	7.20	6.45	1.24	090
29905		A	Subtalar arthro w/exc	9.18	NA	NA	7.95	7.12	1.33	090
29906		A	Subtalar arthro w/deb	9.65	NA	NA	8.39	7.52	1.39	090
29907		A	Subtalar arthro w/fusion	12.18	NA	NA	9.64	8.65	1.76	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	1.48	4.36	4.18	1.59	1.45	0.16	010
30020		A	Drainage of nose lesion	1.48	4.40	4.05	1.62	1.48	0.15	010
3008F		I	Body mass index docd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
30100		A	Intranasal biopsy	0.94	2.65	2.50	0.85	0.81	0.08	000
30110		A	Removal of nose polyp(s)	1.68	4.17	3.88	1.72	1.58	0.17	010
30115		A	Removal of nose polyp(s)	4.44	NA	NA	6.66	6.20	0.41	090
30117		A	Removal of intranasal lesion	3.26	18.58	17.40	5.41	5.05	0.30	090
30118		A	Removal of intranasal lesion	9.92	NA	NA	9.96	9.21	0.96	090
30120		A	Revision of nose	5.39	7.70	7.34	5.78	5.63	0.62	090
30124		A	Removal of nose lesion	3.20	NA	NA	3.85	3.56	0.30	090
30125		A	Removal of nose lesion	7.30	NA	NA	8.51	7.95	0.68	090
30130		A	Excise inferior turbinate	3.47	NA	NA	6.27	5.87	0.32	090
30140		A	Resect inferior turbinate	3.57	NA	NA	7.66	7.15	0.33	090
30150		A	Partial removal of nose	9.55	NA	NA	10.34	9.86	1.04	090
3015F		I	Cerv cancer screen docd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
30160		A	Removal of nose	9.99	NA	NA	10.21	9.59	0.94	090
3018F		I	Pre-prxd rsk et al docd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
30200		A	Injection treatment of nose	0.78	2.12	1.98	0.79	0.72	0.07	000
30210		A	Nasal sinus therapy	1.13	2.69	2.51	1.45	1.35	0.10	010
30220		A	Insert nasal septal button	1.59	6.07	5.63	1.68	1.55	0.16	010
30300		A	Remove nasal foreign body	1.09	4.67	4.48	2.12	1.96	0.10	010
30310		A	Remove nasal foreign body	2.01	NA	NA	3.28	3.08	0.19	010
30320		A	Remove nasal foreign body	4.64	NA	NA	7.00	6.56	0.44	090
3038F		I	Pulm fx w/in 12 mon b/4 surg	0.00	0.00	0.00	0.00	0.00	0.00	XXX
30400		R	Reconstruction of nose	10.86	NA	NA	15.19	14.75	1.02	090

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30410		R	Reconstruction of nose	14.00	NA	NA	16.71	16.17	1.32	090
30420		R	Reconstruction of nose	16.90	NA	NA	18.53	17.26	1.76	090
30430		R	Revision of nose	8.24	NA	NA	13.92	14.12	1.19	090
30435		R	Revision of nose	12.73	NA	NA	16.10	16.48	1.20	090
30450		R	Revision of nose	19.66	NA	NA	19.46	19.05	1.85	090
30460		A	Revision of nose	10.32	NA	NA	10.30	8.75	1.48	090
30462		A	Revision of nose	20.28	NA	NA	16.54	16.67	2.94	090
30465		A	Repair nasal stenosis	12.36	NA	NA	13.05	12.00	1.28	090
30520		A	Repair of nasal septum	7.01	NA	NA	9.15	8.20	0.66	090
30540		A	Repair nasal defect	7.92	NA	NA	9.91	8.87	0.75	090
30545		A	Repair nasal defect	11.62	NA	NA	10.32	11.28	0.60	090
30560		A	Release of nasal adhesions	1.31	5.49	5.28	2.24	2.13	0.13	010
30580		A	Repair upper jaw fistula	6.88	9.55	8.62	6.26	5.47	0.64	090
30600		A	Repair mouth/nose fistula	6.16	8.63	8.07	5.13	4.73	0.57	090
30620		A	Intranasal reconstruction	6.16	NA	NA	9.72	9.13	0.65	090
30630		A	Repair nasal septum defect	7.29	NA	NA	8.83	8.20	0.73	090
30801		A	Ablate inf turbinate, superf	1.14	4.57	4.40	2.34	2.18	0.10	010
30802		A	Ablate inf turbinate submuc	2.08	5.29	5.03	2.84	2.61	0.20	010
30901		A	Control of nosebleed	1.21	1.46	1.35	0.42	0.35	0.13	000
30903		A	Control of nosebleed	1.54	3.55	3.25	0.59	0.50	0.17	000
30905		A	Control of nosebleed	1.97	4.31	3.98	0.70	0.63	0.22	000
30906		A	Repeat control of nosebleed	2.45	4.67	4.36	1.10	0.98	0.24	000
30915		A	Ligation, nasal sinus artery	7.44	NA	NA	7.66	6.94	0.73	090
30920		A	Ligation, upper jaw artery	11.14	NA	NA	10.68	9.60	1.07	090
30930		A	Ther fx, nasal inf turbinate	1.31	NA	NA	1.88	1.72	0.13	010
30999		C	Nasal surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
31000		A	Irrigation, maxillary sinus	1.20	3.35	3.20	1.50	1.42	0.10	010
31002		A	Irrigation, sphenoid sinus	1.96	NA	NA	3.15	3.02	0.19	010
31020		A	Exploration, maxillary sinus	3.07	8.96	8.76	5.96	5.65	0.29	090
31030		A	Exploration, maxillary sinus	6.01	11.38	11.03	7.44	6.89	0.55	090
31032		A	Explore sinus, remove polyps	6.69	NA	NA	8.10	7.47	0.64	090
31040		A	Exploration behind upper jaw	9.77	NA	NA	9.68	8.81	1.02	090
31050		A	Exploration, sphenoid sinus	5.37	NA	NA	7.34	6.85	0.50	090
31051		A	Sphenoid sinus surgery	7.25	NA	NA	9.45	8.75	0.67	090
31070		A	Exploration of frontal sinus	4.40	NA	NA	6.88	6.41	0.43	090
31075		A	Exploration of frontal sinus	9.51	NA	NA	10.80	10.00	0.90	090

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31080		A	Removal of frontal sinus	12.74	NA	NA	14.07	12.51	1.20	090
31081		A	Removal of frontal sinus	14.19	NA	NA	20.38	16.62	3.74	090
31084		A	Removal of frontal sinus	14.95	NA	NA	15.14	14.33	1.41	090
31085		A	Removal of frontal sinus	15.64	NA	NA	21.06	16.32	4.13	090
31086		A	Removal of frontal sinus	14.36	NA	NA	14.85	13.57	1.36	090
31087		A	Removal of frontal sinus	14.57	NA	NA	13.71	12.73	1.37	090
31090		A	Exploration of sinuses	11.17	NA	NA	15.30	13.94	1.08	090
31200		A	Removal of ethmoid sinus	5.14	NA	NA	8.94	8.31	0.54	090
31201		A	Removal of ethmoid sinus	8.60	NA	NA	10.49	9.57	0.84	090
31205		A	Removal of ethmoid sinus	10.58	NA	NA	12.16	10.95	1.17	090
31225		A	Removal of upper jaw	26.70	NA	NA	22.25	19.55	2.61	090
31230		A	Removal of upper jaw	30.82	NA	NA	23.92	20.96	2.91	090
31231		A	Nasal endoscopy, dx	1.10	3.76	3.62	0.94	0.85	0.09	000
31233		A	Nasal/sinus endoscopy, dx	2.18	4.59	4.40	1.46	1.31	0.21	000
31235		A	Nasal/sinus endoscopy, dx	2.64	5.04	4.88	1.67	1.51	0.24	000
31237		A	Nasal/sinus endoscopy, surg	2.98	5.35	5.13	1.85	1.66	0.28	000
31238		A	Nasal/sinus endoscopy, surg	3.26	5.32	5.10	1.99	1.79	0.30	000
31239		A	Nasal/sinus endoscopy, surg	9.33	NA	NA	8.48	7.48	0.91	010
31240		A	Nasal/sinus endoscopy, surg	2.61	NA	NA	1.67	1.51	0.25	000
31254		A	Revision of ethmoid sinus	4.64	NA	NA	2.66	2.39	0.44	000
31255		A	Removal of ethmoid sinus	6.95	NA	NA	3.76	3.37	0.65	000
31256		A	Exploration maxillary sinus	3.29	NA	NA	2.00	1.80	0.30	000
31267		A	Endoscopy, maxillary sinus	5.45	NA	NA	3.05	2.73	0.51	000
31276		A	Sinus endoscopy, surgical	8.84	NA	NA	4.68	4.18	0.84	000
31287		A	Nasal/sinus endoscopy, surg	3.91	NA	NA	2.30	2.07	0.37	000
31288		A	Nasal/sinus endoscopy, surg	4.57	NA	NA	2.62	2.35	0.44	000
31290		A	Nasal/sinus endoscopy, surg	18.61	NA	NA	11.96	10.74	1.94	010
31291		A	Nasal/sinus endoscopy, surg	19.56	NA	NA	12.44	11.20	2.31	010
31292		A	Nasal/sinus endoscopy, surg	15.90	NA	NA	10.64	9.53	1.50	010
31293		A	Nasal/sinus endoscopy, surg	17.47	NA	NA	11.41	10.24	1.64	010
31294		A	Nasal/sinus endoscopy, surg	20.31	NA	NA	12.78	11.44	1.92	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	15.91	NA	NA	17.25	15.71	1.49	090
31320		A	Diagnostic incision, larynx	5.73	NA	NA	11.09	10.47	0.53	090
31360		A	Removal of larynx	29.91	NA	NA	24.73	21.19	2.88	090
31365		A	Removal of larynx	38.81	NA	NA	29.08	24.81	3.73	090

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31367		A	Partial removal of larynx	30.57	NA	NA	27.28	24.21	2.92	090
31368		A	Partial removal of larynx	34.19	NA	NA	30.03	26.78	3.22	090
31370		A	Partial removal of larynx	27.57	NA	NA	26.68	23.92	2.60	090
31375		A	Partial removal of larynx	26.07	NA	NA	25.41	22.71	2.47	090
31380		A	Partial removal of larynx	25.57	NA	NA	25.17	22.45	2.42	090
31382		A	Partial removal of larynx	28.57	NA	NA	27.16	24.13	2.71	090
31390		A	Removal of larynx & pharynx	42.51	NA	NA	32.03	28.06	4.29	090
31395		A	Reconstruct larynx & pharynx	43.80	NA	NA	35.43	31.06	4.14	090
31400		A	Revision of larynx	11.60	NA	NA	14.31	13.47	1.10	090
31420		A	Removal of epiglottis	11.43	NA	NA	10.49	9.55	1.08	090
31500		A	Insert emergency airway	2.33	NA	NA	0.51	0.48	0.23	000
31502		A	Change of windpipe airway	0.65	NA	NA	0.28	0.25	0.05	000
31505		A	Diagnostic laryngoscopy	0.61	1.51	1.46	0.68	0.63	0.05	000
31510		A	Laryngoscopy with biopsy	1.92	3.47	3.35	1.29	1.16	0.19	000
31511		A	Remove foreign body, larynx	2.16	3.23	3.09	1.24	1.13	0.23	000
31512		A	Removal of larynx lesion	2.07	3.30	3.14	1.41	1.26	0.20	000
31513		A	Injection into vocal cord	2.10	NA	NA	1.42	1.29	0.20	000
31515		A	Laryngoscopy for aspiration	1.80	3.50	3.41	1.11	1.01	0.18	000
31520		A	Dx laryngoscopy, newborn	2.56	NA	NA	1.65	1.41	0.24	000
31525		A	Dx laryngoscopy excl nb	2.63	3.83	3.63	1.62	1.46	0.25	000
31526		A	Dx laryngoscopy w/oper scope	2.57	NA	NA	1.64	1.49	0.24	000
31527		A	Laryngoscopy for treatment	3.27	NA	NA	1.99	1.72	0.30	000
31528		A	Laryngoscopy and dilation	2.37	NA	NA	1.50	1.34	0.23	000
31529		A	Laryngoscopy and dilation	2.68	NA	NA	1.64	1.49	0.25	000
31530		A	Laryngoscopy w/fb removal	3.38	NA	NA	1.90	1.71	0.32	000
31531		A	Laryngoscopy w/fb & op scope	3.58	NA	NA	2.13	1.92	0.33	000
31535		A	Laryngoscopy w/biopsy	3.16	NA	NA	1.93	1.73	0.30	000
31536		A	Laryngoscopy w/bx & op scope	3.55	NA	NA	2.12	1.91	0.33	000
31540		A	Laryngoscopy w/exc of tumor	4.12	NA	NA	2.39	2.15	0.39	000
31541		A	Larynscop w/tumr exc + scope	4.52	NA	NA	2.59	2.33	0.43	000
31545		A	Remove vc lesion w/scope	6.30	NA	NA	3.49	3.08	0.59	000
31546		A	Remove vc lesion scope/graft	9.73	NA	NA	5.16	4.44	0.92	000
31560		A	Laryngoscop w/arytenoidectom	5.45	NA	NA	3.01	2.67	0.51	000
31561		A	Larynscop, remve cart + scop	5.99	NA	NA	3.24	2.89	0.56	000
31570		A	Laryngoscope w/vc inj	3.86	4.81	4.76	2.21	2.01	0.39	000
31571		A	Laryngoscop w/vc inj + scope	4.26	NA	NA	2.47	2.21	0.40	000

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31575		A	Diagnostic laryngoscopy	1.10	1.85	1.79	0.93	0.85	0.09	000
31576		A	Laryngoscopy with biopsy	1.97	3.77	3.67	1.32	1.20	0.18	000
31577		A	Remove foreign body, larynx	2.47	3.75	3.59	1.51	1.36	0.24	000
31578		A	Removal of larynx lesion	2.84	4.40	4.22	1.78	1.54	0.26	000
31579		A	Diagnostic laryngoscopy	2.26	3.21	3.17	1.50	1.35	0.22	000
31580		A	Revision of larynx	14.66	NA	NA	17.17	15.64	1.38	090
31582		A	Revision of larynx	23.22	NA	NA	26.19	24.60	2.20	090
31584		A	Treat larynx fracture	20.47	NA	NA	19.12	17.49	1.93	090
31587		A	Revision of larynx	15.27	NA	NA	11.27	9.80	1.43	090
31588		A	Revision of larynx	14.99	NA	NA	14.91	13.62	1.42	090
31590		A	Reinnervate larynx	7.85	NA	NA	14.98	14.40	0.75	090
31595		A	Larynx nerve surgery	8.84	NA	NA	11.01	10.34	0.84	090
31599		C	Larynx surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
31600		A	Incision of windpipe	7.17	NA	NA	3.06	2.77	0.93	000
31601		A	Incision of windpipe	4.44	NA	NA	2.52	2.25	0.41	000
31603		A	Incision of windpipe	4.14	NA	NA	1.66	1.48	0.51	000
31605		A	Incision of windpipe	3.57	NA	NA	1.09	1.01	0.46	000
31610		A	Incision of windpipe	9.38	NA	NA	9.16	8.37	0.97	090
31611		A	Surgery/speech prosthesis	6.00	NA	NA	7.99	7.42	0.56	090
31612		A	Puncture/clear windpipe	0.91	1.16	1.11	0.35	0.31	0.08	000
31613		A	Repair windpipe opening	4.71	NA	NA	6.89	6.40	0.53	090
31614		A	Repair windpipe opening	8.63	NA	NA	10.91	9.94	0.87	090
31615		A	Visualization of windpipe	2.09	2.58	2.50	1.30	1.17	0.19	000
31620		A	Endobronchial us add-on	1.40	5.18	5.72	0.40	0.41	0.09	ZZZ
31622		A	Dx bronchoscope/wash	2.78	4.86	5.23	1.04	0.99	0.25	000
31623		A	Dx bronchoscope/brush	2.88	5.23	5.87	1.02	0.97	0.19	000
31624		A	Dx bronchoscope/lavage	2.88	4.78	5.27	1.03	0.99	0.19	000
31625		A	Bronchoscopy w/biopsy(s)	3.36	4.93	5.41	1.17	1.12	0.23	000
31626		A	Bronchoscopy w/markers	4.16	7.29	7.29	1.46	1.46	0.23	000
31627		A	Navigational bronchoscopy	2.00	29.96	29.96	0.73	0.73	0.10	ZZZ
31628		A	Bronchoscopy/lung bx, each	3.80	5.65	6.63	1.27	1.21	0.22	000
31629		A	Bronchoscopy/needle bx, each	4.09	10.29	11.94	1.36	1.30	0.25	000
31630		A	Bronchoscopy dilate/fx repr	3.81	NA	NA	1.46	1.45	0.36	000
31631		A	Bronchoscopy, dilate w/stent	4.36	NA	NA	1.64	1.60	0.44	000
31632		A	Bronchoscopy/lung bx, addl	1.03	0.81	0.84	0.30	0.27	0.05	ZZZ
31633		A	Bronchoscopy/needle bx addl	1.32	0.94	0.97	0.38	0.36	0.07	ZZZ

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31635		A	Bronchoscopy w/fb removal	3.67	4.82	5.30	1.30	1.27	0.29	000
31636		A	Bronchoscopy, bronch stents	4.30	NA	NA	1.50	1.51	0.41	000
31637		A	Bronchoscopy, stent add-on	1.58	NA	NA	0.42	0.46	0.08	ZZZ
31638		A	Bronchoscopy, revise stent	4.88	NA	NA	1.78	1.75	0.48	000
31640		A	Bronchoscopy w/tumor excise	4.93	NA	NA	1.80	1.77	0.47	000
31641		A	Bronchoscopy, treat blockage	5.02	NA	NA	1.78	1.69	0.43	000
31643		A	Diag bronchoscope/catheter	3.49	NA	NA	1.15	1.13	0.21	000
31645		A	Bronchoscopy, clear airways	3.16	4.31	4.70	1.12	1.06	0.21	000
31646		A	Bronchoscopy, reclear airway	2.72	4.02	4.41	0.97	0.93	0.19	000
31656		A	Bronchoscopy, inj for x-ray	2.17	5.05	5.89	0.76	0.76	0.12	000
31715		A	Injection for bronchus x-ray	1.11	NA	NA	0.30	0.33	0.06	000
31717		A	Bronchial brush biopsy	2.12	4.13	5.31	0.74	0.75	0.12	000
31720		A	Clearance of airways	1.06	NA	NA	0.31	0.30	0.06	000
31725		A	Clearance of airways	1.96	NA	NA	0.55	0.49	0.15	000
31730		A	Intro, windpipe wire/tube	2.85	25.75	21.19	1.00	0.91	0.33	000
31750		A	Repair of windpipe	15.39	NA	NA	19.65	18.35	1.67	090
31755		A	Repair of windpipe	17.54	NA	NA	27.03	25.40	1.65	090
31760		A	Repair of windpipe	23.48	NA	NA	10.62	10.88	4.03	090
31766		A	Reconstruction of windpipe	31.67	NA	NA	14.99	13.32	5.44	090
31770		A	Repair/graft of bronchus	23.54	NA	NA	9.60	9.68	4.04	090
31775		A	Reconstruct bronchus	24.59	NA	NA	10.21	9.86	4.23	090
31780		A	Reconstruct windpipe	19.84	NA	NA	11.17	10.22	2.37	090
31781		A	Reconstruct windpipe	24.85	NA	NA	14.06	11.72	4.27	090
31785		A	Remove windpipe lesion	18.35	NA	NA	10.21	9.12	1.92	090
31786		A	Remove windpipe lesion	25.42	NA	NA	10.46	11.27	4.38	090
31800		A	Repair of windpipe injury	8.18	NA	NA	10.36	9.40	0.77	090
31805		A	Repair of windpipe injury	13.42	NA	NA	7.98	7.25	2.32	090
31820		A	Closure of windpipe lesion	4.64	6.58	6.10	3.95	3.60	0.49	090
31825		A	Repair of windpipe defect	7.07	8.54	7.93	5.56	5.08	0.73	090
31830		A	Revise windpipe scar	4.62	6.57	6.16	4.18	3.88	0.52	090
31899		C	Airways surgical procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
32035		A	Exploration of chest	11.29	NA	NA	6.76	6.43	1.89	090
32036		A	Exploration of chest	12.30	NA	NA	7.13	6.85	2.13	090
32095		A	Biopsy through chest wall	10.14	NA	NA	5.75	5.54	1.72	090
32100		A	Exploration/biopsy of chest	16.16	NA	NA	7.81	7.70	2.79	090
32110		A	Explore/repair chest	25.28	NA	NA	11.37	10.87	4.22	090

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32120		A	Re-exploration of chest	14.39	NA	NA	7.51	7.33	2.50	090
32124		A	Explore chest free adhesions	15.45	NA	NA	7.92	7.57	2.70	090
32140		A	Removal of lung lesion(s)	16.66	NA	NA	8.42	8.01	2.86	090
32141		A	Remove/treat lung lesions	27.18	NA	NA	11.43	10.63	4.70	090
32150		A	Removal of lung lesion(s)	16.82	NA	NA	8.39	8.01	2.89	090
32151		A	Remove lung foreign body	16.94	NA	NA	8.10	8.28	2.92	090
32160		A	Open chest heart massage	13.10	NA	NA	6.58	6.15	2.20	090
32200		A	Drain, open, lung lesion	18.68	NA	NA	9.89	9.38	3.15	090
32201		A	Drain, percut, lung lesion	3.99	17.70	19.75	1.20	1.45	0.28	000
32215		A	Treat chest lining	13.05	NA	NA	7.09	6.90	2.24	090
32220		A	Release of lung	26.65	NA	NA	13.31	13.04	4.63	090
32225		A	Partial release of lung	16.75	NA	NA	8.29	8.03	2.88	090
32310		A	Removal of chest lining	15.28	NA	NA	7.83	7.55	2.66	090
32320		A	Free/remove chest lining	27.25	NA	NA	13.02	12.57	4.65	090
32400		A	Needle biopsy chest lining	1.76	1.92	2.14	0.52	0.59	0.13	000
32402		A	Open biopsy chest lining	8.97	NA	NA	5.30	5.17	1.49	090
32405		A	Biopsy, lung or mediastinum	1.93	0.58	0.71	0.58	0.70	0.13	000
32420		A	Puncture/clear lung	2.18	NA	NA	0.66	0.74	0.18	000
32421		A	Thoracentesis for aspiration	1.54	2.21	2.52	0.48	0.50	0.10	000
32422		A	Thoracentesis w/tube insert	2.19	2.64	2.94	1.00	1.08	0.16	000
32440		A	Removal of lung	27.28	NA	NA	12.21	12.17	4.67	090
32442		A	Sleeve pneumonectomy	56.47	NA	NA	17.01	18.16	3.12	090
32445		A	Removal of lung	63.84	NA	NA	24.21	22.56	10.98	090
32480		A	Partial removal of lung	25.82	NA	NA	11.51	11.42	4.45	090
32482		A	Bilobectomy	27.44	NA	NA	12.52	12.39	4.72	090
32484		A	Segmentectomy	25.38	NA	NA	10.83	10.73	4.34	090
32486		A	Sleeve lobectomy	42.88	NA	NA	16.27	15.66	7.45	090
32488		A	Completion pneumonectomy	42.99	NA	NA	17.20	16.34	7.43	090
32491		R	Lung volume reduction	25.24	NA	NA	11.53	11.95	4.32	090
32500		A	Partial removal of lung	24.64	NA	NA	11.54	11.50	4.26	090
32501		A	Repair bronchus add-on	4.68	NA	NA	1.49	1.52	0.80	ZZZ
32503		A	Resect apical lung tumor	31.74	NA	NA	13.40	13.55	5.51	090
32504		A	Resect apical lung tum/chest	36.54	NA	NA	15.06	15.37	6.26	090
32540		A	Removal of lung lesion	30.35	NA	NA	13.19	12.38	5.22	090
32550		A	Insert pleural cath	4.17	14.91	16.07	1.57	1.65	0.51	000
32551		A	Insertion of chest tube	3.29	NA	NA	1.09	1.14	0.38	000

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32552		A	Remove lung catheter	2.53	2.05	2.05	1.49	1.49	0.44	010
32553		A	Ins mark thor for rt perq	3.80	11.61	11.61	1.30	1.30	0.65	000
32560		A	Treat pleurodesis w/agent	1.54	4.45	5.21	0.48	0.62	0.20	000
32561		A	Lyse chest fibrin init day	1.39	1.03	1.03	0.43	0.43	0.18	000
32562		A	Lyse chest fibrin subq day	1.24	0.92	0.92	0.39	0.39	0.17	000
32601		A	Thoracoscopy, diagnostic	5.45	NA	NA	2.28	2.29	0.93	000
32602		A	Thoracoscopy, diagnostic	5.95	NA	NA	2.45	2.45	1.00	000
32603		A	Thoracoscopy, diagnostic	7.80	NA	NA	3.00	3.05	1.43	000
32604		A	Thoracoscopy, diagnostic	8.77	NA	NA	3.24	3.40	1.50	000
32605		A	Thoracoscopy, diagnostic	6.92	NA	NA	2.68	2.71	1.19	000
32606		A	Thoracoscopy, diagnostic	8.39	NA	NA	3.25	3.27	1.42	000
32650		A	Thoracoscopy, surgical	10.83	NA	NA	5.94	5.93	1.82	090
32651		A	Thoracoscopy, surgical	18.78	NA	NA	8.77	8.22	3.17	090
32652		A	Thoracoscopy, surgical	29.13	NA	NA	12.59	11.88	4.94	090
32653		A	Thoracoscopy, surgical	18.17	NA	NA	8.34	7.91	3.03	090
32654		A	Thoracoscopy, surgical	20.52	NA	NA	9.21	8.62	3.42	090
32655		A	Thoracoscopy, surgical	16.17	NA	NA	7.93	7.54	2.77	090
32656		A	Thoracoscopy, surgical	13.26	NA	NA	6.80	6.80	2.21	090
32657		A	Thoracoscopy, surgical	12.93	NA	NA	6.78	6.77	2.23	090
32658		A	Thoracoscopy, surgical	11.71	NA	NA	6.03	6.29	2.02	090
32659		A	Thoracoscopy, surgical	11.94	NA	NA	6.34	6.48	2.06	090
32660		A	Thoracoscopy, surgical	17.77	NA	NA	8.02	8.28	3.27	090
32661		A	Thoracoscopy, surgical	13.33	NA	NA	6.52	6.75	2.30	090
32662		A	Thoracoscopy, surgical	14.99	NA	NA	7.48	7.55	2.57	090
32663		A	Thoracoscopy, surgical	24.64	NA	NA	10.45	10.44	4.22	090
32664		A	Thoracoscopy, surgical	14.28	NA	NA	6.81	6.93	2.47	090
32665		A	Thoracoscopy, surgical	21.53	NA	NA	10.85	9.45	3.38	090
32800		A	Repair lung hernia	15.71	NA	NA	6.28	7.21	2.71	090
32810		A	Close chest after drainage	14.95	NA	NA	7.46	7.52	2.58	090
32815		A	Close bronchial fistula	50.03	NA	NA	20.51	18.54	8.74	090
32820		A	Reconstruct injured chest	22.51	NA	NA	10.58	11.07	3.88	090
32850		X	Donor pneumonectomy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
32851		A	Lung transplant, single	41.61	NA	NA	22.61	23.33	7.20	090
32852		A	Lung transplant with bypass	45.48	NA	NA	25.43	26.53	7.83	090
32853		A	Lung transplant, double	50.78	NA	NA	25.47	26.37	8.83	090
32854		A	Lung transplant with bypass	54.74	NA	NA	28.89	29.78	9.48	090

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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)	23.81	NA	NA	10.89	10.43	4.03	090
32905		A	Revise & repair chest wall	23.29	NA	NA	9.99	10.12	4.00	090
32906		A	Revise & repair chest wall	29.30	NA	NA	11.81	12.07	5.05	090
3293F		I	Abo rh blood typing docd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
32940		A	Revision of lung	21.34	NA	NA	9.40	9.34	3.68	090
3294F		I	Grp b strep screening docd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
32960		A	Therapeutic pneumothorax	1.84	1.85	1.76	0.73	0.73	0.31	000
32997		A	Total lung lavage	7.31	NA	NA	2.11	1.95	0.67	000
32998		A	Perq rf ablate tx, pul tumor	5.68	62.39	67.75	1.82	2.25	0.44	000
32999		C	Chest surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
33010		A	Drainage of heart sac	2.24	NA	NA	0.70	0.94	0.33	000
33011		A	Repeat drainage of heart sac	2.24	NA	NA	0.74	0.89	0.36	000
33015		A	Incision of heart sac	8.52	NA	NA	4.08	5.06	1.23	090
33020		A	Incision of heart sac	14.95	NA	NA	7.11	6.97	2.58	090
33025		A	Incision of heart sac	13.70	NA	NA	6.46	6.40	2.39	090
33030		A	Partial removal of heart sac	22.39	NA	NA	10.05	9.87	3.91	090
33031		A	Partial removal of heart sac	25.38	NA	NA	10.62	10.54	4.49	090
33050		A	Removal of heart sac lesion	16.97	NA	NA	8.23	8.05	2.92	090
33120		A	Removal of heart lesion	27.45	NA	NA	11.78	11.70	4.83	090
33130		A	Removal of heart lesion	24.17	NA	NA	17.56	12.26	4.44	090
33140		A	Heart revascularize (tmr)	28.34	NA	NA	11.21	11.41	5.20	090
33141		A	Heart tmr w/other procedure	2.54	NA	NA	0.83	0.99	0.45	ZZZ
33202		A	Insert epicard eltrd, open	13.20	NA	NA	6.16	6.37	2.32	090
33203		A	Insert epicard eltrd, endo	13.97	NA	NA	6.04	6.76	2.41	090
33206		A	Insertion of heart pacemaker	7.39	NA	NA	3.71	4.72	1.19	090
33207		A	Insertion of heart pacemaker	8.05	NA	NA	3.73	4.84	1.30	090
33208		A	Insertion of heart pacemaker	8.77	NA	NA	3.95	5.17	1.41	090
33210		A	Insertion of heart electrode	3.30	NA	NA	1.07	1.48	0.52	000
33211		A	Insertion of heart electrode	3.39	NA	NA	1.09	1.41	0.55	000
33212		A	Insertion of pulse generator	5.52	NA	NA	2.68	3.45	0.89	090
33213		A	Insertion of pulse generator	6.37	NA	NA	2.94	3.88	1.03	090
33214		A	Upgrade of pacemaker system	7.84	NA	NA	3.89	4.94	1.25	090
33215		A	Reposition pacing-defib lead	4.92	NA	NA	2.44	3.21	0.79	090
33216		A	Insert 1 electrode pm-defib	5.87	NA	NA	3.18	4.21	0.94	090

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33217		A	Insert 2 electrode pm-defib	5.84	NA	NA	3.18	4.15	0.94	090
33218		A	Repair lead pace-defib, one	6.07	NA	NA	3.38	4.40	0.97	090
3321F		I	AJCC cncr 0/IA melan docd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33220		A	Repair lead pace-defib, dual	6.15	NA	NA	3.43	4.43	0.98	090
33222		A	Revise pocket, pacemaker	5.10	NA	NA	3.28	4.10	0.84	090
33223		A	Revise pocket for defib	6.55	NA	NA	3.41	4.52	1.07	090
33224		A	Insert pacing lead & connect	9.04	NA	NA	3.26	4.43	1.46	000
33225		A	L ventric pacing lead add-on	8.33	NA	NA	2.73	3.82	1.34	ZZZ
33226		A	Reposition l ventric lead	8.68	NA	NA	3.15	4.29	1.40	000
3322F		I	Melan >AJCC stage 0 or IA	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33233		A	Removal of pacemaker system	3.39	NA	NA	2.31	3.04	0.54	090
33234		A	Removal of pacemaker system	7.91	NA	NA	3.85	5.04	1.28	090
33235		A	Removal pacemaker electrode	10.15	NA	NA	5.21	6.74	1.65	090
33236		A	Remove electrode/thoracotomy	12.73	NA	NA	6.96	7.03	2.34	090
33237		A	Remove electrode/thoracotomy	13.84	NA	NA	6.39	7.74	2.38	090
33238		A	Remove electrode/thoracotomy	15.40	NA	NA	8.13	8.16	2.71	090
33240		A	Insert pulse generator	7.64	NA	NA	3.47	4.75	1.22	090
33241		A	Remove pulse generator	3.29	NA	NA	2.05	2.77	0.52	090
33243		A	Remove eltrd/thoracotomy	23.57	NA	NA	10.70	11.41	4.09	090
33244		A	Remove eltrd, transven	13.99	NA	NA	6.59	8.78	2.28	090
33249		A	Eltrd/insert pace-defib	15.17	NA	NA	6.67	9.06	2.44	090
3324F		I	Mri ct scan ord rvwd rqstd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33250		A	Ablate heart dysrhythm focus	25.90	NA	NA	10.98	11.07	4.75	090
33251		A	Ablate heart dysrhythm focus	28.92	NA	NA	12.70	12.20	5.15	090
33254		A	Ablate atria, lmtd	23.71	NA	NA	10.77	10.63	4.35	090
33255		A	Ablate atria w/o bypass, ext	29.04	NA	NA	12.35	12.83	5.33	090
33256		A	Ablate atria w/bypass, exten	34.90	NA	NA	14.27	14.83	6.43	090
33257		A	Ablate atria, lmtd, add-on	9.63	NA	NA	5.17	5.15	1.70	ZZZ
33258		A	Ablate atria, x10sv, add-on	11.00	NA	NA	5.65	5.63	1.93	ZZZ
33259		A	Ablate atria w/bypass add-on	14.14	NA	NA	7.32	7.32	2.52	ZZZ
33261		A	Ablate heart dysrhythm focus	28.92	NA	NA	11.91	11.90	5.31	090
33265		A	Ablate atria, lmtd, endo	23.71	NA	NA	10.64	10.54	4.15	090
33266		A	Ablate atria, x10sv, endo	33.04	NA	NA	13.62	13.69	5.86	090
33282		A	Implant pat-active ht record	4.80	NA	NA	2.90	3.90	0.77	090
33284		A	Remove pat-active ht record	3.14	NA	NA	2.37	3.16	0.50	090
3328F		I	Prfrmnc docd 2 wks b/4 surg	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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33300		A	Repair of heart wound	44.97	NA	NA	16.82	15.37	7.89	090
33305		A	Repair of heart wound	76.93	NA	NA	26.81	24.50	13.54	090
33310		A	Exploratory heart surgery	20.34	NA	NA	9.32	9.22	3.30	090
33315		A	Exploratory heart surgery	26.17	NA	NA	11.26	11.31	4.62	090
33320		A	Repair major blood vessel(s)	18.54	NA	NA	8.17	8.32	3.16	090
33321		A	Repair major vessel	20.81	NA	NA	9.09	9.15	3.58	090
33322		A	Repair major blood vessel(s)	24.42	NA	NA	10.87	10.77	4.31	090
33330		A	Insert major vessel graft	25.29	NA	NA	12.56	10.81	4.65	090
33332		A	Insert major vessel graft	24.56	NA	NA	10.42	10.68	4.50	090
33335		A	Insert major vessel graft	33.91	NA	NA	14.10	13.75	6.01	090
33400		A	Repair of aortic valve	41.50	NA	NA	16.27	16.41	7.27	090
33401		A	Valvuloplasty, open	24.63	NA	NA	10.39	12.59	3.95	090
33403		A	Valvuloplasty, w/cp bypass	25.61	NA	NA	11.73	12.34	4.70	090
33404		A	Prepare heart-aorta conduit	31.37	NA	NA	13.11	13.46	5.39	090
33405		A	Replacement of aortic valve	41.32	NA	NA	16.75	17.00	7.29	090
33406		A	Replacement of aortic valve	52.68	NA	NA	20.33	20.14	9.38	090
33410		A	Replacement of aortic valve	46.41	NA	NA	18.40	18.02	8.19	090
33411		A	Replacement of aortic valve	62.07	NA	NA	23.44	22.55	10.97	090
33412		A	Replacement of aortic valve	43.94	NA	NA	17.85	18.50	8.08	090
33413		A	Replacement of aortic valve	59.87	NA	NA	21.51	22.26	10.30	090
33414		A	Repair of aortic valve	39.37	NA	NA	14.98	15.42	7.23	090
33415		A	Revision, subvalvular tissue	37.27	NA	NA	14.62	13.93	6.26	090
33416		A	Revise ventricle muscle	36.56	NA	NA	15.23	14.64	6.47	090
33417		A	Repair of aortic valve	29.33	NA	NA	12.97	13.06	5.17	090
33420		A	Revision of mitral valve	25.79	NA	NA	11.88	10.17	2.60	090
33422		A	Revision of mitral valve	29.73	NA	NA	12.44	12.81	5.45	090
33425		A	Repair of mitral valve	49.96	NA	NA	19.27	18.15	8.81	090
33426		A	Repair of mitral valve	43.28	NA	NA	17.45	17.38	7.65	090
33427		A	Repair of mitral valve	44.83	NA	NA	17.34	17.73	7.92	090
33430		A	Replacement of mitral valve	50.93	NA	NA	20.50	19.90	9.01	090
33460		A	Revision of tricuspid valve	44.70	NA	NA	29.09	19.05	8.21	090
33463		A	Valvuloplasty, tricuspid	57.08	NA	NA	21.49	20.01	10.13	090
33464		A	Valvuloplasty, tricuspid	44.62	NA	NA	17.93	16.82	7.89	090
33465		A	Replace tricuspid valve	50.72	NA	NA	19.41	18.18	9.03	090
33468		A	Revision of tricuspid valve	32.94	NA	NA	13.19	14.40	6.06	090
33470		A	Revision of pulmonary valve	21.54	NA	NA	9.35	9.68	3.71	090

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33471		A	Valvotomy, pulmonary valve	22.96	NA	NA	10.93	10.51	1.19	090
33472		A	Revision of pulmonary valve	23.06	NA	NA	10.48	10.53	1.20	090
33474		A	Revision of pulmonary valve	39.40	NA	NA	15.02	13.84	6.78	090
33475		A	Replacement, pulmonary valve	42.40	NA	NA	16.52	16.34	7.79	090
33476		A	Revision of heart chamber	26.57	NA	NA	11.64	11.27	4.88	090
33478		A	Revision of heart chamber	27.54	NA	NA	11.94	12.10	5.06	090
33496		A	Repair, prosth valve clot	29.84	NA	NA	12.74	12.62	5.13	090
33500		A	Repair heart vessel fistula	27.94	NA	NA	11.60	11.80	5.13	090
33501		A	Repair heart vessel fistula	19.51	NA	NA	8.75	8.67	3.59	090
33502		A	Coronary artery correction	21.85	NA	NA	10.18	10.22	4.01	090
33503		A	Coronary artery graft	22.51	NA	NA	9.71	12.12	3.62	090
33504		A	Coronary artery graft	25.46	NA	NA	11.34	11.21	4.67	090
33505		A	Repair artery w/tunnel	38.40	NA	NA	13.19	13.29	7.05	090
33506		A	Repair artery, translocation	37.85	NA	NA	13.51	14.04	6.52	090
33507		A	Repair art, intramural	31.40	NA	NA	11.69	12.37	5.40	090
33508		A	Endoscopic vein harvest	0.31	NA	NA	0.10	0.10	0.05	ZZZ
33510		A	CABG, vein, single	34.98	NA	NA	14.52	14.71	6.18	090
33511		A	CABG, vein, two	38.45	NA	NA	15.80	15.96	6.80	090
33512		A	CABG, vein, three	43.98	NA	NA	17.49	17.60	7.79	090
33513		A	CABG, vein, four	45.37	NA	NA	17.88	17.57	8.06	090
33514		A	CABG, vein, five	48.08	NA	NA	18.80	18.79	8.48	090
33516		A	Cabg, vein, six or more	49.76	NA	NA	18.84	19.45	9.13	090
33517		A	CABG, artery-vein, single	3.61	NA	NA	1.17	1.13	0.63	ZZZ
33518		A	CABG, artery-vein, two	7.93	NA	NA	2.58	2.44	1.40	ZZZ
33519		A	CABG, artery-vein, three	10.49	NA	NA	3.42	3.28	1.85	ZZZ
3351F		I	Neg scrn dep symp by deptool	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33521		A	CABG, artery-vein, four	12.59	NA	NA	4.11	3.99	2.24	ZZZ
33522		A	CABG, artery-vein, five	14.14	NA	NA	4.63	4.55	2.52	ZZZ
33523		A	Cabg, art-vein, six or more	16.08	NA	NA	5.20	5.17	2.84	ZZZ
3352F		I	No sig dep symp by dep tool	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33530		A	Coronary artery, bypass/reop	10.13	NA	NA	3.27	3.08	1.78	ZZZ
33533		A	CABG, arterial, single	33.75	NA	NA	13.92	14.39	5.97	090
33534		A	CABG, arterial, two	39.88	NA	NA	16.23	16.53	7.04	090
33535		A	CABG, arterial, three	44.75	NA	NA	17.82	18.02	7.90	090
33536		A	Cabg, arterial, four or more	48.43	NA	NA	19.20	18.93	8.60	090
3353F		I	Mild-mod dep symp by deptool	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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33542		A	Removal of heart lesion	48.21	NA	NA	18.63	17.53	8.55	090
33545		A	Repair of heart damage	57.06	NA	NA	21.09	20.28	10.05	090
33548		A	Restore/remodel, ventricle	54.14	NA	NA	21.33	21.33	9.63	090
3354F		I	Clin sig dep sym by dep tool	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33572		A	Open coronary endarterectomy	4.44	NA	NA	1.43	1.46	0.79	ZZZ
33600		A	Closure of valve	30.31	NA	NA	12.61	12.71	5.20	090
33602		A	Closure of valve	29.34	NA	NA	14.60	12.61	4.59	090
33606		A	Anastomosis/artery-aorta	31.53	NA	NA	15.30	13.78	4.94	090
33608		A	Repair anomaly w/conduit	31.88	NA	NA	13.08	13.76	5.48	090
33610		A	Repair by enlargement	31.40	NA	NA	12.94	13.28	5.40	090
33611		A	Repair double ventricle	35.57	NA	NA	13.48	13.83	6.54	090
33612		A	Repair double ventricle	36.57	NA	NA	13.43	13.88	5.86	090
33615		A	Repair, modified fontan	35.89	NA	NA	14.00	14.96	6.18	090
33617		A	Repair single ventricle	39.09	NA	NA	14.97	15.05	6.73	090
33619		A	Repair single ventricle	48.76	NA	NA	19.35	18.26	8.39	090
33641		A	Repair heart septum defect	29.58	NA	NA	12.28	11.60	5.23	090
33645		A	Revision of heart veins	28.10	NA	NA	11.48	11.80	5.16	090
33647		A	Repair heart septum defects	29.53	NA	NA	21.28	15.53	5.42	090
33660		A	Repair of heart defects	31.83	NA	NA	12.32	12.45	5.85	090
33665		A	Repair of heart defects	34.85	NA	NA	23.32	16.12	6.42	090
33670		A	Repair of heart chambers	36.63	NA	NA	12.98	13.32	6.74	090
33675		A	Close mult vsd	35.95	NA	NA	13.38	13.75	6.60	090
33676		A	Close mult vsd w/resection	36.95	NA	NA	15.53	14.93	1.93	090
33677		A	Cl mult vsd w/rem pul band	38.45	NA	NA	16.08	15.45	2.01	090
33681		A	Repair heart septum defect	32.34	NA	NA	14.36	14.08	5.73	090
33684		A	Repair heart septum defect	34.37	NA	NA	22.69	15.85	6.32	090
33688		A	Repair heart septum defect	34.75	NA	NA	12.62	12.47	6.39	090
33690		A	Reinforce pulmonary artery	20.36	NA	NA	9.59	9.48	3.50	090
33692		A	Repair of heart defects	31.54	NA	NA	13.61	13.11	1.64	090
33694		A	Repair of heart defects	35.57	NA	NA	13.23	14.05	6.54	090
33697		A	Repair of heart defects	37.57	NA	NA	13.76	16.41	6.02	090
33702		A	Repair of heart defects	27.24	NA	NA	11.59	11.55	5.00	090
33710		A	Repair of heart defects	30.41	NA	NA	12.34	15.56	5.23	090
33720		A	Repair of heart defect	27.26	NA	NA	11.38	11.82	4.69	090
33722		A	Repair of heart defect	29.21	NA	NA	11.42	11.48	5.36	090
33724		A	Repair venous anomaly	27.63	NA	NA	10.86	11.76	4.74	090

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33726		A	Repair pul venous stenosis	37.12	NA	NA	13.99	14.59	6.82	090
33730		A	Repair heart-vein defect(s)	36.14	NA	NA	14.23	13.45	6.65	090
33732		A	Repair heart-vein defect	28.96	NA	NA	12.42	12.62	5.32	090
33735		A	Revision of heart chamber	22.20	NA	NA	10.15	10.16	4.09	090
33736		A	Revision of heart chamber	24.32	NA	NA	10.99	11.08	4.46	090
33737		A	Revision of heart chamber	22.47	NA	NA	9.93	10.22	3.87	090
33750		A	Major vessel shunt	22.22	NA	NA	14.69	12.91	5.86	090
33755		A	Major vessel shunt	22.60	NA	NA	9.52	9.87	3.63	090
33762		A	Major vessel shunt	22.60	NA	NA	10.34	10.10	1.18	090
33764		A	Major vessel shunt & graft	22.60	NA	NA	12.11	10.22	3.55	090
33766		A	Major vessel shunt	23.57	NA	NA	9.29	11.06	3.77	090
33767		A	Major vessel shunt	25.30	NA	NA	10.23	10.20	4.65	090
33768		A	Cavopulmonary shunting	8.00	NA	NA	2.93	2.78	0.41	ZZZ
33770		A	Repair great vessels defect	39.07	NA	NA	16.60	15.18	6.73	090
33771		A	Repair great vessels defect	40.63	NA	NA	16.12	14.97	2.13	090
33774		A	Repair great vessels defect	31.73	NA	NA	13.46	13.75	5.83	090
33775		A	Repair great vessels defect	32.99	NA	NA	14.75	14.49	1.71	090
33776		A	Repair great vessels defect	34.75	NA	NA	15.68	15.38	1.80	090
33777		A	Repair great vessels defect	34.17	NA	NA	14.72	14.54	1.78	090
33778		A	Repair great vessels defect	42.75	NA	NA	18.08	17.43	2.24	090
33779		A	Repair great vessels defect	43.23	NA	NA	17.31	16.48	2.27	090
33780		A	Repair great vessels defect	43.90	NA	NA	28.20	20.18	2.30	090
33781		A	Repair great vessels defect	43.21	NA	NA	17.06	15.89	2.27	090
33782		A	Nikaidoh proc	60.08	NA	NA	20.69	20.69	10.34	090
33783		A	Nikaidoh proc w/ostia implt	65.08	NA	NA	22.20	22.20	11.20	090
33786		A	Repair arterial trunk	41.87	NA	NA	17.22	16.37	2.19	090
33788		A	Revision of pulmonary artery	27.42	NA	NA	12.11	11.81	1.42	090
33800		A	Aortic suspension	17.28	NA	NA	7.52	7.32	3.17	090
33802		A	Repair vessel defect	18.37	NA	NA	8.69	8.45	3.38	090
33803		A	Repair vessel defect	20.31	NA	NA	8.43	8.29	3.73	090
33813		A	Repair septal defect	21.36	NA	NA	9.60	10.98	3.68	090
33814		A	Repair septal defect	26.57	NA	NA	11.68	11.85	4.88	090
33820		A	Revise major vessel	16.69	NA	NA	7.64	7.92	3.07	090
33822		A	Revise major vessel	17.71	NA	NA	8.46	8.41	0.92	090
33824		A	Revise major vessel	20.23	NA	NA	10.35	9.65	3.48	090
33840		A	Remove aorta constriction	21.34	NA	NA	8.92	9.05	3.92	090

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33845		A	Remove aorta constriction	22.93	NA	NA	10.56	11.49	4.21	090
33851		A	Remove aorta constriction	21.98	NA	NA	9.78	9.74	4.03	090
33852		A	Repair septal defect	24.41	NA	NA	17.92	12.67	4.48	090
33853		A	Repair septal defect	32.51	NA	NA	23.04	17.18	5.98	090
33860		A	Ascending aortic graft	59.46	NA	NA	22.09	21.24	10.47	090
33861		A	Ascending aortic graft	44.07	NA	NA	17.30	17.39	7.82	090
33863		A	Ascending aortic graft	58.79	NA	NA	21.14	21.01	10.34	090
33864		A	Ascending aortic graft	60.08	NA	NA	21.81	21.90	10.52	090
33870		A	Transverse aortic arch graft	46.06	NA	NA	17.75	18.04	8.08	090
33875		A	Thoracic aortic graft	35.78	NA	NA	13.88	14.13	6.28	090
33877		A	Thoracoabdominal graft	69.03	NA	NA	23.40	21.98	12.01	090
33880		A	Endovasc taa repr incl subcl	34.58	NA	NA	12.08	12.44	5.67	090
33881		A	Endovasc taa repr w/o subcl	29.58	NA	NA	10.49	10.82	4.85	090
33883		A	Insert endovasc prosth, taa	21.09	NA	NA	7.98	8.20	3.45	090
33884		A	Endovasc prosth, taa, add-on	8.20	NA	NA	2.42	2.42	1.35	ZZZ
33886		A	Endovasc prosth, delayed	18.09	NA	NA	6.40	6.97	3.16	090
33889		A	Artery transpose/endovas taa	15.92	NA	NA	4.31	4.53	2.78	000
33891		A	Car-car bp grft/endovas taa	20.00	NA	NA	5.41	5.60	3.49	000
33910		A	Remove lung artery emboli	29.71	NA	NA	12.57	12.47	5.45	090
33915		A	Remove lung artery emboli	24.95	NA	NA	9.50	9.69	4.00	090
33916		A	Surgery of great vessel	28.42	NA	NA	11.54	13.29	5.22	090
33917		A	Repair pulmonary artery	25.30	NA	NA	11.09	12.37	4.35	090
33920		A	Repair pulmonary atresia	32.74	NA	NA	12.49	13.01	6.01	090
33922		A	Transect pulmonary artery	24.22	NA	NA	10.65	10.69	4.45	090
33924		A	Remove pulmonary shunt	5.49	NA	NA	1.66	1.72	0.94	ZZZ
33925		A	Rpr pul art unifocal w/o cpb	31.30	NA	NA	11.66	12.72	5.38	090
33926		A	Repr pul art, unifocal w/cpb	44.73	NA	NA	18.94	15.32	8.21	090
33930		X	Removal of donor heart/lung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33933		C	Prepare donor heart/lung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33935		R	Transplantation, heart/lung	62.01	NA	NA	24.73	25.34	11.39	090
33940		X	Removal of donor heart	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33944		C	Prepare donor heart	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33945		R	Transplantation of heart	89.50	NA	NA	32.84	31.14	15.68	090
33960		A	External circulation assist	19.33	NA	NA	6.07	5.93	2.81	000
33961		A	External circulation assist	10.91	NA	NA	3.29	3.48	1.22	ZZZ
33967		A	Insert ia percut device	4.84	NA	NA	1.58	2.16	0.79	000

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33968		A	Remove aortic assist device	0.64	NA	NA	0.22	0.25	0.10	000
33970		A	Aortic circulation assist	6.74	NA	NA	2.17	2.55	1.15	000
33971		A	Aortic circulation assist	11.99	NA	NA	5.87	6.29	2.06	090
33973		A	Insert balloon device	9.75	NA	NA	3.11	3.72	1.66	000
33974		A	Remove intra-aortic balloon	15.03	NA	NA	7.34	8.10	2.77	090
33975		A	Implant ventricular device	20.97	NA	NA	6.72	6.91	3.67	XXX
33976		A	Implant ventricular device	22.97	NA	NA	7.10	7.92	4.22	XXX
33977		A	Remove ventricular device	20.28	NA	NA	10.29	10.38	3.54	090
33978		A	Remove ventricular device	22.72	NA	NA	11.02	10.92	4.18	090
33979		A	Insert intracorporeal device	45.93	NA	NA	14.35	14.98	8.08	XXX
33980		A	Remove intracorporeal device	65.20	NA	NA	26.18	26.21	11.56	090
33981		C	Replace vad pump ext	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33982		C	Replace vad intra w/o bp	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33983		C	Replace vad intra w/bp	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33999		C	Cardiac surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
34001		A	Removal of artery clot	17.88	NA	NA	7.64	7.14	2.99	090
34051		A	Removal of artery clot	16.99	NA	NA	8.04	7.79	3.12	090
34101		A	Removal of artery clot	10.93	NA	NA	5.03	4.84	1.81	090
34111		A	Removal of arm artery clot	10.93	NA	NA	5.09	4.85	1.79	090
34151		A	Removal of artery clot	26.52	NA	NA	10.42	9.74	4.39	090
34201		A	Removal of artery clot	19.48	NA	NA	7.79	6.92	3.29	090
34203		A	Removal of leg artery clot	17.86	NA	NA	7.48	7.25	3.02	090
34401		A	Removal of vein clot	26.52	NA	NA	10.94	11.02	4.16	090
34421		A	Removal of vein clot	13.37	NA	NA	5.98	5.80	2.18	090
34451		A	Removal of vein clot	28.52	NA	NA	9.35	10.12	4.98	090
34471		A	Removal of vein clot	21.11	NA	NA	10.39	7.97	3.31	090
34490		A	Removal of vein clot	10.91	NA	NA	5.18	4.96	1.78	090
34501		A	Repair valve, femoral vein	16.85	NA	NA	6.74	7.32	2.94	090
34502		A	Reconstruct vena cava	28.07	NA	NA	11.53	11.50	4.33	090
3450F		I	Dyspnea scrnd, no-mild dysp	0.00	0.00	0.00	0.00	0.00	0.00	XXX
34510		A	Transposition of vein valve	19.91	NA	NA	9.97	8.46	3.11	090
3451F		I	Dyspnea scrnd mod-high dysp	0.00	0.00	0.00	0.00	0.00	0.00	XXX
34520		A	Cross-over vein graft	19.18	NA	NA	6.92	7.40	3.34	090
3452F		I	Dyspnea not screened	0.00	0.00	0.00	0.00	0.00	0.00	XXX
34530		A	Leg vein fusion	17.93	NA	NA	9.80	8.10	2.81	090
34800		A	Endovas aaa repr w/sm tube	21.54	NA	NA	7.98	8.27	3.36	090

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34802		A	Endovas aaa repr w/2-p part	23.79	NA	NA	8.91	9.05	3.74	090
34803		A	Endovas aaa repr w/3-p part	24.82	NA	NA	9.01	9.05	3.92	090
34804		A	Endovas aaa repr w/1-p part	23.79	NA	NA	8.94	9.06	3.78	090
34805		A	Endovas aaa repr w/long tube	22.67	NA	NA	8.31	8.31	3.70	090
34806		A	Aneurysm press sensor add-on	2.06	NA	NA	0.61	0.64	0.33	ZZZ
34808		A	Endovas iliac a device addon	4.12	NA	NA	1.22	1.21	0.66	ZZZ
34812		A	Xpose for endoprosth, femorl	6.74	NA	NA	2.08	1.98	1.14	000
34813		A	Femoral endovas graft add-on	4.79	NA	NA	1.43	1.37	0.81	ZZZ
34820		A	Xpose for endoprosth, iliac	9.74	NA	NA	2.91	2.88	1.60	000
34825		A	Endovasc extend prosth, init	12.80	NA	NA	5.52	5.65	2.02	090
34826		A	Endovasc exten prosth, addl	4.12	NA	NA	1.27	1.27	0.65	ZZZ
34830		A	Open aortic tube prosth repr	35.23	NA	NA	11.25	11.89	6.14	090
34831		A	Open aortoiliac prosth repr	37.98	NA	NA	11.99	12.07	6.63	090
34832		A	Open aortofemor prosth repr	37.98	NA	NA	11.99	12.66	6.63	090
34833		A	Xpose for endoprosth, iliac	11.98	NA	NA	3.86	3.83	2.05	000
34834		A	Xpose, endoprosth, brachial	5.34	NA	NA	1.82	1.83	0.91	000
34900		A	Endovasc iliac repr w/graft	16.85	NA	NA	6.70	6.85	2.63	090
3491F		I	HIV unsure baby of HIV+moms	0.00	0.00	0.00	0.00	0.00	0.00	XXX
3497F		I	CD4+ cell percentage <15%	0.00	0.00	0.00	0.00	0.00	0.00	XXX
3498F		I	CD4+ cell percentage >=15%	0.00	0.00	0.00	0.00	0.00	0.00	XXX
35001		A	Repair defect of artery	20.81	NA	NA	8.84	8.67	3.54	090
35002		A	Repair artery rupture, neck	22.23	NA	NA	10.92	9.33	3.49	090
35005		A	Repair defect of artery	19.29	NA	NA	6.92	7.95	3.36	090
35011		A	Repair defect of artery	18.58	NA	NA	7.64	7.27	3.10	090
35013		A	Repair artery rupture, arm	23.23	NA	NA	9.42	8.93	3.88	090
35021		A	Repair defect of artery	22.17	NA	NA	9.47	9.34	3.82	090
35022		A	Repair artery rupture, chest	25.70	NA	NA	10.54	10.06	4.42	090
35045		A	Repair defect of arm artery	18.01	NA	NA	7.91	7.25	2.94	090
35081		A	Repair defect of artery	33.53	NA	NA	12.75	11.88	5.71	090
35082		A	Repair artery rupture, aorta	42.09	NA	NA	15.58	14.59	7.10	090
35091		A	Repair defect of artery	35.35	NA	NA	12.14	11.73	6.02	090
35092		A	Repair artery rupture, aorta	50.97	NA	NA	17.88	16.73	8.66	090
35102		A	Repair defect of artery	36.53	NA	NA	13.55	12.63	6.21	090
35103		A	Repair artery rupture, groin	43.62	NA	NA	15.58	14.75	7.34	090
3510F		I	Doc tb scrng-rslts interpd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
35111		A	Repair defect of artery	26.28	NA	NA	12.31	10.30	4.12	090

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35112		A	Repair artery rupture,spleen	32.57	NA	NA	14.77	12.34	5.10	090
35121		A	Repair defect of artery	31.52	NA	NA	11.81	11.16	5.33	090
35122		A	Repair artery rupture, belly	37.89	NA	NA	16.74	14.10	5.94	090
35131		A	Repair defect of artery	26.40	NA	NA	10.37	9.91	4.48	090
35132		A	Repair artery rupture, groin	32.57	NA	NA	12.13	11.51	5.47	090
3513F		I	Hep B scrng docd as done	0.00	0.00	0.00	0.00	0.00	0.00	XXX
35141		A	Repair defect of artery	20.91	NA	NA	8.27	7.95	3.55	090
35142		A	Repair artery rupture, thigh	25.16	NA	NA	9.77	9.45	4.25	090
3514F		I	Hep C scrng docd as done	0.00	0.00	0.00	0.00	0.00	0.00	XXX
35151		A	Repair defect of artery	23.72	NA	NA	9.22	8.86	4.02	090
35152		A	Repair artery rupture, knee	27.66	NA	NA	9.20	9.90	4.83	090
3515F		I	Pt has docd immun to hep C	0.00	0.00	0.00	0.00	0.00	0.00	XXX
35180		A	Repair blood vessel lesion	15.10	NA	NA	6.74	7.17	2.63	090
35182		A	Repair blood vessel lesion	31.71	NA	NA	15.35	13.34	4.97	090
35184		A	Repair blood vessel lesion	18.82	NA	NA	9.36	7.87	2.95	090
35188		A	Repair blood vessel lesion	15.16	NA	NA	8.30	7.20	2.38	090
35189		A	Repair blood vessel lesion	29.98	NA	NA	11.78	11.16	5.51	090
35190		A	Repair blood vessel lesion	13.42	NA	NA	6.28	5.94	2.25	090
35201		A	Repair blood vessel lesion	16.93	NA	NA	7.79	7.30	2.76	090
35206		A	Repair blood vessel lesion	13.84	NA	NA	6.39	5.99	2.25	090
35207		A	Repair blood vessel lesion	10.94	NA	NA	8.16	7.37	1.42	090
35211		A	Repair blood vessel lesion	24.58	NA	NA	10.85	10.54	4.34	090
35216		A	Repair blood vessel lesion	36.61	NA	NA	15.34	13.81	6.35	090
35221		A	Repair blood vessel lesion	26.62	NA	NA	10.69	9.68	4.28	090
35226		A	Repair blood vessel lesion	15.30	NA	NA	6.47	6.47	2.59	090
35231		A	Repair blood vessel lesion	21.16	NA	NA	10.56	9.40	3.06	090
35236		A	Repair blood vessel lesion	18.02	NA	NA	7.75	7.28	2.93	090
35241		A	Repair blood vessel lesion	25.58	NA	NA	11.17	10.94	4.63	090
35246		A	Repair blood vessel lesion	28.23	NA	NA	9.46	10.87	4.92	090
35251		A	Repair blood vessel lesion	31.91	NA	NA	12.32	11.13	5.14	090
35256		A	Repair blood vessel lesion	19.06	NA	NA	7.72	7.42	3.20	090
35261		A	Repair blood vessel lesion	18.96	NA	NA	8.52	7.94	3.41	090
35266		A	Repair blood vessel lesion	15.83	NA	NA	6.82	6.47	2.66	090
35271		A	Repair blood vessel lesion	24.58	NA	NA	10.65	10.47	4.51	090
35276		A	Repair blood vessel lesion	25.83	NA	NA	10.81	10.80	4.44	090
35281		A	Repair blood vessel lesion	30.06	NA	NA	11.72	10.99	4.99	090

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CPT[1]/ HCPCS	Mod	Status	Description	Physician Work RVUs[2,3,4]	Fully Implemented Non-Facility PE RVUs[2,4]	Year 2010 Transitional Non-Facility PE RVUs[2,4]	Fully Implemented Facility PE RVUs[2,4]	Year 2010 Transitional Facility PE RVUs[2,4]	Mal-Practice RVUs[2,4]	Global
35286		A	Repair blood vessel lesion	17.19	NA	NA	7.45	7.20	2.91	090
35301		A	Rechanneling of artery	19.61	NA	NA	8.03	7.67	3.35	090
35302		A	Rechanneling of artery	21.35	NA	NA	8.36	7.66	3.62	090
35303		A	Rechanneling of artery	23.60	NA	NA	9.10	8.33	3.99	090
35304		A	Rechanneling of artery	24.60	NA	NA	9.36	8.58	4.15	090
35305		A	Rechanneling of artery	23.60	NA	NA	9.06	8.29	3.99	090
35306		A	Rechanneling of artery	9.25	NA	NA	2.50	2.47	1.61	ZZZ
35311		A	Rechanneling of artery	28.60	NA	NA	10.64	10.59	4.92	090
35321		A	Rechanneling of artery	16.59	NA	NA	7.06	6.67	2.77	090
35331		A	Rechanneling of artery	27.72	NA	NA	10.73	10.45	4.73	090
35341		A	Rechanneling of artery	26.21	NA	NA	9.80	9.58	4.45	090
35351		A	Rechanneling of artery	24.61	NA	NA	9.39	8.85	4.15	090
35355		A	Rechanneling of artery	19.86	NA	NA	7.74	7.35	3.35	090
35361		A	Rechanneling of artery	30.24	NA	NA	9.90	10.53	5.28	090
35363		A	Rechanneling of artery	32.35	NA	NA	12.32	12.39	5.56	090
35371		A	Rechanneling of artery	15.31	NA	NA	6.42	6.13	2.59	090
35372		A	Rechanneling of artery	18.58	NA	NA	7.41	7.09	3.13	090
35390		A	Reoperation, carotid add-on	3.19	NA	NA	0.99	0.96	0.54	ZZZ
35400		A	Angioscopy	3.00	NA	NA	0.90	0.91	0.50	ZZZ
35450		A	Repair arterial blockage	10.05	NA	NA	3.29	3.34	1.65	000
35452		A	Repair arterial blockage	6.90	NA	NA	2.43	2.38	1.16	000
35454		A	Repair arterial blockage	6.03	NA	NA	2.10	2.07	1.00	000
35456		A	Repair arterial blockage	7.34	NA	NA	2.56	2.48	1.22	000
35458		A	Repair arterial blockage	9.48	NA	NA	3.34	3.19	1.57	000
35459		A	Repair arterial blockage	8.62	NA	NA	2.97	2.95	1.43	000
35460		A	Repair venous blockage	6.03	NA	NA	2.24	2.07	0.97	000
35470		A	Repair arterial blockage	8.62	52.20	64.16	2.89	3.42	1.30	000
35471		A	Repair arterial blockage	10.05	52.01	68.76	3.39	4.35	1.46	000
35472		A	Repair arterial blockage	6.90	41.02	48.94	2.38	2.73	1.06	000
35473		A	Repair arterial blockage	6.03	39.70	47.32	2.10	2.47	0.91	000
35474		A	Repair arterial blockage	7.35	51.63	63.37	2.51	2.96	1.09	000
35475		R	Repair arterial blockage	9.48	46.52	49.64	3.21	3.56	1.12	000
35476		A	Repair venous blockage	6.03	35.93	38.63	2.12	2.34	0.61	000
35480		A	Atherectomy, open	11.06	NA	NA	3.20	3.44	1.93	000
35481		A	Atherectomy, open	7.60	NA	NA	2.71	2.76	1.31	000
35482		A	Atherectomy, open	6.64	NA	NA	2.00	2.38	1.16	000

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35483		A	Atherectomy, open	8.09	NA	NA	2.96	2.91	1.34	000
35484		A	Atherectomy, open	10.42	NA	NA	3.02	3.28	1.81	000
35485		A	Atherectomy, open	9.48	NA	NA	3.43	3.29	1.57	000
35490		A	Atherectomy, percutaneous	11.06	NA	NA	4.12	5.07	1.75	000
35491		A	Atherectomy, percutaneous	7.60	NA	NA	2.97	3.18	1.33	000
35492		A	Atherectomy, percutaneous	6.64	NA	NA	2.62	3.19	1.07	000
35493		A	Atherectomy, percutaneous	8.09	NA	NA	3.11	3.84	1.25	000
35494		A	Atherectomy, percutaneous	10.42	NA	NA	3.92	4.80	1.60	000
35495		A	Atherectomy, percutaneous	9.48	NA	NA	3.56	4.34	1.48	000
35500		A	Harvest vein for bypass	6.44	NA	NA	2.07	1.89	1.10	ZZZ
35501		A	Artery bypass graft	29.09	NA	NA	12.45	11.58	4.92	090
35506		A	Artery bypass graft	25.33	NA	NA	9.64	9.49	4.42	090
35508		A	Artery bypass graft	26.09	NA	NA	10.89	10.19	4.79	090
35509		A	Artery bypass graft	28.09	NA	NA	10.81	10.75	4.90	090
3550F		I	Low rsk thromboembolism	0.00	0.00	0.00	0.00	0.00	0.00	XXX
35510		A	Artery bypass graft	24.39	NA	NA	8.08	8.74	4.25	090
35511		A	Artery bypass graft	22.20	NA	NA	10.37	9.03	3.88	090
35512		A	Artery bypass graft	23.89	NA	NA	7.95	8.43	4.17	090
35515		A	Artery bypass graft	26.09	NA	NA	10.69	9.14	4.55	090
35516		A	Artery bypass graft	24.21	NA	NA	8.00	7.78	4.22	090
35518		A	Artery bypass graft	22.65	NA	NA	7.50	8.33	3.95	090
3551F		I	Intrmed rsk thromboembolism	0.00	0.00	0.00	0.00	0.00	0.00	XXX
35521		A	Artery bypass graft	24.13	NA	NA	8.25	8.69	4.21	090
35522		A	Artery bypass graft	23.15	NA	NA	9.17	8.71	4.03	090
35523		A	Artery bypass graft	24.13	NA	NA	9.89	9.64	4.03	090
35525		A	Artery bypass graft	21.69	NA	NA	8.61	8.14	3.55	090
35526		A	Artery bypass graft	31.55	NA	NA	12.31	11.97	5.80	090
3552F		I	Hgh risk for thromboembolism	0.00	0.00	0.00	0.00	0.00	0.00	XXX
35531		A	Artery bypass graft	39.11	NA	NA	14.35	13.57	6.55	090
35533		A	Artery bypass graft	29.92	NA	NA	13.79	11.57	5.22	090
35535		A	Artery bypass graft	38.13	NA	NA	14.34	13.98	1.99	090
35536		A	Artery bypass graft	33.73	NA	NA	10.84	11.25	5.89	090
35537		A	Artery bypass graft	41.88	NA	NA	13.12	13.81	7.30	090
35538		A	Artery bypass graft	47.03	NA	NA	14.54	15.50	8.20	090
35539		A	Artery bypass graft	44.11	NA	NA	13.72	13.95	7.70	090
35540		A	Artery bypass graft	49.33	NA	NA	17.77	16.28	8.34	090

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35548		A	Artery bypass graft	22.68	NA	NA	7.85	8.39	3.96	090
35549		A	Artery bypass graft	24.45	NA	NA	8.32	9.18	3.83	090
35551		A	Artery bypass graft	27.83	NA	NA	13.00	11.37	4.37	090
35556		A	Artery bypass graft	26.75	NA	NA	10.48	9.68	4.51	090
35558		A	Artery bypass graft	23.13	NA	NA	9.40	8.92	3.92	090
3555F		I	Pt inr measurement performed	0.00	0.00	0.00	0.00	0.00	0.00	XXX
35560		A	Artery bypass graft	34.03	NA	NA	12.66	12.19	5.94	090
35563		A	Artery bypass graft	26.12	NA	NA	12.38	10.07	4.55	090
35565		A	Artery bypass graft	25.13	NA	NA	9.75	9.39	4.22	090
35566		A	Artery bypass graft	32.35	NA	NA	11.98	11.20	5.51	090
35570		A	Artery bypass graft	29.15	NA	NA	11.56	11.27	1.52	090
35571		A	Artery bypass graft	25.52	NA	NA	9.73	9.42	4.33	090
35572		A	Harvest femoropopliteal vein	6.81	NA	NA	2.18	2.17	1.17	ZZZ
35583		A	Vein bypass graft	27.75	NA	NA	10.69	9.88	4.67	090
35585		A	Vein bypass graft	32.35	NA	NA	12.29	11.45	5.44	090
35587		A	Vein bypass graft	26.21	NA	NA	10.06	9.81	4.44	090
35600		A	Harvest art for cabg add-on	4.94	NA	NA	1.68	1.67	0.88	ZZZ
35601		A	Artery bypass graft	27.09	NA	NA	12.11	10.74	4.66	090
35606		A	Artery bypass graft	22.46	NA	NA	8.56	8.28	3.86	090
35612		A	Artery bypass graft	16.82	NA	NA	6.26	6.99	2.94	090
35616		A	Artery bypass graft	21.82	NA	NA	10.23	8.37	3.42	090
35621		A	Artery bypass graft	21.03	NA	NA	8.16	7.79	3.58	090
35623		A	Bypass graft, not vein	25.92	NA	NA	8.73	9.23	4.51	090
35626		A	Artery bypass graft	29.14	NA	NA	11.41	11.33	5.13	090
35631		A	Artery bypass graft	36.03	NA	NA	12.49	12.18	6.19	090
35632		A	Artery bypass graft	36.13	NA	NA	13.70	13.35	1.89	090
35633		A	Artery bypass graft	39.11	NA	NA	14.66	14.28	2.04	090
35634		A	Artery bypass graft	35.33	NA	NA	13.44	13.10	1.84	090
35636		A	Artery bypass graft	31.75	NA	NA	10.31	10.97	5.54	090
35637		A	Artery bypass graft	33.05	NA	NA	12.59	11.57	5.62	090
35638		A	Artery bypass graft	33.60	NA	NA	12.68	11.91	5.75	090
35642		A	Artery bypass graft	18.94	NA	NA	7.12	7.93	3.30	090
35645		A	Artery bypass graft	18.43	NA	NA	7.83	7.25	3.39	090
35646		A	Artery bypass graft	32.98	NA	NA	12.45	11.92	5.58	090
35647		A	Artery bypass graft	29.73	NA	NA	11.18	10.87	5.07	090
35650		A	Artery bypass graft	20.16	NA	NA	8.09	7.68	3.38	090

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35651		A	Artery bypass graft	26.08	NA	NA	12.35	10.53	4.10	090
35654		A	Artery bypass graft	26.28	NA	NA	10.06	9.62	4.46	090
35656		A	Artery bypass graft	20.47	NA	NA	8.22	7.82	3.46	090
35661		A	Artery bypass graft	20.35	NA	NA	8.48	8.09	3.45	090
35663		A	Artery bypass graft	23.93	NA	NA	9.32	9.00	4.02	090
35665		A	Artery bypass graft	22.35	NA	NA	8.78	8.45	3.76	090
35666		A	Artery bypass graft	23.66	NA	NA	10.03	9.63	4.00	090
35671		A	Artery bypass graft	20.77	NA	NA	8.96	8.59	3.51	090
35681		A	Composite bypass graft	1.60	NA	NA	0.50	0.48	0.27	ZZZ
35682		A	Composite bypass graft	7.19	NA	NA	2.13	2.06	1.22	ZZZ
35683		A	Composite bypass graft	8.49	NA	NA	2.30	2.38	1.47	ZZZ
35685		A	Bypass graft patency/patch	4.04	NA	NA	1.21	1.16	0.68	ZZZ
35686		A	Bypass graft/av fist patency	3.34	NA	NA	1.01	1.01	0.55	ZZZ
35691		A	Arterial transposition	18.41	NA	NA	6.53	7.05	3.21	090
35693		A	Arterial transposition	15.73	NA	NA	6.32	6.90	2.75	090
35694		A	Arterial transposition	19.28	NA	NA	6.77	7.09	3.36	090
35695		A	Arterial transposition	20.06	NA	NA	6.98	7.42	3.50	090
35697		A	Reimplant artery each	3.00	NA	NA	0.90	0.88	0.51	ZZZ
35700		A	Reoperation, bypass graft	3.08	NA	NA	0.95	0.91	0.52	ZZZ
35701		A	Exploration, carotid artery	9.19	NA	NA	5.43	4.95	1.32	090
35721		A	Exploration, femoral artery	7.72	NA	NA	4.15	4.11	1.28	090
3572F		I	Pt consid poss risk fx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
3573F		I	Pt not consid poss risk fx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
35741		A	Exploration popliteal artery	8.69	NA	NA	4.66	4.36	1.42	090
35761		A	Exploration of artery/vein	5.93	NA	NA	4.11	3.84	0.95	090
35800		A	Explore neck vessels	8.07	NA	NA	4.75	4.43	1.25	090
35820		A	Explore chest vessels	36.89	NA	NA	14.05	12.85	6.49	090
35840		A	Explore abdominal vessels	10.96	NA	NA	5.86	5.32	1.73	090
35860		A	Explore limb vessels	6.80	NA	NA	3.94	3.76	1.14	090
35870		A	Repair vessel graft defect	24.50	NA	NA	8.34	8.76	4.27	090
35875		A	Removal of clot in graft	10.72	NA	NA	5.00	4.79	1.79	090
35876		A	Removal of clot in graft	17.82	NA	NA	7.26	6.86	3.00	090
35879		A	Revise graft w/vein	17.41	NA	NA	7.24	6.85	2.95	090
35881		A	Revise graft w/vein	19.35	NA	NA	7.65	7.49	3.30	090
35883		A	Revise graft w/nonauto graft	23.15	NA	NA	8.79	8.08	3.92	090
35884		A	Revise graft w/vein	24.65	NA	NA	8.09	8.02	4.29	090

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35901		A	Excision, graft, neck	8.38	NA	NA	4.90	4.73	1.40	090
35903		A	Excision, graft, extremity	9.53	NA	NA	5.39	5.23	1.58	090
35905		A	Excision, graft, thorax	33.52	NA	NA	10.79	11.44	5.85	090
35907		A	Excision, graft, abdomen	37.27	NA	NA	13.17	12.64	6.31	090
36000		A	Place needle in vein	0.18	0.41	0.47	0.07	0.07	0.02	XXX
36002		A	Pseudoaneurysm injection trt	1.96	2.07	2.38	0.80	0.91	0.22	000
36005		A	Injection ext venography	0.95	7.20	7.96	0.30	0.36	0.10	000
36010		A	Place catheter in vein	2.43	10.23	12.53	0.74	0.83	0.26	XXX
36011		A	Place catheter in vein	3.14	18.46	20.97	1.00	1.08	0.32	XXX
36012		A	Place catheter in vein	3.51	18.09	19.50	1.09	1.27	0.38	XXX
36013		A	Place catheter in artery	2.52	16.23	18.42	0.78	0.87	0.33	XXX
36014		A	Place catheter in artery	3.02	17.21	19.03	0.94	1.13	0.24	XXX
36015		A	Place catheter in artery	3.51	18.26	20.56	1.08	1.29	0.27	XXX
36100		A	Establish access to artery	3.02	9.01	10.70	0.96	1.14	0.49	XXX
36120		A	Establish access to artery	2.01	8.89	9.62	0.57	0.64	0.24	XXX
36140		A	Establish access to artery	2.01	9.09	10.60	0.63	0.71	0.29	XXX
36147		A	Access av dial grft for eval	3.72	17.11	17.11	1.21	1.21	0.37	XXX
36148		A	Access av dial grft for proc	1.00	5.56	5.56	0.31	0.31	0.09	ZZZ
36160		A	Establish access to aorta	2.52	9.46	11.25	0.75	0.95	0.28	XXX
36200		A	Place catheter in aorta	3.02	12.29	13.94	0.92	1.04	0.44	XXX
36215		A	Place catheter in artery	4.67	22.42	25.33	1.52	1.82	0.60	XXX
36216		A	Place catheter in artery	5.27	24.49	27.54	1.72	2.04	0.68	XXX
36217		A	Place catheter in artery	6.29	41.96	47.19	2.08	2.43	0.78	XXX
36218		A	Place catheter in artery	1.01	3.45	3.98	0.33	0.38	0.12	ZZZ
36245		A	Place catheter in artery	4.67	22.46	27.72	1.50	1.95	0.64	XXX
36246		A	Place catheter in artery	5.27	23.40	27.01	1.64	1.97	0.72	XXX
36247		A	Place catheter in artery	6.29	38.78	44.51	1.96	2.32	0.87	XXX
36248		A	Place catheter in artery	1.01	2.73	3.25	0.31	0.37	0.12	ZZZ
36260		A	Insertion of infusion pump	9.91	NA	NA	6.13	5.19	1.56	090
36261		A	Revision of infusion pump	5.63	NA	NA	3.50	3.48	0.98	090
36262		A	Removal of infusion pump	4.11	NA	NA	3.33	2.95	0.64	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	0.37	0.31	0.14	0.10	0.04	XXX
36405		A	Bl draw < 3 yrs scalp vein	0.31	0.37	0.31	0.11	0.10	0.04	XXX
36406		A	Bl draw < 3 yrs other vein	0.18	0.30	0.27	0.07	0.06	0.02	XXX
36410		A	Non-routine bl draw > 3 yrs	0.18	0.35	0.32	0.07	0.05	0.02	XXX

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36415		X	Routine venipuncture	0.00	0.00	0.00	0.00	0.00	0.00	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	NA	0.38	0.29	0.09	XXX
36425		A	Vein access cutdown > 1 yr	0.76	NA	NA	0.28	0.25	0.08	XXX
36430		A	Blood transfusion service	0.00	0.75	0.91	NA	NA	0.01	XXX
36440		A	Bl push transfuse, 2 yr or <	1.03	NA	NA	0.39	0.31	0.18	XXX
36450		A	Bl exchange/transfuse, nb	2.23	NA	NA	0.86	0.83	0.08	XXX
36455		A	Bl exchange/transfuse non-nb	2.43	NA	NA	0.96	0.95	0.10	XXX
36460		A	Transfusion service, fetal	6.58	NA	NA	2.44	2.08	1.03	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	1.10	2.62	2.51	0.77	0.71	0.16	010
36471		A	Injection therapy of veins	1.65	2.78	2.77	0.95	0.89	0.24	010
36475		A	Endovenous rf, 1st vein	6.72	38.10	40.12	2.37	2.28	1.04	000
36476		A	Endovenous rf, vein add-on	3.38	6.55	6.66	1.07	1.02	0.53	ZZZ
36478		A	Endovenous laser, 1st vein	6.72	27.00	31.01	2.35	2.34	0.97	000
36479		A	Endovenous laser vein addon	3.38	6.59	7.07	1.10	1.05	0.48	ZZZ
36481		A	Insertion of catheter, vein	6.98	45.07	14.34	2.42	2.42	0.65	000
36500		A	Insertion of catheter, vein	3.51	NA	NA	1.13	1.29	0.39	000
3650F		I	Eeg ordered rvwd reqstd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
36510		A	Insertion of catheter, vein	1.09	1.26	1.64	0.43	0.40	0.18	000
36511		A	Apheresis wbc	1.74	NA	NA	0.73	0.66	0.20	000
36512		A	Apheresis rbc	1.74	NA	NA	0.72	0.68	0.12	000
36513		A	Apheresis platelets	1.74	NA	NA	0.74	0.71	0.25	000
36514		A	Apheresis plasma	1.74	10.27	11.67	0.65	0.62	0.20	000
36515		A	Apheresis, adsorp/reinfuse	1.74	44.21	48.78	0.66	0.59	0.18	000
36516		A	Apheresis, selective	1.22	45.99	54.78	0.46	0.43	0.26	000
36522		A	Photopheresis	1.67	29.81	33.71	1.00	0.99	0.12	000
36555		A	Insert non-tunnel cv cath	2.68	3.55	4.32	0.45	0.62	0.16	000
36556		A	Insert non-tunnel cv cath	2.50	3.24	3.52	0.68	0.65	0.23	000
36557		A	Insert tunneled cv cath	5.14	19.51	17.71	3.07	2.73	0.80	010
36558		A	Insert tunneled cv cath	4.84	14.47	16.12	2.40	2.52	0.53	010
36560		A	Insert tunneled cv cath	6.29	17.73	22.72	2.64	2.86	0.43	010
36561		A	Insert tunneled cv cath	6.04	23.16	24.04	3.08	2.93	0.81	010
36563		A	Insert tunneled cv cath	6.24	25.47	24.58	3.29	2.96	0.96	010
36565		A	Insert tunneled cv cath	6.04	18.75	19.36	2.90	2.78	0.95	010

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36566		A	Insert tunneled cv cath	6.54	121.63	98.34	3.21	2.96	0.93	010
36568		A	Insert picc cath	1.92	4.88	5.99	0.60	0.64	0.13	000
36569		A	Insert picc cath	1.82	4.19	5.03	0.61	0.68	0.13	000
36570		A	Insert picvad cath	5.36	20.62	24.55	2.50	2.77	0.36	010
36571		A	Insert picvad cath	5.34	26.11	26.84	2.86	2.69	0.75	010
36575		A	Repair tunneled cv cath	0.67	3.27	3.46	0.25	0.25	0.07	000
36576		A	Repair tunneled cv cath	3.24	6.22	6.26	1.78	1.73	0.41	010
36578		A	Replace tunneled cv cath	3.54	9.06	9.64	2.02	2.12	0.39	010
36580		A	Replace cvad cath	1.31	3.91	4.58	0.46	0.47	0.12	000
36581		A	Replace tunneled cv cath	3.48	14.92	16.33	1.66	1.84	0.32	010
36582		A	Replace tunneled cv cath	5.24	21.88	22.78	2.66	2.68	0.65	010
36583		A	Replace tunneled cv cath	5.29	27.62	24.21	3.12	2.77	0.84	010
36584		A	Replace picc cath	1.20	3.70	4.54	0.55	0.62	0.08	000
36585		A	Replace picvad cath	4.84	21.56	23.59	2.40	2.56	0.49	010
36589		A	Removal tunneled cv cath	2.28	1.97	2.01	1.33	1.34	0.27	010
36590		A	Removal tunneled cv cath	3.35	4.01	3.74	1.90	1.76	0.46	010
36591		T	Draw blood off venous device	0.00	0.51	0.59	NA	NA	0.01	XXX
36592		T	Collect blood from picc	0.00	0.57	0.65	NA	NA	0.01	XXX
36593		A	Declot vascular device	0.00	0.68	0.71	NA	NA	0.01	XXX
36595		A	Mech remov tunneled cv cath	3.59	9.94	12.00	1.27	1.47	0.29	000
36596		A	Mech remov tunneled cv cath	0.75	2.42	2.78	0.41	0.45	0.07	000
36597		A	Reposition venous catheter	1.21	1.85	2.11	0.40	0.47	0.08	000
36598		T	Inj w/fluor, eval cv device	0.74	1.95	2.24	0.22	0.73	0.05	000
36600		A	Withdrawal of arterial blood	0.32	0.45	0.48	0.09	0.08	0.02	XXX
36620		A	Insertion catheter, artery	1.15	NA	NA	0.21	0.18	0.07	000
36625		A	Insertion catheter, artery	2.11	NA	NA	0.61	0.58	0.31	000
36640		A	Insertion catheter, artery	2.10	NA	NA	1.02	0.99	0.31	000
36660		A	Insertion catheter, artery	1.40	NA	NA	0.22	0.29	0.25	000
36680		A	Insert needle, bone cavity	1.20	NA	NA	0.28	0.32	0.16	000
36800		A	Insertion of cannula	2.43	NA	NA	1.74	1.67	0.31	000
36810		A	Insertion of cannula	3.96	NA	NA	1.59	1.45	0.54	000
36815		A	Insertion of cannula	2.62	NA	NA	1.28	1.18	0.41	000
36818		A	Av fuse, uppr arm, cephalic	11.89	NA	NA	5.55	5.24	1.95	090
36819		A	Av fuse, uppr arm, basilic	14.47	NA	NA	6.29	5.88	2.39	090
36820		A	Av fusion/forearm vein	14.47	NA	NA	6.52	6.00	2.38	090
36821		A	Av fusion direct any site	12.11	NA	NA	5.95	5.28	1.99	090

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36822		A	Insertion of cannula(s)	5.57	NA	NA	4.12	4.08	0.95	090
36823		A	Insertion of cannula(s)	22.98	NA	NA	10.97	9.87	3.68	090
36825		A	Artery-vein autograft	15.13	NA	NA	6.81	5.20	2.48	090
36830		A	Artery-vein nonautograft	12.03	NA	NA	5.10	4.77	1.99	090
36831		A	Open thrombect av fistula	8.04	NA	NA	3.90	3.63	1.32	090
36832		A	Av fistula revision, open	10.53	NA	NA	4.62	4.31	1.72	090
36833		A	Av fistula revision	11.98	NA	NA	5.12	4.76	1.98	090
36835		A	Artery to vein shunt	7.51	NA	NA	5.06	4.44	1.31	090
36838		A	Dist revas ligation, hemo	21.69	NA	NA	8.63	8.16	3.63	090
36860		A	External cannula declotting	2.01	3.24	3.08	0.81	0.72	0.19	000
36861		A	Cannula declotting	2.52	NA	NA	1.46	1.38	0.35	000
36870		A	Percut thrombect av fistula	5.20	39.26	43.16	2.63	2.90	0.50	090
37140		A	Revision of circulation	25.23	NA	NA	12.04	10.27	3.95	090
37145		A	Revision of circulation	26.24	NA	NA	12.33	11.13	4.20	090
37160		A	Revision of circulation	23.24	NA	NA	11.30	9.51	3.65	090
37180		A	Revision of circulation	26.24	NA	NA	12.41	10.33	4.12	090
37181		A	Splice spleen/kidney veins	28.37	NA	NA	13.20	11.20	4.44	090
37182		A	Insert hepatic shunt (tips)	16.97	NA	NA	5.17	6.50	1.19	000
37183		A	Remove hepatic shunt (tips)	7.99	127.19	127.19	2.46	3.15	0.54	000
37184		A	Prim art mech thrombectomy	8.66	45.94	53.82	2.98	3.40	1.11	000
37185		A	Prim art m-thrombect add-on	3.28	14.76	17.35	1.02	1.16	0.45	ZZZ
37186		A	Sec art m-thrombect add-on	4.92	29.45	36.63	1.52	1.86	0.70	ZZZ
37187		A	Venous mech thrombectomy	8.03	44.46	51.90	2.68	3.16	0.83	000
37188		A	Venous m-thrombectomy add-on	5.71	37.63	44.96	1.98	2.37	0.51	000
37195		C	Thrombolytic therapy, stroke	0.00	0.00	0.00	0.00	0.00	0.00	XXX
37200		A	Transcatheter biopsy	4.55	NA	NA	1.34	1.68	0.31	000
37201		A	Transcatheter therapy infuse	4.99	NA	NA	2.09	2.42	0.56	000
37202		A	Transcatheter therapy infuse	5.67	NA	NA	2.72	3.20	0.87	000
37203		A	Transcatheter retrieval	5.02	26.96	30.06	1.76	2.10	0.50	000
37204		A	Transcatheter occlusion	18.11	NA	NA	5.41	6.46	1.63	000
37205		A	Transcath iv stent, percut	8.27	92.02	103.39	2.59	3.29	1.15	000
37206		A	Transcath iv stent/perc addl	4.12	56.25	63.19	1.27	1.53	0.60	ZZZ
37207		A	Transcath iv stent, open	8.27	NA	NA	2.88	2.79	1.37	000
37208		A	Transcath iv stent/open addl	4.12	NA	NA	1.24	1.21	0.68	ZZZ
37209		A	Change iv cath at thromb tx	2.27	NA	NA	0.67	0.79	0.24	000
37210		A	Embolization uterine fibroid	10.60	75.17	82.28	3.17	4.13	0.75	000

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37215		R	Transcath stent, cca w/eps	19.68	NA	NA	7.56	9.43	3.08	090
37216		N	Transcath stent, cca w/o eps	18.95	NA	NA	8.42	8.32	0.98	090
37250		A	Iv us first vessel add-on	2.10	NA	NA	0.65	0.76	0.33	ZZZ
37251		A	Iv us each add vessel add-on	1.60	NA	NA	0.47	0.51	0.26	ZZZ
37500		A	Endoscopy ligate perf veins	11.67	NA	NA	6.46	6.10	1.93	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	12.05	NA	NA	6.62	5.82	1.89	090
37600		A	Ligation of neck artery	12.42	NA	NA	6.28	5.73	1.87	090
37605		A	Ligation of neck artery	14.28	NA	NA	6.62	6.16	2.49	090
37606		A	Ligation of neck artery	8.81	NA	NA	5.63	4.80	1.38	090
37607		A	Ligation of a-v fistula	6.25	NA	NA	3.59	3.36	1.01	090
37609		A	Temporal artery procedure	3.05	4.81	4.47	2.28	2.02	0.47	010
37615		A	Ligation of neck artery	7.80	NA	NA	5.16	4.50	1.21	090
37616		A	Ligation of chest artery	18.97	NA	NA	9.16	8.63	2.98	090
37617		A	Ligation of abdomen artery	23.79	NA	NA	10.18	9.04	3.69	090
37618		A	Ligation of extremity artery	6.03	NA	NA	3.89	3.64	0.97	090
37620		A	Revision of major vein	11.57	NA	NA	5.06	5.68	1.25	090
37650		A	Revision of major vein	8.49	NA	NA	4.35	4.46	1.38	090
37660		A	Revision of major vein	22.28	NA	NA	10.41	8.84	3.49	090
37700		A	Revise leg vein	3.82	NA	NA	2.73	2.61	0.62	090
37718		A	Ligate/strip short leg vein	7.13	NA	NA	4.22	3.93	1.15	090
37722		A	Ligate/strip long leg vein	8.16	NA	NA	4.46	4.15	1.33	090
37735		A	Removal of leg veins/lesion	10.90	NA	NA	5.30	5.13	1.76	090
37760		A	Ligate leg veins radical	10.78	NA	NA	6.36	5.32	1.68	090
37761		A	Ligate leg veins open	9.13	NA	NA	5.37	5.37	1.44	090
37765		A	Phleb veins - extrem - to 20	7.71	NA	NA	4.10	4.03	1.15	090
37766		A	Phleb veins - extrem 20+	9.66	NA	NA	4.77	4.67	1.48	090
37780		A	Revision of leg vein	3.93	NA	NA	2.84	2.72	0.63	090
37785		A	Ligate/divide/excise vein	3.93	5.28	5.11	2.88	2.73	0.63	090
37788		A	Revascularization, penis	23.33	NA	NA	11.09	11.88	3.66	090
37790		A	Penile venous occlusion	8.43	NA	NA	4.23	4.51	0.60	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	19.55	NA	NA	9.20	7.61	3.00	090
38101		A	Removal of spleen, partial	19.55	NA	NA	9.41	7.71	3.06	090
38102		A	Removal of spleen, total	4.79	NA	NA	1.76	1.52	0.73	ZZZ
38115		A	Repair of ruptured spleen	21.88	NA	NA	10.06	8.33	3.15	090

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38120		A	Laparoscopy, splenectomy	17.07	NA	NA	9.17	7.81	2.65	090
38129		C	Laparoscope proc, spleen	0.00	0.00	0.00	0.00	0.00	0.00	YYY
38200		A	Injection for spleen x-ray	2.64	NA	NA	1.04	1.01	0.46	000
38204		B	Bl donor search management	2.00	NA	NA	0.73	0.70	0.10	XXX
38205		R	Harvest allogenic stem cells	1.50	NA	NA	0.66	0.62	0.06	000
38206		R	Harvest auto stem cells	1.50	NA	NA	0.65	0.62	0.08	000
38207		I	Cryopreserve stem cells	0.89	NA	NA	0.44	0.45	0.04	XXX
38208		I	Thaw preserved stem cells	0.56	NA	NA	0.28	0.28	0.03	XXX
38209		I	Wash harvest stem cells	0.24	NA	NA	0.12	0.12	0.01	XXX
38210		I	T-cell depletion of harvest	1.57	NA	NA	0.78	0.79	0.07	XXX
38211		I	Tumor cell deplete of harvst	1.42	NA	NA	0.71	0.72	0.07	XXX
38212		I	Rbc depletion of harvest	0.94	NA	NA	0.47	0.48	0.04	XXX
38213		I	Platelet deplete of harvest	0.24	NA	NA	0.12	0.12	0.01	XXX
38214		I	Volume deplete of harvest	0.81	NA	NA	0.40	0.41	0.04	XXX
38215		I	Harvest stem cell concentrte	0.94	NA	NA	0.47	0.48	0.04	XXX
38220		A	Bone marrow aspiration	1.08	2.41	2.86	0.51	0.51	0.08	XXX
38221		A	Bone marrow biopsy	1.37	2.46	2.98	0.65	0.64	0.06	XXX
38230		R	Bone marrow collection	4.85	NA	NA	3.58	3.31	0.81	010
38240		R	Bone marrow/stem transplant	2.24	NA	NA	1.07	1.04	0.12	XXX
38241		R	Bone marrow/stem transplant	2.24	NA	NA	1.09	1.06	0.10	XXX
38242		A	Lymphocyte infuse transplant	1.71	NA	NA	0.85	0.80	0.07	000
38300		A	Drainage, lymph node lesion	2.36	4.30	4.33	2.21	2.13	0.30	010
38305		A	Drainage, lymph node lesion	6.68	NA	NA	4.90	4.50	0.98	090
38308		A	Incision of lymph channels	6.81	NA	NA	4.45	3.91	1.07	090
38380		A	Thoracic duct procedure	8.46	NA	NA	6.70	5.72	0.80	090
38381		A	Thoracic duct procedure	13.38	NA	NA	6.68	6.61	2.31	090
38382		A	Thoracic duct procedure	10.65	NA	NA	7.06	6.02	1.66	090
38500		A	Biopsy/removal, lymph nodes	3.79	4.39	3.96	2.53	2.23	0.57	010
38505		A	Needle biopsy, lymph nodes	1.14	1.97	2.10	0.71	0.77	0.09	000
38510		A	Biopsy/removal, lymph nodes	6.74	6.42	5.80	4.02	3.52	0.89	010
38520		A	Biopsy/removal, lymph nodes	7.03	NA	NA	4.65	4.17	1.04	090
38525		A	Biopsy/removal, lymph nodes	6.43	NA	NA	4.37	3.76	1.00	090
38530		A	Biopsy/removal, lymph nodes	8.34	NA	NA	5.29	4.63	1.34	090
38542		A	Explore deep node(s), neck	7.95	NA	NA	5.46	4.80	0.98	090
38550		A	Removal, neck/armpit lesion	7.11	NA	NA	5.44	4.60	1.12	090
38555		A	Removal, neck/armpit lesion	15.59	NA	NA	9.06	8.35	2.46	090

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38562		A	Removal, pelvic lymph nodes	11.06	NA	NA	6.50	6.15	1.44	090
38564		A	Removal, abdomen lymph nodes	11.38	NA	NA	6.31	5.65	1.65	090
38570		A	Laparoscopy, lymph node biop	9.34	NA	NA	4.43	4.34	1.01	010
38571		A	Laparoscopy, lymphadenectomy	14.76	NA	NA	5.95	6.82	1.09	010
38572		A	Laparoscopy, lymphadenectomy	16.94	NA	NA	7.46	6.83	1.76	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	12.81	NA	NA	8.57	7.22	1.30	090
38720		A	Removal of lymph nodes, neck	21.95	NA	NA	13.30	11.24	2.49	090
38724		A	Removal of lymph nodes, neck	23.95	NA	NA	14.64	12.12	2.46	090
38740		A	Remove armpit lymph nodes	10.70	NA	NA	6.46	5.54	1.66	090
38745		A	Remove armpit lymph nodes	13.87	NA	NA	7.90	6.73	2.17	090
38746		A	Remove thoracic lymph nodes	4.88	NA	NA	1.57	1.59	0.84	ZZZ
38747		A	Remove abdominal lymph nodes	4.88	NA	NA	1.80	1.55	0.76	ZZZ
38760		A	Remove groin lymph nodes	13.62	NA	NA	7.40	6.57	2.05	090
38765		A	Remove groin lymph nodes	21.91	NA	NA	10.54	9.43	3.11	090
38770		A	Remove pelvis lymph nodes	14.06	NA	NA	6.65	6.85	1.30	090
38780		A	Remove abdomen lymph nodes	17.70	NA	NA	8.69	8.68	1.88	090
38790		A	Inject for lymphatic x-ray	1.29	NA	NA	0.81	0.78	0.18	000
38792		A	Identify sentinel node	0.52	NA	NA	0.50	0.49	0.06	000
38794		A	Access thoracic lymph duct	4.62	NA	NA	2.81	3.30	0.31	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	7.57	NA	NA	4.91	4.71	1.23	090
39010		A	Exploration of chest	13.19	NA	NA	6.68	6.75	2.30	090
39200		A	Removal chest lesion	15.09	NA	NA	6.99	6.94	2.60	090
39220		A	Removal chest lesion	19.55	NA	NA	9.20	8.98	3.26	090
39400		A	Visualization of chest	8.05	NA	NA	4.60	4.56	1.38	010
39499		C	Chest procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
39501		A	Repair diaphragm laceration	13.98	NA	NA	7.29	6.54	2.17	090
39502		A	Repair paraesophageal hernia	17.18	NA	NA	8.67	7.48	2.70	090
39503		A	Repair of diaphragm hernia	108.91	NA	NA	44.28	35.76	17.07	090
39520		A	Repair of diaphragm hernia	16.74	NA	NA	8.28	7.68	2.72	090
39530		A	Repair of diaphragm hernia	16.30	NA	NA	7.87	7.12	2.65	090
39531		A	Repair of diaphragm hernia	17.31	NA	NA	8.72	7.34	2.72	090
39540		A	Repair of diaphragm hernia	14.57	NA	NA	7.20	6.38	2.29	090
39541		A	Repair of diaphragm hernia	15.75	NA	NA	7.89	6.90	2.50	090
39545		A	Revision of diaphragm	14.67	NA	NA	7.70	7.49	2.51	090

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CPT[1]/ HCPCS	Mod	Status	Description	Physician Work RVUs[2,3,4]	Fully Implemented Non-Facility PE RVUs[2,4]	Year 2010 Transitional Non-Facility PE RVUs[2,4]	Fully Implemented Facility PE RVUs[2,4]	Year 2010 Transitional Facility PE RVUs[2,4]	Mal-Practice RVUs[2,4]	Global
39560		A	Resect diaphragm, simple	13.06	NA	NA	6.75	6.20	2.05	090
39561		A	Resect diaphragm, complex	19.99	NA	NA	11.47	10.22	3.22	090
39599		C	Diaphragm surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
4004F		I	Pt tobacco use done rcvd tlk	0.00	0.00	0.00	0.00	0.00	0.00	XXX
40490		A	Biopsy of lip	1.22	1.98	2.00	0.73	0.66	0.13	000
40500		A	Partial excision of lip	4.47	8.34	7.88	4.96	4.58	0.49	090
40510		A	Partial excision of lip	4.82	7.49	7.02	4.45	4.02	0.52	090
40520		A	Partial excision of lip	4.79	7.64	7.32	4.53	4.13	0.55	090
40525		A	Reconstruct lip with flap	7.72	NA	NA	6.64	6.06	0.93	090
40527		A	Reconstruct lip with flap	9.32	NA	NA	7.18	6.84	0.88	090
40530		A	Partial removal of lip	5.54	8.29	7.86	5.04	4.59	0.63	090
4063F		I	Antidepres rxthxpy not rxd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
40650		A	Repair lip	3.78	6.68	6.36	3.64	3.36	0.48	090
40652		A	Repair lip	4.43	7.84	7.46	4.60	4.25	0.56	090
40654		A	Repair lip	5.48	8.82	8.49	5.42	5.04	0.68	090
40700		A	Repair cleft lip/nasal	14.17	NA	NA	10.01	9.15	1.34	090
40701		A	Repair cleft lip/nasal	17.23	NA	NA	11.49	11.13	1.62	090
40702		A	Repair cleft lip/nasal	14.27	NA	NA	7.64	7.65	0.75	090
40720		A	Repair cleft lip/nasal	14.72	NA	NA	11.86	9.87	2.14	090
40761		A	Repair cleft lip/nasal	15.84	NA	NA	12.25	10.58	2.30	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	1.23	4.04	3.76	2.13	1.96	0.13	010
40801		A	Drainage of mouth lesion	2.63	5.39	4.95	3.13	2.83	0.27	010
40804		A	Removal, foreign body, mouth	1.30	4.21	3.84	2.17	1.95	0.12	010
40805		A	Removal, foreign body, mouth	2.79	5.36	5.08	3.25	2.88	0.26	010
40806		A	Incision of lip fold	0.31	2.19	2.27	0.55	0.53	0.03	000
40808		A	Biopsy of mouth lesion	1.01	3.69	3.48	1.79	1.66	0.09	010
40810		A	Excision of mouth lesion	1.36	3.86	3.61	1.96	1.80	0.13	010
40812		A	Excise/repair mouth lesion	2.37	4.94	4.56	2.78	2.49	0.23	010
40814		A	Excise/repair mouth lesion	3.52	6.32	5.79	4.41	4.00	0.35	090
40816		A	Excision of mouth lesion	3.77	6.59	6.05	4.53	4.10	0.38	090
40818		A	Excise oral mucosa for graft	2.83	6.20	5.90	4.16	3.99	0.27	090
40819		A	Excise lip or cheek fold	2.51	5.35	4.93	3.61	3.29	0.24	090
40820		A	Treatment of mouth lesion	1.34	5.28	5.14	3.05	2.94	0.13	010
40830		A	Repair mouth laceration	1.82	4.61	4.18	2.35	2.13	0.23	010
40831		A	Repair mouth laceration	2.57	5.82	5.34	3.15	2.94	0.31	010

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CPT[1]/ HCPCS	Mod	Status	Description	Physician Work RVUs[2,3,4]	Fully Implemented Non-Facility PE RVUs[2,4]	Year 2010 Transitional Non-Facility PE RVUs[2,4]	Fully Implemented Facility PE RVUs[2,4]	Year 2010 Transitional Facility PE RVUs[2,4]	Mal-Practice RVUs[2,4]	Global
40840		R	Reconstruction of mouth	9.15	11.37	10.59	6.94	6.43	0.87	090
40842		R	Reconstruction of mouth	9.15	13.03	10.78	8.15	6.47	0.87	090
40843		R	Reconstruction of mouth	12.79	13.39	12.52	7.69	7.00	1.85	090
40844		R	Reconstruction of mouth	16.80	17.52	16.59	11.50	10.78	2.44	090
40845		R	Reconstruction of mouth	19.36	18.92	17.25	13.28	11.85	1.82	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	1.35	2.78	2.59	1.57	1.43	0.13	010
41005		A	Drainage of mouth lesion	1.31	4.55	4.27	2.00	1.87	0.12	010
41006		A	Drainage of mouth lesion	3.34	5.99	5.50	3.37	3.09	0.31	090
41007		A	Drainage of mouth lesion	3.20	5.96	5.64	3.30	3.05	0.30	090
41008		A	Drainage of mouth lesion	3.46	6.18	5.63	3.56	3.19	0.32	090
41009		A	Drainage of mouth lesion	3.71	6.51	5.94	3.94	3.52	0.35	090
41010		A	Incision of tongue fold	1.11	4.11	3.91	1.75	1.65	0.10	010
41015		A	Drainage of mouth lesion	4.08	6.89	6.32	4.86	4.29	0.38	090
41016		A	Drainage of mouth lesion	4.19	6.90	6.41	4.99	4.45	0.39	090
41017		A	Drainage of mouth lesion	4.19	7.15	6.53	4.99	4.48	0.39	090
41018		A	Drainage of mouth lesion	5.22	7.61	6.97	5.62	4.90	0.49	090
41019		A	Place needles h&n for rt	8.84	NA	NA	4.11	3.73	0.53	000
41100		A	Biopsy of tongue	1.42	2.89	2.72	1.42	1.31	0.15	010
41105		A	Biopsy of tongue	1.47	2.91	2.70	1.47	1.32	0.15	010
41108		A	Biopsy of floor of mouth	1.10	2.68	2.50	1.28	1.16	0.10	010
41110		A	Excision of tongue lesion	1.56	3.88	3.62	1.91	1.74	0.16	010
41112		A	Excision of tongue lesion	2.83	5.73	5.30	3.77	3.43	0.27	090
41113		A	Excision of tongue lesion	3.29	6.06	5.59	4.02	3.64	0.31	090
41114		A	Excision of tongue lesion	8.82	NA	NA	8.01	7.12	0.86	090
41115		A	Excision of tongue fold	1.79	4.41	4.19	2.16	1.93	0.17	010
41116		A	Excision of mouth lesion	2.52	5.95	5.48	3.24	2.96	0.25	090
41120		A	Partial removal of tongue	11.14	NA	NA	16.12	15.25	1.09	090
41130		A	Partial removal of tongue	15.74	NA	NA	18.39	16.89	1.53	090
41135		A	Tongue and neck surgery	30.14	NA	NA	26.69	23.94	2.97	090
41140		A	Removal of tongue	29.15	NA	NA	28.40	26.13	2.76	090
41145		A	Tongue removal, neck surgery	37.93	NA	NA	34.98	31.56	3.58	090
41150		A	Tongue, mouth, jaw surgery	29.86	NA	NA	27.88	25.21	2.91	090
41153		A	Tongue, mouth, neck surgery	33.59	NA	NA	29.34	26.18	3.24	090
41155		A	Tongue, jaw, & neck surgery	44.30	NA	NA	34.92	30.25	4.35	090
41250		A	Repair tongue laceration	1.96	4.41	3.76	1.92	1.60	0.24	010

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41251		A	Repair tongue laceration	2.32	4.52	3.64	2.10	1.80	0.22	010
41252		A	Repair tongue laceration	3.02	5.08	4.56	2.55	2.26	0.35	010
41500		A	Fixation of tongue	3.80	NA	NA	8.08	7.47	0.36	090
41510		A	Tongue to lip surgery	3.51	NA	NA	7.94	7.01	0.32	090
41512		A	Tongue suspension	6.86	NA	NA	9.80	8.93	0.36	090
41520		A	Reconstruction, tongue fold	2.83	6.07	5.67	3.81	3.51	0.26	090
41530		A	Tongue base vol reduction	4.51	74.48	74.55	6.18	5.81	0.23	010
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	1.27	5.23	4.52	2.39	2.05	0.16	010
41805		A	Removal foreign body, gum	1.34	5.43	4.65	3.28	2.87	0.13	010
41806		A	Removal foreign body,jawbone	2.79	6.13	5.59	3.91	3.52	0.40	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	2.41	4.94	4.60	2.39	1.98	0.23	010
41823		R	Excision of gum lesion	3.77	7.09	6.67	4.64	4.18	0.35	090
41825		A	Excision of gum lesion	1.41	3.89	3.67	1.76	1.73	0.15	010
41826		A	Excision of gum lesion	2.41	5.50	4.77	3.10	2.68	0.23	010
41827		A	Excision of gum lesion	3.83	7.41	6.75	4.26	3.76	0.36	090
41828		R	Excision of gum lesion	3.14	4.70	4.24	2.51	2.17	0.29	010
41830		R	Removal of gum tissue	3.45	6.51	5.98	3.94	3.47	0.32	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	3.01	6.23	5.90	3.81	3.51	0.44	090
41874		R	Repair tooth socket	3.19	6.25	5.76	3.47	3.08	0.29	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	1.28	2.73	2.59	1.46	1.31	0.12	010
42100		A	Biopsy roof of mouth	1.36	2.50	2.32	1.52	1.37	0.13	010
42104		A	Excision lesion, mouth roof	1.69	3.83	3.48	1.97	1.76	0.17	010
42106		A	Excision lesion, mouth roof	2.15	4.78	4.36	2.51	2.30	0.21	010
42107		A	Excision lesion, mouth roof	4.56	7.33	6.72	4.59	4.09	0.43	090
42120		A	Remove palate/lesion	11.86	NA	NA	14.20	12.89	1.15	090
42140		A	Excision of uvula	1.70	4.82	4.51	2.38	2.21	0.17	090
42145		A	Repair palate, pharynx/uvula	9.78	NA	NA	8.95	8.02	0.92	090
42160		A	Treatment mouth roof lesion	1.85	4.11	4.03	2.02	1.94	0.18	010
42180		A	Repair palate	2.55	3.85	3.47	2.35	2.09	0.24	010
42182		A	Repair palate	3.87	4.59	4.22	2.99	2.76	0.36	010

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42200		A	Reconstruct cleft palate	12.53	NA	NA	10.18	9.49	1.18	090
42205		A	Reconstruct cleft palate	13.66	NA	NA	10.10	9.54	1.30	090
42210		A	Reconstruct cleft palate	15.03	NA	NA	12.83	11.25	2.18	090
42215		A	Reconstruct cleft palate	8.99	NA	NA	8.17	8.07	1.31	090
42220		A	Reconstruct cleft palate	7.16	NA	NA	7.42	6.56	0.37	090
42225		A	Reconstruct cleft palate	9.77	NA	NA	13.30	13.54	0.92	090
42226		A	Lengthening of palate	10.35	NA	NA	13.16	12.85	0.97	090
42227		A	Lengthening of palate	9.90	NA	NA	12.18	12.45	0.93	090
42235		A	Repair palate	8.01	NA	NA	11.26	10.61	0.76	090
42260		A	Repair nose to lip fistula	10.22	11.23	10.29	7.46	6.68	0.96	090
42280		A	Preparation, palate mold	1.59	2.58	2.30	1.31	1.04	0.25	010
42281		A	Insertion, palate prosthesis	1.98	3.38	3.07	2.04	1.85	0.19	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	1.98	3.43	3.18	2.03	1.85	0.20	010
42305		A	Drainage of salivary gland	6.31	NA	NA	5.10	4.57	0.63	090
42310		A	Drainage of salivary gland	1.61	2.57	2.40	1.69	1.53	0.16	010
42320		A	Drainage of salivary gland	2.40	4.13	3.80	2.28	2.07	0.23	010
42330		A	Removal of salivary stone	2.26	3.77	3.50	2.12	1.90	0.22	010
42335		A	Removal of salivary stone	3.41	6.30	5.81	3.43	3.12	0.31	090
42340		A	Removal of salivary stone	4.72	7.44	6.83	4.24	3.84	0.45	090
42400		A	Biopsy of salivary gland	0.78	1.99	1.94	0.70	0.69	0.06	000
42405		A	Biopsy of salivary gland	3.34	4.36	4.15	2.62	2.40	0.31	010
42408		A	Excision of salivary cyst	4.66	7.19	6.61	4.05	3.62	0.44	090
42409		A	Drainage of salivary cyst	2.91	5.77	5.32	3.00	2.74	0.27	090
42410		A	Excise parotid gland/lesion	9.57	NA	NA	6.80	6.06	1.06	090
42415		A	Excise parotid gland/lesion	18.12	NA	NA	11.46	10.14	1.78	090
42420		A	Excise parotid gland/lesion	21.00	NA	NA	12.85	11.35	2.08	090
42425		A	Excise parotid gland/lesion	13.42	NA	NA	8.84	7.92	1.35	090
42426		A	Excise parotid gland/lesion	22.66	NA	NA	13.38	11.86	2.29	090
42440		A	Excise submaxillary gland	7.13	NA	NA	5.27	4.70	0.70	090
42450		A	Excise sublingual gland	4.74	7.07	6.53	4.76	4.33	0.47	090
42500		A	Repair salivary duct	4.42	6.88	6.34	4.62	4.21	0.44	090
42505		A	Repair salivary duct	6.32	8.27	7.59	5.77	5.20	0.59	090
42507		A	Parotid duct diversion	6.25	NA	NA	7.31	6.77	0.59	090
42508		A	Parotid duct diversion	9.33	NA	NA	9.57	8.90	0.88	090
42509		A	Parotid duct diversion	11.76	NA	NA	10.75	9.42	1.69	090

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42510		A	Parotid duct diversion	8.35	NA	NA	8.33	7.62	0.79	090
42550		A	Injection for salivary x-ray	1.25	1.99	2.42	0.37	0.45	0.08	000
42600		A	Closure of salivary fistula	4.94	7.61	7.12	4.35	4.00	0.47	090
4260F		I	Wound srfc culturetech used	0.00	0.00	0.00	0.00	0.00	0.00	XXX
4261F		I	Tech other than surfc cultr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
42650		A	Dilation of salivary duct	0.77	1.40	1.29	0.78	0.72	0.07	000
4265F		I	Wet-dry dressings Rx-recmd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
42660		A	Dilation of salivary duct	1.13	1.66	1.52	0.96	0.85	0.10	000
42665		A	Ligation of salivary duct	2.63	5.53	5.09	2.86	2.62	0.25	090
4266F		I	No wet-dry drssings Rx-recmd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
4268F		I	Pt ed re comp thxpy rcvd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
42699		C	Salivary surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
4269F		I	Appropos mthd offloading Rxd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
42700		A	Drainage of tonsil abscess	1.67	3.23	3.01	1.90	1.76	0.17	010
4270F		M	Pt rcvng anti r-viral thxpy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
42720		A	Drainage of throat abscess	6.31	5.70	5.14	4.17	3.70	0.61	010
42725		A	Drainage of throat abscess	12.41	NA	NA	9.10	8.15	1.17	090
4275F		I	Hep b vac inj admin/ rcvd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
4279F		I	PCP prophylaxis Rxd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
42800		A	Biopsy of throat	1.44	2.69	2.49	1.53	1.40	0.15	010
42802		A	Biopsy of throat	1.59	4.39	4.36	1.93	1.85	0.16	010
42804		A	Biopsy of upper nose/throat	1.29	3.78	3.70	1.70	1.63	0.12	010
42806		A	Biopsy of upper nose/throat	1.63	4.08	3.98	1.87	1.77	0.16	010
42808		A	Excise pharynx lesion	2.35	3.60	3.34	1.98	1.81	0.22	010
42809		A	Remove pharynx foreign body	1.86	2.55	2.37	1.59	1.42	0.20	010
4280F		M	PCP prophylax Rxd 3mon low %	0.00	0.00	0.00	0.00	0.00	0.00	XXX
42810		A	Excision of neck cyst	3.38	6.73	6.28	4.27	3.87	0.31	090
42815		A	Excision of neck cyst	7.31	NA	NA	7.41	6.72	0.74	090
42820		A	Remove tonsils and adenoids	4.22	NA	NA	3.52	3.19	0.39	090
42821		A	Remove tonsils and adenoids	4.36	NA	NA	3.66	3.34	0.41	090
42825		A	Removal of tonsils	3.51	NA	NA	3.45	3.16	0.32	090
42826		A	Removal of tonsils	3.45	NA	NA	3.23	2.96	0.32	090
42830		A	Removal of adenoids	2.65	NA	NA	2.85	2.61	0.25	090
42831		A	Removal of adenoids	2.81	NA	NA	3.10	2.86	0.26	090
42835		A	Removal of adenoids	2.38	NA	NA	2.72	2.39	0.22	090

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42836		A	Removal of adenoids	3.26	NA	NA	3.14	2.89	0.30	090
42842		A	Extensive surgery of throat	12.23	NA	NA	13.99	12.58	1.16	090
42844		A	Extensive surgery of throat	17.78	NA	NA	18.36	16.74	1.67	090
42845		A	Extensive surgery of throat	32.56	NA	NA	26.47	23.65	3.07	090
42860		A	Excision of tonsil tags	2.30	NA	NA	2.68	2.47	0.22	090
42870		A	Excision of lingual tonsil	5.52	NA	NA	9.54	9.02	0.52	090
42890		A	Partial removal of pharynx	19.13	NA	NA	18.21	16.17	1.85	090
42892		A	Revision of pharyngeal walls	26.03	NA	NA	23.47	20.42	2.51	090
42894		A	Revision of pharyngeal walls	33.92	NA	NA	28.88	25.29	3.25	090
42900		A	Repair throat wound	5.29	NA	NA	3.79	3.40	0.50	010
42950		A	Reconstruction of throat	8.27	NA	NA	12.35	11.72	0.84	090
42953		A	Repair throat, esophagus	9.45	NA	NA	15.33	15.00	0.96	090
42955		A	Surgical opening of throat	8.01	NA	NA	11.69	10.81	0.76	090
42960		A	Control throat bleeding	2.38	NA	NA	2.13	1.92	0.23	010
42961		A	Control throat bleeding	5.77	NA	NA	5.40	4.91	0.54	090
42962		A	Control throat bleeding	7.40	NA	NA	6.40	5.79	0.70	090
42970		A	Control nose/throat bleeding	5.82	NA	NA	4.52	4.06	0.62	090
42971		A	Control nose/throat bleeding	6.60	NA	NA	5.61	5.02	0.62	090
42972		A	Control nose/throat bleeding	7.59	NA	NA	6.09	5.43	0.72	090
42999		C	Throat surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
4300F		I	Pt rcvng warf thxpy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
4301F		I	Pt not rcvng warf thxpy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
43020		A	Incision of esophagus	8.23	NA	NA	6.20	5.14	0.78	090
43030		A	Throat muscle surgery	7.99	NA	NA	5.70	5.18	0.86	090
43045		A	Incision of esophagus	21.88	NA	NA	10.51	10.46	3.76	090
4305F		I	Pt ed re ft care inspct rcvd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
4306F		I	Pt tlk psych & Rx opd addic	0.00	0.00	0.00	0.00	0.00	0.00	XXX
43100		A	Excision of esophagus lesion	9.66	NA	NA	7.12	6.14	0.91	090
43101		A	Excision of esophagus lesion	17.07	NA	NA	7.98	7.93	2.94	090
43107		A	Removal of esophagus	44.18	NA	NA	19.60	18.32	7.25	090
43108		A	Removal of esophagus	82.87	NA	NA	34.25	26.92	12.98	090
43112		A	Removal of esophagus	47.48	NA	NA	19.91	19.00	7.91	090
43113		A	Removal of esophagus	80.06	NA	NA	34.38	28.89	12.55	090
43116		A	Partial removal of esophagus	92.99	NA	NA	48.24	34.67	8.77	090
43117		A	Partial removal of esophagus	43.65	NA	NA	18.21	17.22	7.25	090
43118		A	Partial removal of esophagus	67.07	NA	NA	28.40	22.75	10.51	090

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43121		A	Partial removal of esophagus	51.43	NA	NA	19.89	18.53	8.84	090
43122		A	Partial removal of esophagus	44.18	NA	NA	20.02	17.77	7.08	090
43123		A	Partial removal of esophagus	83.12	NA	NA	35.52	27.45	13.01	090
43124		A	Removal of esophagus	69.09	NA	NA	25.96	23.83	11.89	090
43130		A	Removal of esophagus pouch	12.53	NA	NA	8.12	7.32	1.46	090
43135		A	Removal of esophagus pouch	26.17	NA	NA	11.27	10.37	4.39	090
43200		A	Esophagus endoscopy	1.59	3.79	3.83	1.14	1.07	0.17	000
43201		A	Esoph scope w/submucous inj	2.09	5.11	5.33	1.20	1.22	0.22	000
43202		A	Esophagus endoscopy, biopsy	1.89	5.03	5.21	1.08	1.04	0.21	000
43204		A	Esoph scope w/sclerosis inj	3.76	NA	NA	1.90	1.95	0.43	000
43205		A	Esophagus endoscopy/ligation	3.78	NA	NA	1.91	1.96	0.41	000
4320F		I	Pt talk psychsoc+rx oh dpnd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
43215		A	Esophagus endoscopy	2.60	NA	NA	1.37	1.33	0.30	000
43216		A	Esophagus endoscopy/lesion	2.40	3.00	2.69	1.29	1.26	0.26	000
43217		A	Esophagus endoscopy	2.90	6.28	6.55	1.47	1.41	0.36	000
43219		A	Esophagus endoscopy	2.80	NA	NA	1.53	1.55	0.35	000
43220		A	Esoph endoscopy, dilation	2.10	NA	NA	1.18	1.14	0.23	000
43226		A	Esoph endoscopy, dilation	2.34	NA	NA	1.27	1.27	0.27	000
43227		A	Esoph endoscopy, repair	3.59	NA	NA	1.79	1.78	0.40	000
43228		A	Esoph endoscopy, ablation	3.76	NA	NA	1.89	1.93	0.43	000
43231		A	Esoph endoscopy w/us exam	3.19	NA	NA	1.64	1.69	0.35	000
43232		A	Esoph endoscopy w/us fn bx	4.47	NA	NA	2.16	2.23	0.51	000
43234		A	Upper GI endoscopy, exam	2.01	4.80	5.01	1.08	1.04	0.25	000
43235		A	Uppr gi endoscopy, diagnosis	2.39	4.70	5.12	1.30	1.32	0.27	000
43236		A	Uppr gi scope w/submuc inj	2.92	5.83	6.43	1.54	1.59	0.31	000
43237		A	Endoscopic us exam, esoph	3.98	NA	NA	1.99	2.06	0.44	000
43238		A	Uppr gi endoscopy w/us fn bx	5.02	NA	NA	2.43	2.53	0.55	000
43239		A	Upper GI endoscopy, biopsy	2.87	5.40	5.84	1.50	1.52	0.31	000
43240		A	Esoph endoscope w/drain cyst	6.85	NA	NA	3.25	3.32	0.76	000
43241		A	Upper GI endoscopy with tube	2.59	NA	NA	1.38	1.39	0.29	000
43242		A	Uppr gi endoscopy w/us fn bx	7.30	NA	NA	3.46	3.58	0.79	000
43243		A	Upper gi endoscopy & inject	4.56	NA	NA	2.24	2.31	0.50	000
43244		A	Upper GI endoscopy/ligation	5.04	NA	NA	2.48	2.56	0.54	000
43245		A	Uppr gi scope dilate strictr	3.18	NA	NA	1.61	1.61	0.37	000
43246		A	Place gastrostomy tube	4.32	NA	NA	2.09	2.10	0.51	000
43247		A	Operative upper GI endoscopy	3.38	NA	NA	1.72	1.75	0.38	000

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43248		A	Uppr gi endoscopy/guide wire	3.15	NA	NA	1.64	1.70	0.33	000
43249		A	Esoph endoscopy, dilation	2.90	NA	NA	1.53	1.57	0.31	000
43250		A	Upper GI endoscopy/tumor	3.20	NA	NA	1.62	1.60	0.38	000
43251		A	Operative upper GI endoscopy	3.69	NA	NA	1.86	1.89	0.41	000
43255		A	Operative upper GI endoscopy	4.81	NA	NA	2.37	2.45	0.52	000
43256		A	Uppr gi endoscopy w/stent	4.34	NA	NA	2.12	2.18	0.50	000
43257		A	Uppr gi scope w/thrml txmnt	5.50	NA	NA	2.75	2.60	0.59	000
43258		A	Operative upper GI endoscopy	4.54	NA	NA	2.24	2.30	0.50	000
43259		A	Endoscopic ultrasound exam	5.19	NA	NA	2.54	2.62	0.55	000
43260		A	Endo cholangiopancreatograph	5.95	NA	NA	2.87	2.97	0.64	000
43261		A	Endo cholangiopancreatograph	6.26	NA	NA	3.01	3.12	0.67	000
43262		A	Endo cholangiopancreatograph	7.38	NA	NA	3.50	3.63	0.80	000
43263		A	Endo cholangiopancreatograph	7.28	NA	NA	3.42	3.59	0.79	000
43264		A	Endo cholangiopancreatograph	8.89	NA	NA	4.17	4.32	0.96	000
43265		A	Endo cholangiopancreatograph	10.00	NA	NA	4.66	4.83	1.09	000
43267		A	Endo cholangiopancreatograph	7.38	NA	NA	3.49	3.59	0.80	000
43268		A	Endo cholangiopancreatograph	7.38	NA	NA	3.64	3.77	0.80	000
43269		A	Endo cholangiopancreatograph	8.20	NA	NA	3.86	4.00	0.89	000
43271		A	Endo cholangiopancreatograph	7.38	NA	NA	3.49	3.62	0.80	000
43272		A	Endo cholangiopancreatograph	7.38	NA	NA	3.51	3.61	0.80	000
43273		A	Endoscopic pancreatoscopy	2.24	NA	NA	0.98	1.07	0.24	ZZZ
43279		A	Lap myotomy, heller	22.10	NA	NA	10.41	8.78	3.46	090
43280		A	Laparoscopy, fundoplasty	18.10	NA	NA	8.90	7.62	2.83	090
43281		A	Lap paraesophag hern repair	26.60	NA	NA	12.06	12.06	4.16	090
43282		A	Lap paraesoph her rpr w/mesh	30.10	NA	NA	13.35	13.35	4.69	090
43289		C	Laparoscope proc, esoph	0.00	0.00	0.00	0.00	0.00	0.00	YYY
43300		A	Repair of esophagus	9.33	NA	NA	7.12	6.23	0.88	090
43305		A	Repair esophagus and fistula	18.10	NA	NA	11.25	9.86	1.70	090
4330F		I	Cnslng epi spec sfty issues	0.00	0.00	0.00	0.00	0.00	0.00	XXX
43310		A	Repair of esophagus	26.26	NA	NA	11.60	11.11	4.51	090
43312		A	Repair esophagus and fistula	29.25	NA	NA	10.59	11.44	5.04	090
43313		A	Esophagoplasty congenital	48.45	NA	NA	19.69	18.10	8.34	090
43314		A	Tracheo-esophagoplasty cong	53.43	NA	NA	29.52	23.94	5.05	090
43320		A	Fuse esophagus & stomach	23.31	NA	NA	11.24	10.11	3.66	090
43324		A	Revise esophagus & stomach	22.99	NA	NA	10.91	9.45	3.67	090
43325		A	Revise esophagus & stomach	22.60	NA	NA	11.13	9.48	3.55	090

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43326		A	Revise esophagus & stomach	22.28	NA	NA	10.87	10.03	3.71	090
43330		A	Repair of esophagus	22.19	NA	NA	10.63	9.17	3.51	090
43331		A	Repair of esophagus	23.06	NA	NA	10.34	10.37	3.97	090
43340		A	Fuse esophagus & intestine	22.99	NA	NA	11.28	9.76	3.60	090
43341		A	Fuse esophagus & intestine	24.23	NA	NA	12.64	11.53	4.17	090
43350		A	Surgical opening, esophagus	19.49	NA	NA	10.54	9.06	3.05	090
43351		A	Surgical opening, esophagus	22.05	NA	NA	10.72	10.44	3.79	090
43352		A	Surgical opening, esophagus	17.81	NA	NA	8.75	8.68	3.06	090
43360		A	Gastrointestinal repair	40.11	NA	NA	16.12	16.02	6.91	090
43361		A	Gastrointestinal repair	45.68	NA	NA	21.32	18.55	7.16	090
43400		A	Ligate esophagus veins	25.60	NA	NA	13.77	14.01	2.77	090
43401		A	Esophagus surgery for veins	26.49	NA	NA	12.57	10.74	4.15	090
43405		A	Ligate/staple esophagus	24.73	NA	NA	13.57	11.59	3.88	090
4340F		I	Cnslng chldbrng+ women epi	0.00	0.00	0.00	0.00	0.00	0.00	XXX
43410		A	Repair esophagus wound	16.41	NA	NA	8.33	8.22	2.82	090
43415		A	Repair esophagus wound	28.91	NA	NA	14.13	12.91	4.85	090
43420		A	Repair esophagus opening	16.78	NA	NA	10.58	8.66	1.58	090
43425		A	Repair esophagus opening	25.04	NA	NA	12.94	11.75	3.93	090
43450		A	Dilate esophagus	1.38	2.36	2.59	0.86	0.89	0.16	000
43453		A	Dilate esophagus	1.51	5.40	6.00	0.92	0.96	0.17	000
43456		A	Dilate esophagus	2.57	11.37	12.64	1.38	1.40	0.28	000
43458		A	Dilate esophagus	3.06	6.29	6.72	1.59	1.58	0.33	000
43460		A	Pressure treatment esophagus	3.79	NA	NA	1.93	1.85	0.40	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	12.79	NA	NA	6.77	5.77	1.99	090
43501		A	Surgical repair of stomach	22.60	NA	NA	10.91	9.18	3.51	090
43502		A	Surgical repair of stomach	25.69	NA	NA	12.23	10.22	4.02	090
43510		A	Surgical opening of stomach	15.14	NA	NA	9.08	8.02	1.63	090
43520		A	Incision of pyloric muscle	11.29	NA	NA	5.87	5.36	1.84	090
43600		A	Biopsy of stomach	1.91	NA	NA	0.80	0.81	0.21	000
43605		A	Biopsy of stomach	13.72	NA	NA	7.09	5.96	2.11	090
43610		A	Excision of stomach lesion	16.34	NA	NA	8.12	6.82	2.54	090
43611		A	Excision of stomach lesion	20.38	NA	NA	10.11	8.51	3.16	090
43620		A	Removal of stomach	34.04	NA	NA	15.05	12.74	5.33	090
43621		A	Removal of stomach	39.53	NA	NA	17.13	14.12	6.18	090

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43622		A	Removal of stomach	40.03	NA	NA	17.35	14.28	6.28	090
43631		A	Removal of stomach, partial	24.51	NA	NA	11.67	9.84	3.82	090
43632		A	Removal of stomach, partial	35.14	NA	NA	15.59	12.47	5.45	090
43633		A	Removal of stomach, partial	33.14	NA	NA	14.79	11.99	5.14	090
43634		A	Removal of stomach, partial	36.64	NA	NA	16.29	13.21	5.74	090
43635		A	Removal of stomach, partial	2.06	NA	NA	0.76	0.64	0.31	ZZZ
43640		A	Vagotomy & pylorus repair	19.56	NA	NA	9.89	8.25	3.03	090
43641		A	Vagotomy & pylorus repair	19.81	NA	NA	10.06	8.29	3.10	090
43644		A	Lap gastric bypass/roux-en-y	29.40	NA	NA	13.90	11.74	4.57	090
43645		A	Lap gastr bypass incl smll i	31.53	NA	NA	14.78	12.39	4.95	090
43647		C	Lap impl electrode, antrum	0.00	0.00	0.00	0.00	0.00	0.00	YYY
43648		C	Lap revise/remv eltrd antrum	0.00	0.00	0.00	0.00	0.00	0.00	YYY
43651		A	Laparoscopy, vagus nerve	10.13	NA	NA	6.10	5.22	1.59	090
43652		A	Laparoscopy, vagus nerve	12.13	NA	NA	6.84	5.82	1.90	090
43653		A	Laparoscopy, gastrostomy	8.48	NA	NA	5.70	4.85	1.33	090
43659		C	Laparoscope proc, stom	0.00	0.00	0.00	0.00	0.00	0.00	YYY
43752		A	Nasal/orogastric w/stent	0.81	NA	NA	0.26	0.28	0.06	000
43760		A	Change gastrostomy tube	0.90	10.16	8.42	0.34	0.37	0.10	000
43761		A	Reposition gastrostomy tube	2.01	1.00	1.11	0.68	0.74	0.18	000
43770		A	Lap place gastr adj device	18.00	NA	NA	9.87	8.38	2.80	090
43771		A	Lap revise gastr adj device	20.79	NA	NA	10.95	9.23	3.26	090
43772		A	Lap rmvl gastr adj device	15.70	NA	NA	8.06	6.92	2.47	090
43773		A	Lap replace gastr adj device	20.79	NA	NA	10.95	9.25	3.26	090
43774		A	Lap rmvl gastr adj all parts	15.76	NA	NA	8.17	6.97	2.47	090
43775		A	Lap sleeve gastrectomy	21.56	NA	NA	11.01	11.01	3.38	090
43800		A	Reconstruction of pylorus	15.43	NA	NA	7.77	6.57	2.43	090
43810		A	Fusion of stomach and bowel	16.88	NA	NA	8.42	7.01	2.64	090
43820		A	Fusion of stomach and bowel	22.53	NA	NA	10.93	8.82	3.50	090
43825		A	Fusion of stomach and bowel	21.76	NA	NA	10.66	8.94	3.41	090
43830		A	Place gastrostomy tube	10.85	NA	NA	6.56	5.63	1.64	090
43831		A	Place gastrostomy tube	8.49	NA	NA	6.23	5.38	1.33	090
43832		A	Place gastrostomy tube	17.34	NA	NA	8.90	7.78	2.63	090
43840		A	Repair of stomach lesion	22.83	NA	NA	11.03	8.96	3.54	090
43842		N	V-band gastroplasty	21.03	NA	NA	9.74	9.18	1.10	090
43843		A	Gastroplasty w/o v-band	21.21	NA	NA	10.23	8.68	3.32	090
43845		A	Gastroplasty duodenal switch	33.30	NA	NA	15.80	12.93	5.19	090

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43846		A	Gastric bypass for obesity	27.41	NA	NA	13.46	11.22	4.26	090
43847		A	Gastric bypass incl small i	30.28	NA	NA	14.54	11.91	4.74	090
43848		A	Revision gastroplasty	32.75	NA	NA	15.40	12.89	5.10	090
43850		A	Revise stomach-bowel fusion	27.58	NA	NA	12.93	10.66	4.32	090
43855		A	Revise stomach-bowel fusion	28.69	NA	NA	12.51	10.96	4.49	090
43860		A	Revise stomach-bowel fusion	27.89	NA	NA	13.05	10.90	4.32	090
43865		A	Revise stomach-bowel fusion	29.05	NA	NA	13.48	11.24	4.55	090
43870		A	Repair stomach opening	11.44	NA	NA	6.32	5.35	1.73	090
43880		A	Repair stomach-bowel fistula	27.18	NA	NA	12.71	10.68	4.19	090
43881		C	Impl/redo electrd, antrum	0.00	0.00	0.00	0.00	0.00	0.00	YYY
43882		C	Revise/remove electrd antrum	0.00	0.00	0.00	0.00	0.00	0.00	YYY
43886		A	Revise gastric port, open	4.64	NA	NA	4.31	3.68	0.73	090
43887		A	Remove gastric port, open	4.32	NA	NA	3.76	3.26	0.67	090
43888		A	Change gastric port, open	6.44	NA	NA	4.98	4.25	1.01	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	18.46	NA	NA	8.87	7.46	2.82	090
44010		A	Incision of small bowel	14.26	NA	NA	7.28	6.19	2.21	090
44015		A	Insert needle cath bowel	2.62	NA	NA	0.94	0.83	0.41	ZZZ
44020		A	Explore small intestine	16.22	NA	NA	8.00	6.74	2.50	090
44021		A	Decompress small bowel	16.31	NA	NA	8.06	6.89	2.53	090
44025		A	Incision of large bowel	16.51	NA	NA	8.19	6.87	2.52	090
44050		A	Reduce bowel obstruction	15.52	NA	NA	7.82	6.58	2.38	090
44055		A	Correct malrotation of bowel	25.63	NA	NA	11.63	9.73	3.98	090
44100		A	Biopsy of bowel	2.01	NA	NA	0.88	0.91	0.23	000
44110		A	Excise intestine lesion(s)	14.04	NA	NA	7.22	6.07	2.13	090
44111		A	Excision of bowel lesion(s)	16.52	NA	NA	8.16	6.83	2.53	090
44120		A	Removal of small intestine	20.82	NA	NA	9.75	8.11	3.18	090
44121		A	Removal of small intestine	4.44	NA	NA	1.64	1.39	0.66	ZZZ
44125		A	Removal of small intestine	20.03	NA	NA	9.59	8.02	2.99	090
44126		A	Enterectomy w/o taper, cong	42.23	NA	NA	19.16	15.72	6.61	090
44127		A	Enterectomy w/taper, cong	49.30	NA	NA	21.69	17.86	7.72	090
44128		A	Enterectomy cong, add-on	4.44	NA	NA	1.64	1.40	0.68	ZZZ
44130		A	Bowel to bowel fusion	22.11	NA	NA	10.73	8.66	3.35	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

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44136		R	Intestine transplant, 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
44139		A	Mobilization of colon	2.23	NA	NA	0.82	0.70	0.32	ZZZ
44140		A	Partial removal of colon	22.59	NA	NA	10.99	9.26	3.41	090
44141		A	Partial removal of colon	29.91	NA	NA	15.73	12.91	4.54	090
44143		A	Partial removal of colon	27.79	NA	NA	13.86	11.68	4.22	090
44144		A	Partial removal of colon	29.91	NA	NA	14.41	11.83	4.54	090
44145		A	Partial removal of colon	28.58	NA	NA	13.21	11.10	4.16	090
44146		A	Partial removal of colon	35.30	NA	NA	18.09	14.98	5.05	090
44147		A	Partial removal of colon	33.69	NA	NA	15.04	11.97	4.98	090
44150		A	Removal of colon	30.18	NA	NA	16.74	13.98	4.50	090
44151		A	Removal of colon/ileostomy	34.92	NA	NA	18.35	15.42	5.47	090
44155		A	Removal of colon/ileostomy	34.42	NA	NA	18.21	15.08	4.75	090
44156		A	Removal of colon/ileostomy	37.42	NA	NA	20.09	16.73	5.87	090
44157		A	Colectomy w/ileoanal anast	35.70	NA	NA	18.85	15.63	5.60	090
44158		A	Colectomy w/neo-rectum pouch	36.70	NA	NA	19.00	15.84	5.75	090
44160		A	Removal of colon	20.89	NA	NA	10.25	8.56	3.13	090
44180		A	Lap, enterolysis	15.27	NA	NA	7.70	6.59	2.33	090
44186		A	Lap, jejunostomy	10.38	NA	NA	5.84	5.10	1.63	090
44187		A	Lap, ileo/jejuno-stomy	17.40	NA	NA	10.54	8.93	2.43	090
44188		A	Lap, colostomy	19.35	NA	NA	11.45	9.72	2.82	090
44202		A	Lap, enterectomy	23.39	NA	NA	11.36	9.54	3.56	090
44203		A	Lap resect s/intestine, addl	4.44	NA	NA	1.64	1.38	0.68	ZZZ
44204		A	Laparo partial colectomy	26.42	NA	NA	12.41	10.37	3.84	090
44205		A	Lap colectomy part w/ileum	22.95	NA	NA	10.88	9.12	3.31	090
44206		A	Lap part colectomy w/stoma	29.79	NA	NA	14.32	12.02	4.45	090
44207		A	L colectomy/coloproctostomy	31.92	NA	NA	14.36	11.92	4.54	090
44208		A	L colectomy/coloproctostomy	33.99	NA	NA	16.59	13.82	4.70	090
44210		A	Laparo total proctocolectomy	30.09	NA	NA	15.33	12.80	4.27	090
44211		A	Lap colectomy w/proctectomy	37.08	NA	NA	19.09	15.65	5.82	090
44212		A	Laparo total proctocolectomy	34.58	NA	NA	17.84	14.90	4.68	090
44213		A	Lap, mobil splenic fl add-on	3.50	NA	NA	1.30	1.09	0.49	ZZZ
44227		A	Lap, close enterostomy	28.62	NA	NA	13.38	11.19	4.29	090
44238		C	Laparoscope proc, intestine	0.00	0.00	0.00	0.00	0.00	0.00	YYY
44300		A	Open bowel to skin	13.75	NA	NA	7.26	6.18	2.14	090
44310		A	Ileostomy/jejunostomy	17.59	NA	NA	8.70	7.31	2.54	090

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44312		A	Revision of ileostomy	9.43	NA	NA	5.48	4.88	1.26	090
44314		A	Revision of ileostomy	16.74	NA	NA	8.70	7.49	2.32	090
44316		A	Devise bowel pouch	23.59	NA	NA	11.57	9.61	3.70	090
44320		A	Colostomy	19.91	NA	NA	10.18	8.56	2.99	090
44322		A	Colostomy with biopsies	13.32	NA	NA	11.45	9.78	2.09	090
44340		A	Revision of colostomy	9.28	NA	NA	6.31	5.29	1.38	090
44345		A	Revision of colostomy	17.22	NA	NA	9.20	7.75	2.53	090
44346		A	Revision of colostomy	19.63	NA	NA	10.16	8.45	2.85	090
44360		A	Small bowel endoscopy	2.59	NA	NA	1.40	1.45	0.28	000
44361		A	Small bowel endoscopy/biopsy	2.87	NA	NA	1.53	1.58	0.30	000
44363		A	Small bowel endoscopy	3.49	NA	NA	1.76	1.78	0.38	000
44364		A	Small bowel endoscopy	3.73	NA	NA	1.89	1.95	0.40	000
44365		A	Small bowel endoscopy	3.31	NA	NA	1.71	1.75	0.36	000
44366		A	Small bowel endoscopy	4.40	NA	NA	2.20	2.29	0.47	000
44369		A	Small bowel endoscopy	4.51	NA	NA	2.25	2.32	0.48	000
44370		A	Small bowel endoscopy/stent	4.79	NA	NA	2.53	2.57	0.51	000
44372		A	Small bowel endoscopy	4.40	NA	NA	2.11	2.10	0.51	000
44373		A	Small bowel endoscopy	3.49	NA	NA	1.75	1.77	0.39	000
44376		A	Small bowel endoscopy	5.25	NA	NA	2.49	2.52	0.60	000
44377		A	Small bowel endoscopy/biopsy	5.52	NA	NA	2.67	2.74	0.60	000
44378		A	Small bowel endoscopy	7.12	NA	NA	3.38	3.47	0.77	000
44379		A	S bowel endoscope w/stent	7.46	NA	NA	3.71	3.74	0.80	000
44380		A	Small bowel endoscopy	1.05	NA	NA	0.69	0.72	0.10	000
44382		A	Small bowel endoscopy	1.27	NA	NA	0.81	0.84	0.15	000
44383		A	Ileoscopy w/stent	2.94	NA	NA	1.35	1.55	0.24	000
44385		A	Endoscopy of bowel pouch	1.82	4.53	4.50	0.93	0.89	0.19	000
44386		A	Endoscopy, bowel pouch/biop	2.12	6.36	6.59	1.13	1.05	0.24	000
44388		A	Colonoscopy	2.82	5.80	5.86	1.43	1.38	0.33	000
44389		A	Colonoscopy with biopsy	3.13	6.53	6.88	1.59	1.57	0.36	000
44390		A	Colonoscopy for foreign body	3.82	7.55	7.79	1.96	1.85	0.41	000
44391		A	Colonoscopy for bleeding	4.31	7.82	8.54	2.09	2.11	0.48	000
44392		A	Colonoscopy & polypectomy	3.81	7.00	7.09	1.82	1.73	0.46	000
44393		A	Colonoscopy, lesion removal	4.83	7.59	7.78	2.29	2.22	0.56	000
44394		A	Colonoscopy w/snare	4.42	7.84	8.25	2.13	2.11	0.51	000
44397		A	Colonoscopy w/stent	4.70	NA	NA	2.33	2.35	0.50	000
44500		A	Intro, gastrointestinal tube	0.49	NA	NA	0.16	0.18	0.03	000

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44602		A	Suture, small intestine	24.72	NA	NA	10.61	8.44	3.75	090
44603		A	Suture, small intestine	28.16	NA	NA	12.43	9.92	4.23	090
44604		A	Suture, large intestine	18.16	NA	NA	8.30	6.97	2.73	090
44605		A	Repair of bowel lesion	22.08	NA	NA	10.70	8.97	3.35	090
44615		A	Intestinal stricturoplasty	18.16	NA	NA	8.80	7.42	2.74	090
44620		A	Repair bowel opening	14.43	NA	NA	7.42	6.17	2.08	090
44625		A	Repair bowel opening	17.28	NA	NA	8.48	7.03	2.47	090
44626		A	Repair bowel opening	27.90	NA	NA	12.43	10.38	4.19	090
44640		A	Repair bowel-skin fistula	24.20	NA	NA	11.00	9.25	3.59	090
44650		A	Repair bowel fistula	25.12	NA	NA	11.31	9.60	3.72	090
44660		A	Repair bowel-bladder fistula	23.91	NA	NA	10.28	9.85	2.83	090
44661		A	Repair bowel-bladder fistula	27.35	NA	NA	11.98	10.51	3.75	090
44680		A	Surgical revision, intestine	17.96	NA	NA	8.85	7.37	2.82	090
44700		A	Suspend bowel w/prosthesis	17.48	NA	NA	8.49	7.10	2.23	090
44701		A	Intraop colon lavage add-on	3.10	NA	NA	1.14	0.96	0.43	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	5.00	NA	NA	1.83	1.75	0.26	XXX
44721		A	Prep donor intestine/artery	7.00	NA	NA	2.59	2.24	1.10	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	12.05	NA	NA	7.00	6.02	1.79	090
44820		A	Excision of mesentery lesion	13.73	NA	NA	7.24	6.20	2.08	090
44850		A	Repair of mesentery	12.11	NA	NA	6.42	5.48	1.85	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	12.57	NA	NA	6.71	5.61	1.94	090
44901		A	Drain app abscess, percut	3.37	18.10	21.23	1.03	1.20	0.26	000
44950		A	Appendectomy	10.60	NA	NA	5.41	4.60	1.64	090
44955		A	Appendectomy add-on	1.53	NA	NA	0.57	0.50	0.23	ZZZ
44960		A	Appendectomy	14.50	NA	NA	7.28	6.09	2.26	090
44970		A	Laparoscopy, appendectomy	9.45	NA	NA	5.49	4.64	1.45	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	6.30	NA	NA	4.34	3.77	0.80	090
45005		A	Drainage of rectal abscess	2.02	4.46	4.13	1.90	1.68	0.28	010
45020		A	Drainage of rectal abscess	8.56	NA	NA	5.63	4.72	1.19	090
45100		A	Biopsy of rectum	4.04	NA	NA	3.45	2.96	0.53	090
45108		A	Removal of anorectal lesion	5.12	NA	NA	4.01	3.35	0.80	090
45110		A	Removal of rectum	30.76	NA	NA	16.10	13.48	4.28	090

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45111		A	Partial removal of rectum	18.01	NA	NA	9.41	7.91	2.61	090
45112		A	Removal of rectum	33.18	NA	NA	14.80	12.26	4.47	090
45113		A	Partial proctectomy	33.22	NA	NA	16.56	13.56	5.20	090
45114		A	Partial removal of rectum	30.79	NA	NA	14.42	11.80	4.83	090
45116		A	Partial removal of rectum	27.72	NA	NA	12.91	10.63	2.91	090
45119		A	Remove rectum w/reservoir	33.48	NA	NA	16.45	13.44	4.31	090
45120		A	Removal of rectum	26.40	NA	NA	13.15	10.95	4.14	090
45121		A	Removal of rectum and colon	29.08	NA	NA	14.14	11.72	4.55	090
45123		A	Partial proctectomy	18.86	NA	NA	9.76	7.91	2.33	090
45126		A	Pelvic exenteration	49.10	NA	NA	22.17	19.96	7.69	090
45130		A	Excision of rectal prolapse	18.50	NA	NA	9.44	7.65	2.30	090
45135		A	Excision of rectal prolapse	22.36	NA	NA	11.86	9.64	3.50	090
45136		A	Excise ileoanal reservior	30.82	NA	NA	16.15	13.53	3.24	090
45150		A	Excision of rectal stricture	5.85	NA	NA	4.18	3.72	0.61	090
45160		A	Excision of rectal lesion	16.33	NA	NA	8.90	7.45	2.56	090
45171		A	Exc rect tum transanal part	8.13	NA	NA	6.89	6.89	1.11	090
45172		A	Exc rect tum transanal full	12.13	NA	NA	8.36	8.36	1.64	090
45190		A	Destruction, rectal tumor	10.42	NA	NA	7.07	5.88	1.37	090
45300		A	Proctosigmoidoscopy dx	0.80	2.20	1.96	0.58	0.47	0.09	000
45303		A	Proctosigmoidoscopy dilate	1.50	21.02	19.96	0.84	0.66	0.19	000
45305		A	Proctosigmoidoscopy w/bx	1.25	3.45	3.17	0.75	0.64	0.17	000
45307		A	Proctosigmoidoscopy fb	1.70	3.70	3.27	0.91	0.72	0.24	000
45308		A	Proctosigmoidoscopy removal	1.40	3.73	3.21	0.81	0.66	0.19	000
45309		A	Proctosigmoidoscopy removal	1.50	3.80	3.51	0.85	0.78	0.20	000
45315		A	Proctosigmoidoscopy removal	1.80	3.86	3.62	0.96	0.86	0.24	000
45317		A	Proctosigmoidoscopy bleed	2.00	3.76	3.31	1.03	0.83	0.24	000
45320		A	Proctosigmoidoscopy ablate	1.78	3.60	3.46	0.96	0.88	0.23	000
45321		A	Proctosigmoidoscopy volvul	1.75	NA	NA	0.96	0.85	0.24	000
45327		A	Proctosigmoidoscopy w/stent	2.00	NA	NA	1.15	1.02	0.31	000
45330		A	Diagnostic sigmoidoscopy	0.96	2.43	2.47	0.65	0.62	0.10	000
45331		A	Sigmoidoscopy and biopsy	1.15	2.93	3.16	0.76	0.76	0.13	000
45332		A	Sigmoidoscopy w/fb removal	1.79	5.15	5.34	1.02	1.00	0.21	000
45333		A	Sigmoidoscopy & polypectomy	1.79	5.27	5.41	1.01	0.99	0.21	000
45334		A	Sigmoidoscopy for bleeding	2.73	NA	NA	1.45	1.48	0.29	000
45335		A	Sigmoidoscopy w/submuc inj	1.46	4.81	4.77	0.88	0.87	0.17	000
45337		A	Sigmoidoscopy & decompress	2.36	NA	NA	1.26	1.23	0.28	000

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45338		A	Sigmoidoscopy w/tumr remove	2.34	5.32	5.62	1.26	1.26	0.26	000
45339		A	Sigmoidoscopy w/ablate tumr	3.14	5.14	5.16	1.61	1.62	0.35	000
45340		A	Sig w/balloon dilation	1.89	9.41	9.28	1.05	1.04	0.22	000
45341		A	Sigmoidoscopy w/ultrasound	2.60	NA	NA	1.39	1.42	0.28	000
45342		A	Sigmoidoscopy w/us guide bx	4.05	NA	NA	2.03	2.08	0.44	000
45345		A	Sigmoidoscopy w/stent	2.92	NA	NA	1.52	1.53	0.32	000
45355		A	Surgical colonoscopy	3.51	NA	NA	1.71	1.59	0.43	000
45378		A	Diagnostic colonoscopy	3.69	5.87	6.24	1.83	1.82	0.43	000
45378	53	A	Diagnostic colonoscopy	0.96	2.43	2.47	0.65	0.62	0.10	000
45379		A	Colonoscopy w/fb removal	4.68	7.58	7.95	2.25	2.21	0.53	000
45380		A	Colonoscopy and biopsy	4.43	6.96	7.47	2.18	2.20	0.49	000
45381		A	Colonoscopy, submucous inj	4.19	6.86	7.41	2.08	2.11	0.46	000
45382		A	Colonoscopy/control bleeding	5.68	9.09	9.98	2.74	2.81	0.62	000
45383		A	Lesion removal colonoscopy	5.86	8.04	8.35	2.71	2.67	0.67	000
45384		A	Lesion remove colonoscopy	4.69	6.73	7.04	2.23	2.20	0.54	000
45385		A	Lesion removal colonoscopy	5.30	7.57	8.11	2.54	2.57	0.59	000
45386		A	Colonoscopy dilate stricture	4.57	11.20	12.06	2.19	2.19	0.53	000
45387		A	Colonoscopy w/stent	5.90	NA	NA	2.92	2.92	0.65	000
45391		A	Colonoscopy w/endoscope us	5.09	NA	NA	2.46	2.51	0.54	000
45392		A	Colonoscopy w/endoscopic fnb	6.54	NA	NA	3.08	3.15	0.75	000
45395		A	Lap, removal of rectum	33.00	NA	NA	17.71	14.84	4.40	090
45397		A	Lap, remove rectum w/pouch	36.50	NA	NA	18.76	15.51	4.42	090
45400		A	Laparoscopic proc	19.44	NA	NA	9.86	8.21	2.62	090
45402		A	Lap proctopexy w/sig resect	26.51	NA	NA	12.53	10.33	3.54	090
45499		C	Laparoscope proc, rectum	0.00	0.00	0.00	0.00	0.00	0.00	YYY
45500		A	Repair of rectum	7.73	NA	NA	5.60	4.67	0.89	090
45505		A	Repair of rectum	8.36	NA	NA	6.46	5.32	1.11	090
45520		A	Treatment of rectal prolapse	0.55	3.20	2.73	0.48	0.41	0.05	000
45540		A	Correct rectal prolapse	18.12	NA	NA	8.89	7.38	2.29	090
45541		A	Correct rectal prolapse	14.85	NA	NA	8.74	7.23	1.90	090
45550		A	Repair rectum/remove sigmoid	24.80	NA	NA	12.53	10.27	3.29	090
45560		A	Repair of rectocele	11.50	NA	NA	6.33	5.81	1.32	090
45562		A	Exploration/repair of rectum	17.98	NA	NA	10.04	8.69	2.48	090
45563		A	Exploration/repair of rectum	26.38	NA	NA	14.50	12.03	4.14	090
45800		A	Repair rect/bladder fistula	20.31	NA	NA	9.99	9.41	2.49	090
45805		A	Repair fistula w/colostomy	23.32	NA	NA	12.95	10.78	3.66	090

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CPT[1]/ HCPCS	Mod	Status	Description	Physician Work RVUs[2,3,4]	Fully Implemented Non-Facility PE RVUs[2,4]	Year 2010 Transitional Non-Facility PE RVUs[2,4]	Fully Implemented Facility PE RVUs[2,4]	Year 2010 Transitional Facility PE RVUs[2,4]	Mal-Practice RVUs[2,4]	Global
45820		A	Repair rectourethral fistula	20.37	NA	NA	9.07	9.11	1.44	090
45825		A	Repair fistula w/colostomy	24.17	NA	NA	13.69	11.72	2.54	090
45900		A	Reduction of rectal prolapse	2.99	NA	NA	2.08	1.77	0.41	010
45905		A	Dilation of anal sphincter	2.35	NA	NA	1.89	1.68	0.30	010
45910		A	Dilation of rectal narrowing	2.85	NA	NA	2.05	1.90	0.35	010
45915		A	Remove rectal obstruction	3.19	4.73	4.40	2.42	2.17	0.38	010
45990		A	Surg dx exam, anorectal	1.80	NA	NA	0.94	0.82	0.23	000
45999		C	Rectum surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
46020		A	Placement of seton	3.00	3.83	3.23	2.86	2.40	0.40	010
46030		A	Removal of rectal marker	1.26	2.16	1.87	1.01	0.86	0.17	010
46040		A	Incision of rectal abscess	5.37	7.65	6.70	4.87	4.21	0.77	090
46045		A	Incision of rectal abscess	5.87	NA	NA	4.89	4.06	0.86	090
46050		A	Incision of anal abscess	1.24	3.64	3.19	1.19	1.02	0.18	010
46060		A	Incision of rectal abscess	6.37	NA	NA	5.50	4.57	0.87	090
46070		A	Incision of anal septum	2.79	NA	NA	2.83	2.67	0.15	090
46080		A	Incision of anal sphincter	2.52	3.59	3.10	1.48	1.25	0.36	010
46083		A	Incise external hemorrhoid	1.45	2.79	2.77	1.22	1.12	0.18	010
46200		A	Removal of anal fissure	3.59	7.24	6.12	4.46	3.80	0.46	090
46220		A	Excise anal ext tag/papilla	1.61	3.43	3.02	1.36	1.17	0.22	010
46221		A	Ligation of hemorrhoid(s)	2.36	4.24	3.70	2.40	2.08	0.30	010
46230		A	Removal of anal tags	2.62	4.11	3.62	1.73	1.47	0.35	010
46250		A	Remove ext hem groups = 2	4.25	6.99	6.19	3.55	3.05	0.60	090
46255		A	Remove int/ext hem 1 group	4.96	7.41	6.61	3.84	3.30	0.70	090
46257		A	Remove in/ex hem grp & fiss	5.76	NA	NA	4.81	3.97	0.79	090
46258		A	Remove in/ex hem grp w/fistu	6.41	NA	NA	5.19	4.29	1.01	090
46260		A	Remove in/ex hem groups = 2	6.73	NA	NA	5.12	4.26	0.93	090
46261		A	Remove in/ex hem grps & fiss	7.76	NA	NA	5.54	4.59	1.02	090
46262		A	Remove in/ex hem grps w/fist	7.91	NA	NA	5.97	4.97	1.06	090
46270		A	Remove anal fist subq	4.92	7.47	6.46	4.78	4.00	0.72	090
46275		A	Remove anal fist inter	5.42	7.80	6.63	4.92	4.10	0.72	090
46280		A	Remove anal fist complex	6.39	NA	NA	5.35	4.44	0.83	090
46285		A	Remove anal fist 2 stage	5.42	7.73	6.40	4.93	4.05	0.67	090
46288		A	Repair anal fistula	7.81	NA	NA	5.97	4.95	0.98	090
46320		A	Removal of hemorrhoid clot	1.64	2.85	2.50	1.15	0.97	0.22	010
46500		A	Injection into hemorrhoid(s)	1.69	4.11	3.49	1.56	1.34	0.21	010
46505		A	Chemodenervation anal musc	3.18	3.92	3.45	2.83	2.41	0.43	010

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46600		A	Diagnostic anoscopy	0.55	1.57	1.47	0.48	0.40	0.06	000
46604		A	Anoscopy and dilation	1.03	13.53	12.06	0.66	0.58	0.12	000
46606		A	Anoscopy and biopsy	1.20	4.21	3.99	0.73	0.61	0.17	000
46608		A	Anoscopy, remove for body	1.30	4.31	4.03	0.70	0.63	0.18	000
46610		A	Anoscopy, remove lesion	1.28	4.19	3.98	0.77	0.66	0.18	000
46611		A	Anoscopy	1.30	2.91	2.78	0.76	0.67	0.17	000
46612		A	Anoscopy, remove lesions	1.50	4.89	4.71	0.86	0.79	0.23	000
46614		A	Anoscopy, control bleeding	1.00	2.13	2.08	0.65	0.63	0.10	000
46615		A	Anoscopy	1.50	1.99	1.96	0.84	0.79	0.21	000
46700		A	Repair of anal stricture	9.81	NA	NA	6.73	5.52	1.20	090
46705		A	Repair of anal stricture	7.43	NA	NA	5.22	4.92	0.38	090
46706		A	Repr of anal fistula w/glue	2.44	NA	NA	1.79	1.57	0.31	010
46707		A	Repair anorectal fist w/plug	6.39	NA	NA	5.26	5.26	0.66	090
46710		A	Repr per/vag pouch sngl proc	17.14	NA	NA	10.23	8.79	2.70	090
46712		A	Repr per/vag pouch dbl proc	36.45	NA	NA	17.32	15.35	1.90	090
46715		A	Rep perf anoper fistu	7.62	NA	NA	4.91	4.55	0.39	090
46716		A	Rep perf anoper/vestib fistu	17.54	NA	NA	10.70	12.15	0.91	090
46730		A	Construction of absent anus	30.65	NA	NA	24.87	17.28	1.60	090
46735		A	Construction of absent anus	36.14	NA	NA	18.10	16.91	1.89	090
46740		A	Construction of absent anus	33.90	NA	NA	19.22	15.96	5.31	090
46742		A	Repair of imperforated anus	40.14	NA	NA	21.45	18.24	6.29	090
46744		A	Repair of cloacal anomaly	58.94	NA	NA	27.69	22.89	6.19	090
46746		A	Repair of cloacal anomaly	65.44	NA	NA	28.93	27.55	3.41	090
46748		A	Repair of cloacal anomaly	71.42	NA	NA	31.12	28.96	3.73	090
46750		A	Repair of anal sphincter	12.15	NA	NA	7.29	6.23	1.45	090
46751		A	Repair of anal sphincter	9.30	NA	NA	5.72	5.70	1.15	090
46753		A	Reconstruction of anus	8.89	NA	NA	5.90	4.96	1.11	090
46754		A	Removal of suture from anus	3.01	4.31	3.90	2.80	2.34	0.31	010
46760		A	Repair of anal sphincter	17.45	NA	NA	10.65	8.73	1.82	090
46761		A	Repair of anal sphincter	15.29	NA	NA	8.64	7.16	1.78	090
46762		A	Implant artificial sphincter	14.82	NA	NA	8.90	7.46	1.56	090
46900		A	Destruction, anal lesion(s)	1.91	4.03	3.61	1.60	1.42	0.22	010
46910		A	Destruction, anal lesion(s)	1.91	4.32	3.87	1.49	1.29	0.25	010
46916		A	Cryosurgery, anal lesion(s)	1.91	3.78	3.74	1.77	1.65	0.20	010
46917		A	Laser surgery, anal lesions	1.91	9.09	9.00	1.44	1.29	0.24	010
46922		A	Excision of anal lesion(s)	1.91	4.60	4.11	1.48	1.27	0.26	010

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46924		A	Destruction, anal lesion(s)	2.81	10.22	9.66	1.91	1.64	0.33	010
46930		A	Destroy internal hemorrhoids	1.61	3.28	3.53	1.99	2.10	0.19	090
46940		A	Treatment of anal fissure	2.35	3.33	2.84	1.40	1.18	0.27	010
46942		A	Treatment of anal fissure	2.07	3.30	2.78	1.30	1.08	0.24	010
46945		A	Remove by ligat int hem grp	2.21	5.24	4.63	3.34	2.99	0.28	090
46946		A	Remove by ligat int hem grps	2.63	4.91	4.56	2.91	2.70	0.32	090
46947		A	Hemorrhoidopexy by stapling	5.57	NA	NA	3.98	3.34	0.80	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	6.86	6.67	0.60	0.71	0.15	000
47001		A	Needle biopsy, liver add-on	1.90	NA	NA	0.70	0.60	0.28	ZZZ
47010		A	Open drainage, liver lesion	19.40	NA	NA	10.42	9.14	2.91	090
47011		A	Percut drain, liver lesion	3.69	NA	NA	1.11	1.36	0.26	000
47015		A	Inject/aspirate liver cyst	18.50	NA	NA	10.35	8.66	2.89	090
47100		A	Wedge biopsy of liver	12.91	NA	NA	8.08	6.91	1.98	090
47120		A	Partial removal of liver	39.01	NA	NA	18.97	16.09	6.07	090
47122		A	Extensive removal of liver	59.48	NA	NA	26.03	22.02	9.29	090
47125		A	Partial removal of liver	53.04	NA	NA	23.60	19.99	8.23	090
47130		A	Partial removal of liver	57.19	NA	NA	24.97	21.25	8.85	090
47133		X	Removal of donor liver	0.00	0.00	0.00	0.00	0.00	0.00	XXX
47135		R	Transplantation of liver	83.64	NA	NA	38.12	32.31	13.01	090
47136		R	Transplantation of liver	70.74	NA	NA	33.58	28.35	11.09	090
47140		A	Partial removal, donor liver	59.40	NA	NA	29.28	24.56	9.31	090
47141		A	Partial removal, donor liver	71.50	NA	NA	32.10	28.41	3.73	090
47142		A	Partial removal, donor liver	79.44	NA	NA	37.44	31.50	12.44	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	XXX
47146		A	Prep donor liver/venous	6.00	NA	NA	2.22	1.89	0.94	XXX
47147		A	Prep donor liver/arterial	7.00	NA	NA	2.59	2.20	1.09	XXX
47300		A	Surgery for liver lesion	18.14	NA	NA	10.12	8.47	2.82	090
47350		A	Repair liver wound	22.49	NA	NA	11.66	9.92	3.45	090
47360		A	Repair liver wound	31.31	NA	NA	14.87	12.74	4.90	090
47361		A	Repair liver wound	52.60	NA	NA	22.74	19.41	7.86	090
47362		A	Repair liver wound	23.54	NA	NA	12.31	10.28	3.63	090
47370		A	Laparo ablate liver tumor rf	20.80	NA	NA	10.12	8.66	3.10	090
47371		A	Laparo ablate liver cryosurg	20.80	NA	NA	10.41	9.15	3.26	090

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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	24.56	NA	NA	11.38	9.87	3.64	090
47381		A	Open ablate liver tumor cryo	24.88	NA	NA	11.92	10.33	3.90	090
47382		A	Percut ablate liver rf	15.22	101.52	101.52	5.07	6.34	1.09	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	36.36	NA	NA	17.21	14.48	5.69	090
47420		A	Incision of bile duct	22.03	NA	NA	11.35	9.63	3.43	090
47425		A	Incision of bile duct	22.31	NA	NA	11.64	9.74	3.50	090
47460		A	Incise bile duct sphincter	20.52	NA	NA	11.11	9.79	3.21	090
47480		A	Incision of gallbladder	13.25	NA	NA	8.38	7.16	2.02	090
47490		A	Incision of gallbladder	8.13	NA	NA	4.58	5.42	0.56	090
47500		A	Injection for liver x-rays	1.96	NA	NA	0.58	0.72	0.15	000
47505		A	Injection for liver x-rays	0.76	NA	NA	0.23	0.28	0.05	000
47510		A	Insert catheter, bile duct	8.03	NA	NA	4.01	4.78	0.59	090
47511		A	Insert bile duct drain	10.77	NA	NA	4.24	5.19	0.75	090
47525		A	Change bile duct catheter	1.54	10.41	11.76	0.67	1.20	0.10	000
47530		A	Revise/reinsert bile tube	6.05	27.90	31.02	2.99	3.57	0.45	090
47550		A	Bile duct endoscopy add-on	3.02	NA	NA	1.12	0.97	0.46	ZZZ
47552		A	Biliary endoscopy thru skin	6.03	NA	NA	2.17	2.58	0.46	000
47553		A	Biliary endoscopy thru skin	6.34	NA	NA	1.91	2.30	0.46	000
47554		A	Biliary endoscopy thru skin	9.05	NA	NA	3.41	3.50	1.11	000
47555		A	Biliary endoscopy thru skin	7.55	NA	NA	2.20	2.78	0.52	000
47556		A	Biliary endoscopy thru skin	8.55	NA	NA	2.54	3.16	0.59	000
47560		A	Laparoscopy w/cholangio	4.88	NA	NA	1.81	1.56	0.77	000
47561		A	Laparo w/cholangio/biopsy	5.17	NA	NA	2.16	1.87	0.81	000
47562		A	Laparoscopic cholecystectomy	11.76	NA	NA	6.89	5.80	1.82	090
47563		A	Laparo cholecystectomy/graph	12.11	NA	NA	6.71	5.71	1.89	090
47564		A	Laparo cholecystectomy/explr	14.24	NA	NA	7.25	6.19	2.23	090
47570		A	Laparo cholecystoenterostomy	12.56	NA	NA	6.68	5.70	1.96	090
47579		C	Laparoscope proc, biliary	0.00	0.00	0.00	0.00	0.00	0.00	YYY
47600		A	Removal of gallbladder	17.48	NA	NA	9.52	7.85	2.72	090
47605		A	Removal of gallbladder	15.98	NA	NA	8.46	7.15	2.50	090
47610		A	Removal of gallbladder	20.92	NA	NA	10.34	8.70	3.27	090
47612		A	Removal of gallbladder	21.21	NA	NA	10.34	8.72	3.31	090
47620		A	Removal of gallbladder	23.07	NA	NA	11.06	9.36	3.63	090
47630		A	Remove bile duct stone	9.65	NA	NA	4.37	4.93	0.89	090

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CPT[1]/ HCPCS	Mod	Status	Description	Physician Work RVUs[2,3,4]	Fully Implemented Non-Facility PE RVUs[2,4]	Year 2010 Transitional Non-Facility PE RVUs[2,4]	Fully Implemented Facility PE RVUs[2,4]	Year 2010 Transitional Facility PE RVUs[2,4]	Mal-Practice RVUs[2,4]	Global
47700		A	Exploration of bile ducts	16.50	NA	NA	9.60	8.24	2.59	090
47701		A	Bile duct revision	28.73	NA	NA	14.37	13.24	4.49	090
47711		A	Excision of bile duct tumor	25.90	NA	NA	12.83	10.90	4.03	090
47712		A	Excision of bile duct tumor	33.72	NA	NA	15.99	13.37	5.29	090
47715		A	Excision of bile duct cyst	21.55	NA	NA	11.48	9.56	3.38	090
47720		A	Fuse gallbladder & bowel	18.34	NA	NA	10.30	8.60	2.85	090
47721		A	Fuse upper gi structures	21.99	NA	NA	11.65	9.71	3.45	090
47740		A	Fuse gallbladder & bowel	21.23	NA	NA	11.37	9.44	3.32	090
47741		A	Fuse gallbladder & bowel	24.21	NA	NA	12.47	10.42	3.79	090
47760		A	Fuse bile ducts and bowel	38.32	NA	NA	17.85	14.41	5.96	090
47765		A	Fuse liver ducts & bowel	52.19	NA	NA	23.44	18.32	8.18	090
47780		A	Fuse bile ducts and bowel	42.32	NA	NA	19.34	15.50	6.60	090
47785		A	Fuse bile ducts and bowel	56.19	NA	NA	24.76	19.49	8.81	090
47800		A	Reconstruction of bile ducts	26.17	NA	NA	13.09	11.02	4.11	090
47801		A	Placement, bile duct support	17.60	NA	NA	8.16	8.77	1.79	090
47802		A	Fuse liver duct & intestine	24.93	NA	NA	12.98	10.89	3.91	090
47900		A	Suture bile duct injury	22.44	NA	NA	11.66	9.80	3.47	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	31.95	NA	NA	14.29	12.52	4.54	090
48001		A	Placement of drain, pancreas	39.69	NA	NA	17.77	14.88	6.23	090
48020		A	Removal of pancreatic stone	19.09	NA	NA	10.15	8.58	3.00	090
48100		A	Biopsy of pancreas, open	14.46	NA	NA	7.60	6.49	2.20	090
48102		A	Needle biopsy, pancreas	4.70	8.51	9.22	1.61	1.98	0.32	010
48105		A	Resect/debride pancreas	49.26	NA	NA	21.92	18.23	7.57	090
48120		A	Removal of pancreas lesion	18.41	NA	NA	9.16	7.71	2.87	090
48140		A	Partial removal of pancreas	26.32	NA	NA	12.60	10.60	4.10	090
48145		A	Partial removal of pancreas	27.39	NA	NA	13.22	10.98	4.28	090
48146		A	Pancreatectomy	30.60	NA	NA	15.72	13.29	4.79	090
48148		A	Removal of pancreatic duct	20.39	NA	NA	10.63	8.84	3.19	090
48150		A	Partial removal of pancreas	52.84	NA	NA	24.50	20.72	8.25	090
48152		A	Pancreatectomy	48.65	NA	NA	23.14	19.46	7.63	090
48153		A	Pancreatectomy	52.79	NA	NA	24.42	20.64	8.24	090
48154		A	Pancreatectomy	48.88	NA	NA	23.22	19.42	7.66	090
48155		A	Removal of pancreas	29.45	NA	NA	15.58	13.22	4.61	090
48160		N	Pancreas removal/transplant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
48400		A	Injection, intraop add-on	1.95	NA	NA	0.87	0.76	0.21	ZZZ

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CPT[1]/ HCPCS	Mod	Status	Description	Physician Work RVUs[2,3,4]	Fully Implemented Non-Facility PE RVUs[2,4]	Year 2010 Transitional Non-Facility PE RVUs[2,4]	Fully Implemented Facility PE RVUs[2,4]	Year 2010 Transitional Facility PE RVUs[2,4]	Mal-Practice RVUs[2,4]	Global
48500		A	Surgery of pancreatic cyst	18.16	NA	NA	10.40	8.70	2.84	090
48510		A	Drain pancreatic pseudocyst	17.19	NA	NA	9.80	8.34	2.64	090
48511		A	Drain pancreatic pseudocyst	3.99	18.22	20.17	1.20	1.47	0.28	000
48520		A	Fuse pancreas cyst and bowel	18.15	NA	NA	9.09	7.67	2.82	090
48540		A	Fuse pancreas cyst and bowel	21.94	NA	NA	10.65	8.84	3.43	090
48545		A	Pancreatorrhaphy	22.23	NA	NA	11.20	9.21	3.49	090
48547		A	Duodenal exclusion	30.38	NA	NA	14.22	11.75	4.75	090
48548		A	Fuse pancreas and bowel	28.09	NA	NA	13.22	11.23	4.39	090
48550		X	Donor pancreatectomy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
48551		C	Prep donor pancreas	0.00	0.00	0.00	0.00	0.00	0.00	XXX
48552		A	Prep donor pancreas/venous	4.30	NA	NA	1.59	1.39	0.66	XXX
48554		R	Transpl allograft pancreas	37.80	NA	NA	25.73	22.05	5.80	090
48556		A	Removal, allograft pancreas	19.47	NA	NA	12.12	10.21	3.05	090
48999		C	Pancreas surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
49000		A	Exploration of abdomen	12.54	NA	NA	6.70	5.82	1.89	090
49002		A	Reopening of abdomen	17.63	NA	NA	8.51	6.92	2.69	090
49010		A	Exploration behind abdomen	16.06	NA	NA	7.49	6.76	2.35	090
49020		A	Drain abdominal abscess	26.67	NA	NA	13.07	11.15	3.98	090
49021		A	Drain abdominal abscess	3.37	17.70	19.71	1.01	1.24	0.23	000
49040		A	Drain, open, abdom abscess	16.52	NA	NA	8.48	7.24	2.49	090
49041		A	Drain, percut, abdom abscess	3.99	17.84	19.62	1.19	1.46	0.28	000
49060		A	Drain, open, retrop abscess	18.53	NA	NA	8.95	8.01	2.71	090
49061		A	Drain, percut, retroper absc	3.69	17.75	19.52	1.10	1.35	0.25	000
49062		A	Drain to peritoneal cavity	12.22	NA	NA	6.14	5.67	1.81	090
49080		A	Puncture, peritoneal cavity	1.35	2.50	2.96	0.44	0.50	0.09	000
49081		A	Removal of abdominal fluid	1.26	2.77	2.87	0.47	0.48	0.12	000
49180		A	Biopsy, abdominal mass	1.73	2.20	2.59	0.52	0.63	0.12	000
49203		A	Exc abd tum 5 cm or less	20.13	NA	NA	9.83	8.61	2.89	090
49204		A	Exc abd tum over 5 cm	26.13	NA	NA	12.05	10.49	3.73	090
49205		A	Exc abd tum over 10 cm	30.13	NA	NA	13.61	11.76	4.43	090
49215		A	Excise sacral spine tumor	37.81	NA	NA	17.04	14.65	5.54	090
49220		A	Multiple surgery, abdomen	15.79	NA	NA	8.31	7.14	2.49	090
49250		A	Excision of umbilicus	9.01	NA	NA	5.45	4.76	1.35	090
49255		A	Removal of omentum	12.56	NA	NA	7.13	6.19	1.87	090
49320		A	Diag laparo separate proc	5.14	NA	NA	3.03	2.71	0.76	010
49321		A	Laparoscopy, biopsy	5.44	NA	NA	3.21	2.82	0.83	010

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49322		A	Laparoscopy, aspiration	6.01	NA	NA	3.29	2.96	0.85	010
49323		A	Laparo drain lymphocele	10.23	NA	NA	5.61	5.04	1.57	090
49324		A	Lap insertion perm ip cath	6.32	NA	NA	3.54	3.07	0.98	010
49325		A	Lap revision perm ip cath	6.82	NA	NA	3.70	3.20	1.08	010
49326		A	Lap w/omentopexy add-on	3.50	NA	NA	1.27	1.04	0.54	ZZZ
49329		C	Laparo proc, abdm/per/oment	0.00	0.00	0.00	0.00	0.00	0.00	YYY
49400		A	Air injection into abdomen	1.88	2.35	2.63	0.59	0.67	0.18	000
49402		A	Remove foreign body, adbomen	14.09	NA	NA	7.22	6.18	2.13	090
49411		A	Ins mark abd/pel for rt perq	3.82	9.87	9.87	1.43	1.43	0.26	000
49419		A	Insrt abdom cath for chemotx	7.08	NA	NA	4.01	3.74	0.90	090
49420		A	Insert abdom drain, temp	2.22	NA	NA	1.18	1.20	0.25	000
49421		A	Insert abdom drain, perm	5.90	NA	NA	3.66	3.37	0.86	090
49422		A	Remove perm cannula/catheter	6.29	NA	NA	3.28	2.94	0.95	010
49423		A	Exchange drainage catheter	1.46	11.90	13.18	0.46	0.57	0.09	000
49424		A	Assess cyst, contrast inject	0.76	2.80	3.18	0.25	0.31	0.05	000
49425		A	Insert abdomen-venous drain	12.22	NA	NA	6.44	5.87	1.96	090
49426		A	Revise abdomen-venous shunt	10.41	NA	NA	5.41	5.00	1.52	090
49427		A	Injection, abdominal shunt	0.89	NA	NA	0.28	0.33	0.07	000
49428		A	Ligation of shunt	6.87	NA	NA	3.85	3.57	1.08	010
49429		A	Removal of shunt	7.44	NA	NA	3.60	3.38	1.17	010
49435		A	Insert subq exten to ip cath	2.25	NA	NA	0.76	0.65	0.33	ZZZ
49436		A	Embedded ip cath exit-site	2.72	NA	NA	1.93	1.72	0.43	010
49440		A	Place gastrostomy tube perc	4.18	21.21	23.97	1.66	1.87	0.35	010
49441		A	Place duod/jej tube perc	4.77	22.79	25.91	1.84	2.08	0.40	010
49442		A	Place cecostomy tube perc	4.00	18.17	22.87	1.64	1.70	0.27	010
49446		A	Change g-tube to g-j perc	3.31	20.35	22.57	1.00	1.23	0.23	000
49450		A	Replace g/c tube perc	1.36	14.47	17.58	0.42	0.47	0.09	000
49451		A	Replace duod/jej tube perc	1.84	15.37	16.70	0.57	0.69	0.15	000
49452		A	Replace g-j tube perc	2.86	18.40	20.36	0.87	1.06	0.20	000
49460		A	Fix g/colon tube w/device	0.96	16.30	19.81	0.30	0.34	0.07	000
49465		A	Fluoro exam of g/colon tube	0.62	3.47	3.83	0.19	0.23	0.04	000
49491		A	Rpr hern preemie reduc	12.53	NA	NA	7.14	5.97	1.96	090
49492		A	Rpr ing hern premie, blocked	15.43	NA	NA	6.61	6.59	2.42	090
49495		A	Rpr ing hernia baby, reduc	6.20	NA	NA	3.95	3.23	0.97	090
49496		A	Rpr ing hernia baby, blocked	9.42	NA	NA	5.78	4.88	1.62	090
49500		A	Rpr ing hernia, init, reduce	5.84	NA	NA	4.33	3.61	0.91	090

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49501		A	Rpr ing hernia, init blocked	9.36	NA	NA	5.63	4.77	1.46	090
49505		A	Prp i/hern init reduc >5 yr	7.96	NA	NA	4.97	4.25	1.22	090
49507		A	Prp i/hern init block >5 yr	10.05	NA	NA	5.79	4.94	1.56	090
49520		A	Rerepair ing hernia, reduce	9.99	NA	NA	5.70	4.87	1.54	090
49521		A	Rerepair ing hernia, blocked	12.44	NA	NA	6.58	5.62	1.92	090
49525		A	Repair ing hernia, sliding	8.93	NA	NA	5.31	4.54	1.37	090
49540		A	Repair lumbar hernia	10.74	NA	NA	6.07	5.15	1.66	090
49550		A	Rpr rem hernia, init, reduce	8.99	NA	NA	5.32	4.55	1.39	090
49553		A	Rpr fem hernia, init blocked	9.92	NA	NA	5.77	4.90	1.54	090
49555		A	Rerepair fem hernia, reduce	9.39	NA	NA	5.52	4.70	1.45	090
49557		A	Rerepair fem hernia, blocked	11.62	NA	NA	6.40	5.44	1.80	090
49560		A	Rpr ventral hern init, reduc	11.92	NA	NA	6.44	5.49	1.82	090
49561		A	Rpr ventral hern init, block	15.38	NA	NA	7.77	6.57	2.38	090
49565		A	Rerepair ventrl hern, reduce	12.37	NA	NA	6.74	5.73	1.91	090
49566		A	Rerepair ventrl hern, block	15.53	NA	NA	7.85	6.64	2.42	090
49568		A	Hernia repair w/mesh	4.88	NA	NA	1.81	1.54	0.76	ZZZ
49570		A	Rpr epigastric hern, reduce	6.05	NA	NA	4.25	3.64	0.94	090
49572		A	Rpr epigastric hern, blocked	7.87	NA	NA	4.91	4.15	1.21	090
49580		A	Rpr umbil hern, reduc < 5 yr	4.47	NA	NA	4.79	3.44	0.70	090
49582		A	Rpr umbil hern, block < 5 yr	7.13	NA	NA	4.81	4.07	1.12	090
49585		A	Rpr umbil hern, reduc > 5 yr	6.59	NA	NA	4.44	3.80	1.01	090
49587		A	Rpr umbil hern, block > 5 yr	8.04	NA	NA	4.98	4.24	1.24	090
49590		A	Repair spigelian hernia	8.90	NA	NA	5.30	4.53	1.38	090
49600		A	Repair umbilical lesion	11.55	NA	NA	6.56	5.77	1.80	090
49605		A	Repair umbilical lesion	87.09	NA	NA	35.82	31.41	13.65	090
49606		A	Repair umbilical lesion	19.00	NA	NA	9.13	7.78	2.98	090
49610		A	Repair umbilical lesion	10.91	NA	NA	6.14	5.33	1.70	090
49611		A	Repair umbilical lesion	9.34	NA	NA	5.04	5.16	0.48	090
49650		A	Lap ing hernia repair init	6.36	NA	NA	4.27	3.65	0.98	090
49651		A	Lap ing hernia repair recur	8.38	NA	NA	5.45	4.62	1.31	090
49652		A	Lap vent/abd hernia repair	12.88	NA	NA	6.96	5.90	0.66	090
49653		A	Lap vent/abd hern proc comp	16.21	NA	NA	8.63	7.30	0.85	090
49654		A	Lap inc hernia repair	15.03	NA	NA	7.76	6.55	0.78	090
49655		A	Lap inc hern repair comp	18.11	NA	NA	9.33	7.87	0.94	090
49656		A	Lap inc hernia repair recur	15.08	NA	NA	7.78	6.56	0.79	090
49657		A	Lap inc hern recur comp	22.11	NA	NA	10.81	9.07	1.15	090

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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	12.41	NA	NA	7.93	6.89	1.87	090
49904		A	Omental flap, extra-abdom	22.35	NA	NA	13.50	13.22	3.49	090
49905		A	Omental flap, intra-abdom	6.54	NA	NA	2.38	2.08	0.91	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	12.28	NA	NA	6.38	6.63	1.32	090
50020		A	Renal abscess, open drain	18.08	NA	NA	8.94	8.97	1.77	090
50021		A	Renal abscess, percut drain	3.37	18.91	20.95	1.01	1.23	0.23	000
50040		A	Drainage of kidney	16.68	NA	NA	7.39	8.60	1.24	090
50045		A	Exploration of kidney	16.82	NA	NA	7.51	8.57	1.19	090
50060		A	Removal of kidney stone	20.95	NA	NA	8.88	10.33	1.48	090
50065		A	Incision of kidney	22.32	NA	NA	9.33	10.54	1.59	090
50070		A	Incision of kidney	21.85	NA	NA	9.18	10.79	1.56	090
50075		A	Removal of kidney stone	27.09	NA	NA	11.10	13.01	1.93	090
50080		A	Removal of kidney stone	15.74	NA	NA	6.97	8.15	1.14	090
50081		A	Removal of kidney stone	23.50	NA	NA	9.93	11.59	1.70	090
50100		A	Revise kidney blood vessels	17.45	NA	NA	9.31	8.24	2.74	090
50120		A	Exploration of kidney	17.21	NA	NA	7.59	8.69	1.22	090
50125		A	Explore and drain kidney	17.82	NA	NA	9.45	9.28	1.26	090
50130		A	Removal of kidney stone	18.82	NA	NA	8.17	9.53	1.34	090
50135		A	Exploration of kidney	20.59	NA	NA	8.76	10.12	1.46	090
50200		A	Renal biopsy perq	2.63	12.04	12.04	1.08	1.24	0.23	000
50205		A	Renal biopsy open	12.29	NA	NA	6.48	5.86	1.76	090
5020F		I	Txmnts 2 main Dr by 1 mon	0.00	0.00	0.00	0.00	0.00	0.00	XXX
50220		A	Remove kidney, open	18.68	NA	NA	8.34	9.26	1.65	090
50225		A	Removal kidney open, complex	21.88	NA	NA	9.38	10.49	1.75	090
50230		A	Removal kidney open, radical	23.81	NA	NA	9.71	11.20	1.80	090
50234		A	Removal of kidney & ureter	24.05	NA	NA	9.99	11.51	1.79	090
50236		A	Removal of kidney & ureter	26.94	NA	NA	11.43	13.31	1.94	090
50240		A	Partial removal of kidney	24.21	NA	NA	10.41	12.02	1.78	090
50250		A	Cryoablate renal mass open	22.22	NA	NA	9.72	11.37	1.60	090
50280		A	Removal of kidney lesion	17.09	NA	NA	7.72	8.74	1.37	090
50290		A	Removal of kidney lesion	16.15	NA	NA	7.29	7.66	1.15	090
50300		X	Remove cadaver donor kidney	0.00	0.00	0.00	0.00	0.00	0.00	XXX
50320		A	Remove kidney, living donor	22.43	NA	NA	13.41	12.88	2.85	090

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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	4.00	NA	NA	1.45	1.30	0.57	XXX
50328		A	Prep renal graft/arterial	3.50	NA	NA	1.26	1.15	0.49	XXX
50329		A	Prep renal graft/ureteral	3.34	NA	NA	1.15	1.21	0.35	XXX
50340		A	Removal of kidney	14.04	NA	NA	9.41	8.04	2.21	090
50360		A	Transplantation of kidney	40.90	NA	NA	23.13	19.83	6.10	090
50365		A	Transplantation of kidney	46.13	NA	NA	24.80	21.86	7.23	090
50370		A	Remove transplanted kidney	18.88	NA	NA	10.96	9.54	2.76	090
50380		A	Reimplantation of kidney	30.11	NA	NA	19.45	18.04	4.71	090
50382		A	Change ureter stent, percut	5.50	23.50	28.09	1.71	2.10	0.38	000
50384		A	Remove ureter stent, percut	5.00	18.58	23.53	1.55	1.92	0.35	000
50385		A	Change stent via transureth	4.44	23.92	28.48	1.62	2.05	0.31	000
50386		A	Remove stent via transureth	3.30	15.39	18.09	1.29	1.61	0.23	000
50387		A	Change ext/int ureter stent	2.00	11.32	13.55	0.59	0.75	0.15	000
50389		A	Remove renal tube w/fluoro	1.10	5.95	7.75	0.33	0.41	0.07	000
50390		A	Drainage of kidney lesion	1.96	NA	NA	0.58	0.72	0.13	000
50391		A	Instll rx agnt into rnal tub	1.96	1.26	1.49	0.70	0.78	0.15	000
50392		A	Insert kidney drain	3.37	NA	NA	1.27	1.56	0.23	000
50393		A	Insert ureteral tube	4.15	NA	NA	1.51	1.85	0.28	000
50394		A	Injection for kidney x-ray	0.76	1.66	2.01	0.50	0.60	0.05	000
50395		A	Create passage to kidney	3.37	NA	NA	1.31	1.59	0.24	000
50396		A	Measure kidney pressure	2.09	NA	NA	0.88	1.11	0.15	000
50398		A	Change kidney tube	1.46	10.69	12.56	0.47	0.58	0.09	000
50400		A	Revision of kidney/ureter	21.27	NA	NA	9.00	10.35	1.54	090
50405		A	Revision of kidney/ureter	25.86	NA	NA	10.69	12.39	1.84	090
50500		A	Repair of kidney wound	21.22	NA	NA	10.28	9.58	3.32	090
50520		A	Close kidney-skin fistula	18.88	NA	NA	8.19	9.34	1.35	090
50525		A	Repair renal-abdomen fistula	24.39	NA	NA	12.07	11.53	3.82	090
50526		A	Repair renal-abdomen fistula	26.31	NA	NA	11.88	11.24	1.37	090
50540		A	Revision of horseshoe kidney	21.10	NA	NA	8.93	9.95	1.49	090
50541		A	Laparo ablate renal cyst	16.86	NA	NA	7.23	8.34	1.25	090
50542		A	Laparo ablate renal mass	21.36	NA	NA	9.21	10.67	1.54	090
50543		A	Laparo partial nephrectomy	27.41	NA	NA	11.61	13.44	2.00	090
50544		A	Laparoscopy, pyeloplasty	23.37	NA	NA	9.35	10.91	1.70	090
50545		A	Laparo radical nephrectomy	25.06	NA	NA	10.12	11.76	1.87	090

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50546		A	Laparoscopic nephrectomy	21.87	NA	NA	9.50	10.86	1.69	090
50547		A	Laparo removal donor kidney	26.34	NA	NA	13.94	13.07	3.55	090
50548		A	Laparo remove w/ureter	25.36	NA	NA	10.03	11.72	1.84	090
50549		C	Laparoscope proc, renal	0.00	0.00	0.00	0.00	0.00	0.00	YYY
50551		A	Kidney endoscopy	5.59	3.62	4.41	2.17	2.55	0.40	000
50553		A	Kidney endoscopy	5.98	3.83	4.52	2.23	2.63	0.48	000
50555		A	Kidney endoscopy & biopsy	6.52	4.03	4.88	2.47	2.89	0.46	000
50557		A	Kidney endoscopy & treatment	6.61	4.13	5.01	2.50	2.94	0.47	000
50561		A	Kidney endoscopy & treatment	7.58	4.62	5.60	2.82	3.33	0.55	000
50562		A	Renal scope w/tumor resect	10.90	NA	NA	4.36	5.19	0.78	090
50570		A	Kidney endoscopy	9.53	NA	NA	3.43	4.08	0.67	000
50572		A	Kidney endoscopy	10.33	NA	NA	3.70	4.40	0.74	000
50574		A	Kidney endoscopy & biopsy	11.00	NA	NA	3.92	4.65	0.79	000
50575		A	Kidney endoscopy	13.96	NA	NA	4.90	5.82	1.00	000
50576		A	Kidney endoscopy & treatment	10.97	NA	NA	3.91	4.65	0.78	000
50580		A	Kidney endoscopy & treatment	11.84	NA	NA	4.20	4.91	0.85	000
50590		A	Fragmenting of kidney stone	9.77	13.05	15.47	4.92	5.70	0.70	090
50592		A	Perc rf ablate renal tumor	6.80	64.32	86.22	2.59	3.12	0.47	010
50593		A	Perc cryo ablate renal tum	9.13	97.70	114.73	3.50	3.62	0.63	010
50600		A	Exploration of ureter	17.17	NA	NA	7.38	8.46	1.22	090
50605		A	Insert ureteral support	16.79	NA	NA	7.85	7.96	1.95	090
50610		A	Removal of ureter stone	17.25	NA	NA	7.47	8.68	1.22	090
50620		A	Removal of ureter stone	16.43	NA	NA	7.19	8.36	1.17	090
50630		A	Removal of ureter stone	16.21	NA	NA	7.12	8.01	1.15	090
50650		A	Removal of ureter	18.82	NA	NA	8.23	9.47	1.39	090
50660		A	Removal of ureter	21.02	NA	NA	8.90	10.24	1.49	090
50684		A	Injection for ureter x-ray	0.76	3.30	4.03	0.52	0.60	0.05	000
50686		A	Measure ureter pressure	1.51	2.28	1.32	0.88	0.97	0.16	000
50688		A	Change of ureter tube/stent	1.20	NA	NA	0.83	0.98	0.08	010
50690		A	Injection for ureter x-ray	1.16	1.24	1.52	0.63	0.75	0.07	000
50700		A	Revision of ureter	16.69	NA	NA	7.69	8.62	1.19	090
50715		A	Release of ureter	20.64	NA	NA	9.71	9.27	2.21	090
50722		A	Release of ureter	17.95	NA	NA	8.78	8.14	2.24	090
50725		A	Release/revise ureter	20.20	NA	NA	8.63	9.54	1.43	090
50727		A	Revise ureter	8.28	NA	NA	4.73	5.43	0.62	090
50728		A	Revise ureter	12.18	NA	NA	5.98	6.67	0.87	090

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50740		A	Fusion of ureter & kidney	20.07	NA	NA	10.28	9.45	3.15	090
50750		A	Fusion of ureter & kidney	21.22	NA	NA	8.97	10.53	1.50	090
50760		A	Fusion of ureters	20.07	NA	NA	8.98	9.64	1.96	090
50770		A	Splicing of ureters	21.22	NA	NA	8.97	9.69	1.50	090
50780		A	Reimplant ureter in bladder	19.95	NA	NA	8.80	9.78	1.70	090
50782		A	Reimplant ureter in bladder	19.66	NA	NA	8.45	9.43	3.08	090
50783		A	Reimplant ureter in bladder	20.70	NA	NA	10.51	9.84	1.47	090
50785		A	Reimplant ureter in bladder	22.23	NA	NA	9.43	10.80	1.65	090
50800		A	Implant ureter in bowel	16.41	NA	NA	7.60	8.69	1.28	090
50810		A	Fusion of ureter & bowel	22.61	NA	NA	12.05	10.75	3.55	090
50815		A	Urine shunt to intestine	22.26	NA	NA	9.69	11.18	1.59	090
50820		A	Construct bowel bladder	24.07	NA	NA	10.32	11.46	1.95	090
50825		A	Construct bowel bladder	30.68	NA	NA	12.59	14.45	2.33	090
50830		A	Revise urine flow	33.77	NA	NA	13.49	15.21	2.42	090
50840		A	Replace ureter by bowel	22.39	NA	NA	9.73	11.29	1.60	090
50845		A	Appendico-vesicostomy	22.46	NA	NA	10.14	11.71	1.60	090
50860		A	Transplant ureter to skin	17.08	NA	NA	7.60	8.72	1.21	090
50900		A	Repair of ureter	15.04	NA	NA	7.22	7.81	1.08	090
50920		A	Closure ureter/skin fistula	15.81	NA	NA	7.18	8.31	1.13	090
50930		A	Closure ureter/bowel fistula	20.19	NA	NA	8.63	9.16	3.16	090
50940		A	Release of ureter	15.93	NA	NA	7.22	8.21	1.14	090
50945		A	Laparoscopy ureterolithotomy	17.97	NA	NA	7.51	8.73	1.28	090
50947		A	Laparo new ureter/bladder	25.78	NA	NA	10.47	11.97	1.84	090
50948		A	Laparo new ureter/bladder	23.82	NA	NA	9.61	11.32	1.69	090
50949		C	Laparoscope proc, ureter	0.00	0.00	0.00	0.00	0.00	0.00	YYY
50951		A	Endoscopy of ureter	5.83	3.79	4.62	2.25	2.66	0.41	000
50953		A	Endoscopy of ureter	6.23	3.96	4.81	2.66	3.13	0.45	000
50955		A	Ureter endoscopy & biopsy	6.74	4.16	5.38	2.84	3.35	0.48	000
50957		A	Ureter endoscopy & treatment	6.78	4.23	5.10	2.57	3.01	0.48	000
50961		A	Ureter endoscopy & treatment	6.04	3.85	4.68	2.31	2.73	0.43	000
50970		A	Ureter endoscopy	7.13	NA	NA	2.64	3.13	0.50	000
50972		A	Ureter endoscopy & catheter	6.88	NA	NA	2.56	3.01	0.49	000
50974		A	Ureter endoscopy & biopsy	9.16	NA	NA	3.31	3.93	0.65	000
50976		A	Ureter endoscopy & treatment	9.03	NA	NA	3.27	3.85	0.64	000
50980		A	Ureter endoscopy & treatment	6.84	NA	NA	2.55	3.02	0.48	000
5100F		I	Rsk fx ref w/n 24 hrs x-ray	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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51020		A	Incise & treat bladder	7.69	NA	NA	4.42	5.10	0.57	090
51030		A	Incise & treat bladder	7.81	NA	NA	4.04	4.76	0.55	090
51040		A	Incise & drain bladder	4.49	NA	NA	2.95	3.45	0.32	090
51045		A	Incise bladder/drain ureter	7.81	NA	NA	4.66	5.00	0.78	090
51050		A	Removal of bladder stone	7.97	NA	NA	4.27	4.96	0.57	090
51060		A	Removal of ureter stone	9.95	NA	NA	5.13	5.97	0.72	090
51065		A	Remove ureter calculus	9.95	NA	NA	5.07	5.86	0.72	090
51080		A	Drainage of bladder abscess	6.71	NA	NA	3.85	4.39	0.48	090
51100		A	Drain bladder by needle	0.78	0.80	0.88	0.25	0.28	0.06	000
51101		A	Drain bladder by trocar/cath	1.02	2.10	2.37	0.37	0.38	0.09	000
51102		A	Drain bl w/cath insertion	2.70	2.97	3.59	1.10	1.33	0.21	000
51500		A	Removal of bladder cyst	11.05	NA	NA	5.49	5.87	0.79	090
51520		A	Removal of bladder lesion	10.21	NA	NA	5.21	5.84	0.73	090
51525		A	Removal of bladder lesion	15.42	NA	NA	7.01	8.08	1.15	090
51530		A	Removal of bladder lesion	13.71	NA	NA	6.59	7.24	1.21	090
51535		A	Repair of ureter lesion	13.90	NA	NA	6.42	7.22	0.98	090
51550		A	Partial removal of bladder	17.23	NA	NA	7.81	8.57	1.57	090
51555		A	Partial removal of bladder	23.18	NA	NA	9.91	11.08	1.91	090
51565		A	Revise bladder & ureter(s)	23.68	NA	NA	10.16	11.42	1.78	090
51570		A	Removal of bladder	27.46	NA	NA	11.27	12.67	2.06	090
51575		A	Removal of bladder & nodes	34.18	NA	NA	13.66	15.83	2.46	090
51580		A	Remove bladder/revise tract	35.37	NA	NA	14.32	16.75	2.53	090
51585		A	Removal of bladder & nodes	39.64	NA	NA	15.73	18.40	2.83	090
51590		A	Remove bladder/revise tract	36.33	NA	NA	14.35	16.57	2.70	090
51595		A	Remove bladder/revise tract	41.32	NA	NA	16.17	18.76	3.02	090
51596		A	Remove bladder/create pouch	44.26	NA	NA	17.50	20.36	3.19	090
51597		A	Removal of pelvic structures	42.86	NA	NA	17.22	19.52	3.33	090
51600		A	Injection for bladder x-ray	0.88	3.55	4.28	0.28	0.33	0.06	000
51605		A	Preparation for bladder xray	0.64	NA	NA	0.35	0.41	0.04	000
51610		A	Injection for bladder x-ray	1.05	1.59	1.93	0.59	0.68	0.07	000
51700		A	Irrigation of bladder	0.88	1.19	1.46	0.30	0.34	0.06	000
51701		A	Insert bladder catheter	0.50	0.85	1.11	0.22	0.24	0.04	000
51702		A	Insert temp bladder cath	0.50	1.22	1.57	0.28	0.32	0.04	000
51703		A	Insert bladder cath, complex	1.47	1.77	2.28	0.67	0.76	0.10	000
51705		A	Change of bladder tube	1.05	1.58	1.99	0.69	0.79	0.07	010
51710		A	Change of bladder tube	1.52	2.11	2.73	0.94	1.08	0.10	010

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51715		A	Endoscopic injection/implant	3.73	3.53	4.19	1.50	1.69	0.29	000
51720		A	Treatment of bladder lesion	1.50	1.26	1.60	0.61	0.74	0.10	000
51725		A	Simple cystometrogram	1.51	3.33	4.31	NA	NA	0.10	000
51725	TC	A	Simple cystometrogram	0.00	2.81	3.74	NA	NA	0.01	000
51725	26	A	Simple cystometrogram	1.51	0.52	0.57	0.52	0.57	0.09	000
51726		A	Complex cystometrogram	1.71	5.53	6.83	NA	NA	0.12	000
51726	TC	A	Complex cystometrogram	0.00	4.94	6.18	NA	NA	0.02	000
51726	26	A	Complex cystometrogram	1.71	0.59	0.65	0.59	0.65	0.10	000
51727		A	Cystometrogram w/up	2.11	5.78	5.78	NA	NA	0.17	000
51727	TC	A	Cystometrogram w/up	0.00	5.03	5.03	NA	NA	0.01	000
51727	26	A	Cystometrogram w/up	2.11	0.75	0.75	0.75	0.75	0.16	000
51728		A	Cystometrogram w/vp	2.11	5.77	5.77	NA	NA	0.14	000
51728	TC	A	Cystometrogram w/vp	0.00	5.04	5.04	NA	NA	0.01	000
51728	26	A	Cystometrogram w/vp	2.11	0.73	0.73	0.73	0.73	0.13	000
51729		A	Cystometrogram w/vp&up	2.51	6.08	6.08	NA	NA	0.19	000
51729	TC	A	Cystometrogram w/vp&up	0.00	5.19	5.19	NA	NA	0.01	000
51729	26	A	Cystometrogram w/vp&up	2.51	0.89	0.89	0.89	0.89	0.18	000
51736		A	Urine flow measurement	0.61	0.73	0.84	NA	NA	0.04	000
51736	TC	A	Urine flow measurement	0.00	0.52	0.60	NA	NA	0.01	000
51736	26	A	Urine flow measurement	0.61	0.21	0.24	0.21	0.24	0.03	000
51741		A	Electro-uroflowmetry, first	1.14	0.99	1.13	NA	NA	0.06	000
51741	TC	A	Electro-uroflowmetry, first	0.00	0.61	0.69	NA	NA	0.01	000
51741	26	A	Electro-uroflowmetry, first	1.14	0.38	0.44	0.38	0.44	0.05	000
51784		A	Anal/urinary muscle study	1.53	3.29	3.89	NA	NA	0.10	000
51784	TC	A	Anal/urinary muscle study	0.00	2.76	3.32	NA	NA	0.01	000
51784	26	A	Anal/urinary muscle study	1.53	0.53	0.57	0.53	0.57	0.09	000
51785		A	Anal/urinary muscle study	1.53	3.77	4.38	NA	NA	0.10	000
51785	TC	A	Anal/urinary muscle study	0.00	3.23	3.80	NA	NA	0.01	000
51785	26	A	Anal/urinary muscle study	1.53	0.54	0.58	0.54	0.58	0.09	000
51792		A	Urinary reflex study	1.10	4.02	4.98	NA	NA	0.08	000
51792	TC	A	Urinary reflex study	0.00	3.63	4.56	NA	NA	0.01	000
51792	26	A	Urinary reflex study	1.10	0.39	0.42	0.39	0.42	0.07	000
51797		A	Intraabdominal pressure test	0.80	1.94	2.97	NA	NA	0.05	ZZZ
51797	TC	A	Intraabdominal pressure test	0.00	1.66	2.62	NA	NA	0.01	ZZZ
51797	26	A	Intraabdominal pressure test	0.80	0.28	0.35	0.28	0.35	0.04	ZZZ
51798		A	Us urine capacity measure	0.00	0.43	0.51	NA	NA	0.01	XXX

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51800		A	Revision of bladder/urethra	18.89	NA	NA	8.38	9.60	1.43	090
51820		A	Revision of urinary tract	19.59	NA	NA	8.70	9.37	1.39	090
51840		A	Attach bladder/urethra	11.36	NA	NA	5.76	5.98	1.10	090
51841		A	Attach bladder/urethra	13.68	NA	NA	6.63	6.88	1.35	090
51845		A	Repair bladder neck	10.15	NA	NA	5.11	5.67	0.88	090
51860		A	Repair of bladder wound	12.60	NA	NA	6.50	6.75	1.36	090
51865		A	Repair of bladder wound	15.80	NA	NA	7.40	8.14	1.41	090
51880		A	Repair of bladder opening	7.87	NA	NA	4.22	4.63	0.73	090
51900		A	Repair bladder/vagina lesion	14.63	NA	NA	7.12	7.63	1.04	090
51920		A	Close bladder-uterus fistula	13.41	NA	NA	6.45	7.09	0.95	090
51925		A	Hysterectomy/bladder repair	17.53	NA	NA	9.02	9.08	2.18	090
51940		A	Correction of bladder defect	30.66	NA	NA	12.37	13.32	2.19	090
51960		A	Revision of bladder & bowel	25.40	NA	NA	10.89	12.54	1.95	090
51980		A	Construct bladder opening	12.57	NA	NA	5.99	6.88	0.90	090
51990		A	Laparo urethral suspension	13.36	NA	NA	6.44	6.51	1.30	090
51992		A	Laparo sling operation	14.87	NA	NA	7.08	6.93	1.64	090
51999		C	Laparoscope proc, bla	0.00	0.00	0.00	0.00	0.00	0.00	YYY
52000		A	Cystoscopy	2.23	2.80	3.44	1.06	1.20	0.17	000
52001		A	Cystoscopy, removal of clots	5.44	3.98	4.95	2.12	2.47	0.39	000
52005		A	Cystoscopy & ureter catheter	2.37	4.34	5.42	1.10	1.28	0.18	000
52007		A	Cystoscopy and biopsy	3.02	8.12	11.29	1.31	1.54	0.22	000
5200F		I	Eval appros surg thxpy epi	0.00	0.00	0.00	0.00	0.00	0.00	XXX
52010		A	Cystoscopy & duct catheter	3.02	6.13	7.81	1.31	1.43	0.22	000
52204		A	Cystoscopy w/biopsy(s)	2.59	6.27	9.07	1.12	1.29	0.19	000
52214		A	Cystoscopy and treatment	3.70	11.80	12.57	1.48	2.17	0.26	000
52224		A	Cystoscopy and treatment	3.14	11.21	18.24	1.30	1.52	0.23	000
52234		A	Cystoscopy and treatment	4.62	NA	NA	1.84	2.17	0.32	000
52235		A	Cystoscopy and treatment	5.44	NA	NA	2.14	2.52	0.39	000
52240		A	Cystoscopy and treatment	9.71	NA	NA	3.55	4.20	0.70	000
52250		A	Cystoscopy and radiotracer	4.49	NA	NA	1.88	2.19	0.33	000
52260		A	Cystoscopy and treatment	3.91	NA	NA	1.60	1.85	0.29	000
52265		A	Cystoscopy and treatment	2.94	5.97	8.28	1.33	1.43	0.26	000
52270		A	Cystoscopy & revise urethra	3.36	5.32	7.46	1.41	1.65	0.24	000
52275		A	Cystoscopy & revise urethra	4.69	7.06	10.08	1.85	2.17	0.33	000
52276		A	Cystoscopy and treatment	4.99	NA	NA	1.98	2.34	0.36	000
52277		A	Cystoscopy and treatment	6.16	NA	NA	2.69	2.87	0.44	000

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52281		A	Cystoscopy and treatment	2.80	4.02	5.40	1.24	1.45	0.21	000
52282		A	Cystoscopy, implant stent	6.39	NA	NA	2.47	2.86	0.48	000
52283		A	Cystoscopy and treatment	3.73	3.24	3.94	1.56	1.80	0.27	000
52285		A	Cystoscopy and treatment	3.60	3.38	4.12	1.53	1.75	0.27	000
52290		A	Cystoscopy and treatment	4.58	NA	NA	1.84	2.16	0.32	000
52300		A	Cystoscopy and treatment	5.30	NA	NA	2.16	2.46	0.41	000
52301		A	Cystoscopy and treatment	5.50	NA	NA	2.19	2.59	0.39	000
52305		A	Cystoscopy and treatment	5.30	NA	NA	2.04	2.39	0.38	000
52310		A	Cystoscopy and treatment	2.81	3.08	3.99	1.16	1.36	0.21	000
52315		A	Cystoscopy and treatment	5.20	5.10	6.78	2.01	2.38	0.37	000
52317		A	Remove bladder stone	6.71	12.88	18.51	2.45	2.90	0.48	000
52318		A	Remove bladder stone	9.18	NA	NA	3.31	3.92	0.65	000
52320		A	Cystoscopy and treatment	4.69	NA	NA	1.80	2.12	0.33	000
52325		A	Cystoscopy, stone removal	6.15	NA	NA	2.29	2.70	0.44	000
52327		A	Cystoscopy, inject material	5.18	NA	NA	1.73	2.05	0.38	000
52330		A	Cystoscopy and treatment	5.03	7.10	14.55	1.91	2.25	0.36	000
52332		A	Cystoscopy and treatment	2.83	9.32	10.47	1.25	1.46	0.21	000
52334		A	Create passage to kidney	4.82	NA	NA	1.91	2.25	0.35	000
52341		A	Cysto w/ureter stricture tx	5.35	NA	NA	2.22	2.66	0.38	000
52342		A	Cysto w/up stricture tx	5.85	NA	NA	2.39	2.86	0.41	000
52343		A	Cysto w/renal stricture tx	6.55	NA	NA	2.62	3.14	0.47	000
52344		A	Cysto/uretero, stricture tx	7.05	NA	NA	2.91	3.46	0.50	000
52345		A	Cysto/uretero w/up stricture	7.55	NA	NA	3.08	3.67	0.53	000
52346		A	Cystouretero w/renal strict	8.58	NA	NA	3.42	4.08	0.61	000
52351		A	Cystouretero & or pyeloscope	5.85	NA	NA	2.39	2.81	0.41	000
52352		A	Cystouretero w/stone remove	6.87	NA	NA	2.81	3.30	0.49	000
52353		A	Cystouretero w/lithotripsy	7.96	NA	NA	3.16	3.73	0.56	000
52354		A	Cystouretero w/biopsy	7.33	NA	NA	2.96	3.48	0.52	000
52355		A	Cystouretero w/excise tumor	8.81	NA	NA	3.45	4.07	0.63	000
52400		A	Cystouretero w/congen repr	8.69	NA	NA	2.82	4.28	0.62	090
52402		A	Cystourethro cut ejacul duct	5.27	NA	NA	1.78	2.12	0.37	000
52450		A	Incision of prostate	7.78	NA	NA	4.37	5.06	0.55	090
52500		A	Revision of bladder neck	8.14	NA	NA	4.49	5.24	0.57	090
52601		A	Prostatectomy (TURP)	15.26	NA	NA	6.81	7.54	1.10	090
52630		A	Remove prostate regrowth	7.73	NA	NA	3.84	4.42	0.55	090
52640		A	Relieve bladder contracture	4.79	NA	NA	2.82	3.39	0.33	090

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52647		A	Laser surgery of prostate	11.30	31.49	45.84	5.54	6.41	0.81	090
52648		A	Laser surgery of prostate	12.15	31.98	46.28	5.82	6.73	0.88	090
52649		A	Prostate laser enucleation	17.29	NA	NA	7.54	9.43	1.23	090
52700		A	Drainage of prostate abscess	7.49	NA	NA	3.94	4.43	0.53	090
53000		A	Incision of urethra	2.33	NA	NA	1.50	1.74	0.18	010
53010		A	Incision of urethra	4.45	NA	NA	3.10	3.60	0.31	090
53020		A	Incision of urethra	1.77	NA	NA	0.77	0.90	0.13	000
53025		A	Incision of urethra	1.13	NA	NA	0.70	0.67	0.05	000
53040		A	Drainage of urethra abscess	6.55	NA	NA	3.61	4.16	0.47	090
53060		A	Drainage of urethra abscess	2.68	2.01	2.06	1.59	1.52	0.32	010
53080		A	Drainage of urinary leakage	6.92	NA	NA	3.94	4.87	0.49	090
53085		A	Drainage of urinary leakage	11.18	NA	NA	5.42	5.69	1.07	090
53200		A	Biopsy of urethra	2.59	1.42	1.62	1.11	1.25	0.20	000
53210		A	Removal of urethra	13.72	NA	NA	6.44	7.37	0.97	090
53215		A	Removal of urethra	16.85	NA	NA	7.41	8.67	1.20	090
53220		A	Treatment of urethra lesion	7.63	NA	NA	4.15	4.73	0.54	090
53230		A	Removal of urethra lesion	10.44	NA	NA	5.32	6.00	0.86	090
53235		A	Removal of urethra lesion	10.99	NA	NA	5.45	6.45	0.78	090
53240		A	Surgery for urethra pouch	7.08	NA	NA	3.91	4.62	0.50	090
53250		A	Removal of urethra gland	6.52	NA	NA	3.43	4.27	1.04	090
53260		A	Treatment of urethra lesion	3.03	2.12	2.38	1.64	1.76	0.26	010
53265		A	Treatment of urethra lesion	3.17	2.37	2.82	1.66	1.86	0.25	010
53270		A	Removal of urethra gland	3.14	2.23	2.38	1.76	1.79	0.39	010
53275		A	Repair of urethra defect	4.57	NA	NA	2.25	2.66	0.33	010
53400		A	Revise urethra, stage 1	14.13	NA	NA	6.77	7.77	1.04	090
53405		A	Revise urethra, stage 2	15.66	NA	NA	7.12	8.38	1.12	090
53410		A	Reconstruction of urethra	17.68	NA	NA	7.90	9.20	1.26	090
53415		A	Reconstruction of urethra	20.70	NA	NA	8.92	10.29	1.50	090
53420		A	Reconstruct urethra, stage 1	15.17	NA	NA	6.78	7.09	1.09	090
53425		A	Reconstruct urethra, stage 2	17.07	NA	NA	7.41	8.76	1.21	090
53430		A	Reconstruction of urethra	17.43	NA	NA	7.80	8.52	1.45	090
53431		A	Reconstruct urethra/bladder	21.18	NA	NA	9.01	10.46	1.50	090
53440		A	Male sling procedure	15.54	NA	NA	7.50	8.59	1.12	090
53442		A	Remove/revise male sling	13.49	NA	NA	6.85	7.81	0.96	090
53444		A	Insert tandem cuff	14.19	NA	NA	6.53	7.62	1.01	090
53445		A	Insert uro/ves nck sphincter	15.39	NA	NA	7.45	8.75	1.11	090

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53446		A	Remove uro sphincter	11.02	NA	NA	5.67	6.63	0.80	090
53447		A	Remove/replace ur sphincter	14.28	NA	NA	6.81	7.98	1.03	090
53448		A	Remov/replc ur sphinctr comp	23.44	NA	NA	10.04	11.74	1.66	090
53449		A	Repair uro sphincter	10.56	NA	NA	5.34	6.23	0.77	090
53450		A	Revision of urethra	6.77	NA	NA	3.81	4.43	0.48	090
53460		A	Revision of urethra	7.75	NA	NA	4.12	4.81	0.54	090
53500		A	Urethrlys, transvag w/ scope	13.00	NA	NA	6.45	7.19	1.10	090
53502		A	Repair of urethra injury	8.26	NA	NA	4.36	4.98	0.59	090
53505		A	Repair of urethra injury	8.26	NA	NA	4.34	5.07	0.59	090
53510		A	Repair of urethra injury	10.96	NA	NA	5.44	6.36	0.78	090
53515		A	Repair of urethra injury	14.22	NA	NA	6.52	7.54	1.01	090
53520		A	Repair of urethra defect	9.48	NA	NA	4.96	5.76	0.67	090
53600		A	Dilate urethra stricture	1.21	0.91	1.12	0.47	0.55	0.08	000
53601		A	Dilate urethra stricture	0.98	1.05	1.29	0.42	0.50	0.06	000
53605		A	Dilate urethra stricture	1.28	NA	NA	0.42	0.50	0.09	000
53620		A	Dilate urethra stricture	1.62	1.32	1.71	0.67	0.79	0.12	000
53621		A	Dilate urethra stricture	1.35	1.39	1.79	0.55	0.64	0.09	000
53660		A	Dilation of urethra	0.71	1.03	1.27	0.37	0.42	0.05	000
53661		A	Dilation of urethra	0.72	0.99	1.24	0.34	0.39	0.05	000
53665		A	Dilation of urethra	0.76	NA	NA	0.27	0.28	0.06	000
53850		A	Prostatic microwave thermotx	10.08	36.90	55.09	4.73	5.49	0.73	090
53852		A	Prostatic rf thermotx	10.83	34.79	51.98	5.35	6.18	0.78	090
53855		A	Insert prost urethral stent	1.64	16.22	16.22	0.54	0.54	0.12	000
53899		C	Urology surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
54000		A	Slitting of prepuce	1.59	2.08	2.64	1.17	1.35	0.10	010
54001		A	Slitting of prepuce	2.24	2.38	2.97	1.34	1.53	0.17	010
54015		A	Drain penis lesion	5.36	NA	NA	2.70	3.10	0.41	010
54050		A	Destruction, penis lesion(s)	1.29	2.00	2.04	1.39	1.36	0.12	010
54055		A	Destruction, penis lesion(s)	1.25	1.70	1.87	1.11	1.16	0.10	010
54056		A	Cryosurgery, penis lesion(s)	1.29	2.25	2.22	1.54	1.48	0.13	010
54057		A	Laser surg, penis lesion(s)	1.29	2.11	2.44	1.13	1.23	0.09	010
54060		A	Excision of penis lesion(s)	1.98	2.50	3.01	1.38	1.51	0.16	010
54065		A	Destruction, penis lesion(s)	2.47	3.05	3.15	1.98	1.90	0.23	010
54100		A	Biopsy of penis	1.90	2.99	3.21	1.37	1.31	0.18	000
54105		A	Biopsy of penis	3.54	3.13	3.93	1.98	2.33	0.26	010
54110		A	Treatment of penis lesion	10.92	NA	NA	5.32	6.17	0.78	090

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54111		A	Treat penis lesion, graft	14.42	NA	NA	6.47	7.59	1.03	090
54112		A	Treat penis lesion, graft	16.98	NA	NA	7.51	8.85	1.20	090
54115		A	Treatment of penis lesion	6.95	4.62	5.42	4.01	4.62	0.49	090
54120		A	Partial removal of penis	11.01	NA	NA	5.43	6.30	0.80	090
54125		A	Removal of penis	14.56	NA	NA	6.66	7.69	1.09	090
54130		A	Remove penis & nodes	21.84	NA	NA	9.36	10.96	1.56	090
54135		A	Remove penis & nodes	28.17	NA	NA	11.45	13.45	2.01	090
54150		A	Circumcision w/regionl block	1.90	2.01	2.59	0.68	0.74	0.17	000
54160		A	Circumcision, neonate	2.53	2.95	3.75	1.22	1.43	0.18	010
54161		A	Circum 28 days or older	3.32	NA	NA	1.78	2.06	0.25	010
54162		A	Lysis penil circumic lesion	3.32	3.15	4.00	1.84	2.08	0.24	010
54163		A	Repair of circumcision	3.32	NA	NA	2.28	2.65	0.24	010
54164		A	Frenulotomy of penis	2.82	NA	NA	2.12	2.45	0.21	010
54200		A	Treatment of penis lesion	1.11	1.56	1.90	1.03	1.20	0.07	010
54205		A	Treatment of penis lesion	8.97	NA	NA	4.83	5.73	0.63	090
54220		A	Treatment of penis lesion	2.42	2.60	3.30	1.10	1.26	0.19	000
54230		A	Prepare penis study	1.34	1.11	1.32	0.73	0.85	0.09	000
54231		A	Dynamic cavernosometry	2.04	1.52	1.79	0.99	1.16	0.15	000
54235		A	Penile injection	1.19	1.10	1.28	0.72	0.82	0.08	000
54240		A	Penis study	1.31	1.21	1.42	NA	NA	0.07	000
54240	TC	A	Penis study	0.00	0.78	0.91	NA	NA	0.01	000
54240	26	A	Penis study	1.31	0.43	0.51	0.43	0.51	0.06	000
54250		A	Penis study	2.22	1.02	1.19	NA	NA	0.11	000
54250	TC	A	Penis study	0.00	0.28	0.32	NA	NA	0.01	000
54250	26	A	Penis study	2.22	0.74	0.87	0.74	0.87	0.10	000
54300		A	Revision of penis	11.20	NA	NA	5.51	6.55	0.80	090
54304		A	Revision of penis	13.28	NA	NA	6.26	7.49	0.94	090
54308		A	Reconstruction of urethra	12.62	NA	NA	6.01	7.16	0.90	090
54312		A	Reconstruction of urethra	14.51	NA	NA	6.81	8.17	1.03	090
54316		A	Reconstruction of urethra	18.05	NA	NA	8.01	9.56	1.28	090
54318		A	Reconstruction of urethra	12.43	NA	NA	6.66	7.34	0.64	090
54322		A	Reconstruction of urethra	13.98	NA	NA	6.39	7.64	1.00	090
54324		A	Reconstruction of urethra	17.55	NA	NA	7.76	9.31	1.24	090
54326		A	Reconstruction of urethra	17.02	NA	NA	7.67	8.42	1.21	090
54328		A	Revise penis/urethra	16.89	NA	NA	7.63	8.86	1.20	090
54332		A	Revise penis/urethra	18.37	NA	NA	8.12	9.63	1.31	090

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54336		A	Revise penis/urethra	21.62	NA	NA	9.47	9.96	1.54	090
54340		A	Secondary urethral surgery	9.71	NA	NA	5.07	5.80	0.68	090
54344		A	Secondary urethral surgery	17.06	NA	NA	7.68	9.19	1.21	090
54348		A	Secondary urethral surgery	18.32	NA	NA	8.97	10.00	0.95	090
54352		A	Reconstruct urethra/penis	26.13	NA	NA	10.96	13.14	1.87	090
54360		A	Penis plastic surgery	12.78	NA	NA	6.01	7.17	0.91	090
54380		A	Repair penis	14.18	NA	NA	6.64	7.93	1.01	090
54385		A	Repair penis	16.56	NA	NA	10.09	10.69	1.78	090
54390		A	Repair penis and bladder	22.77	NA	NA	9.69	9.97	1.62	090
54400		A	Insert semi-rigid prosthesis	9.17	NA	NA	4.60	5.42	0.65	090
54401		A	Insert self-contd prosthesis	10.44	NA	NA	6.44	7.53	0.76	090
54405		A	Insert multi-comp penis pros	14.52	NA	NA	6.61	7.71	1.04	090
54406		A	Remove muti-comp penis pros	12.89	NA	NA	6.14	7.16	0.92	090
54408		A	Repair multi-comp penis pros	13.91	NA	NA	6.69	7.75	1.01	090
54410		A	Remove/replace penis prosth	15.18	NA	NA	7.24	8.47	1.09	090
54411		A	Remov/replc penis pros, comp	18.35	NA	NA	8.48	9.79	1.31	090
54415		A	Remove self-contd penis pros	8.88	NA	NA	4.81	5.59	0.63	090
54416		A	Remv/repl penis contain pros	12.08	NA	NA	6.35	7.36	0.87	090
54417		A	Remv/replc penis pros, compl	16.10	NA	NA	7.34	8.54	1.15	090
54420		A	Revision of penis	12.39	NA	NA	5.95	7.04	0.89	090
54430		A	Revision of penis	11.06	NA	NA	5.57	6.57	0.79	090
54435		A	Revision of penis	6.81	NA	NA	3.95	4.64	0.48	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	0.68	0.86	0.40	0.48	0.07	000
54500		A	Biopsy of testis	1.31	NA	NA	0.63	0.75	0.09	000
54505		A	Biopsy of testis	3.50	NA	NA	1.93	2.30	0.25	010
54512		A	Excise lesion testis	9.33	NA	NA	4.66	5.33	0.68	090
54520		A	Removal of testis	5.30	NA	NA	3.10	3.52	0.45	090
54522		A	Orchiectomy, partial	10.25	NA	NA	5.09	5.61	0.74	090
54530		A	Removal of testis	8.46	NA	NA	4.64	5.38	0.64	090
54535		A	Extensive testis surgery	13.19	NA	NA	6.20	6.95	0.94	090
54550		A	Exploration for testis	8.41	NA	NA	4.36	4.98	0.60	090
54560		A	Exploration for testis	12.10	NA	NA	5.78	6.20	0.87	090
54600		A	Reduce testis torsion	7.64	NA	NA	4.10	4.76	0.54	090
54620		A	Suspension of testis	5.21	NA	NA	2.59	3.06	0.37	010
54640		A	Suspension of testis	7.73	NA	NA	4.57	5.06	0.64	090

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54650		A	Orchiopexy (Fowler-Stephens)	12.39	NA	NA	6.11	6.92	0.89	090
54660		A	Revision of testis	5.74	NA	NA	3.47	3.99	0.40	090
54670		A	Repair testis injury	6.65	NA	NA	3.82	4.41	0.47	090
54680		A	Relocation of testis(es)	14.04	NA	NA	6.48	7.32	1.00	090
54690		A	Laparoscopy, orchiectomy	11.70	NA	NA	6.62	5.93	1.82	090
54692		A	Laparoscopy, orchiopexy	13.74	NA	NA	6.09	7.16	0.97	090
54699		C	Laparoscope proc, testis	0.00	0.00	0.00	0.00	0.00	0.00	YYY
54700		A	Drainage of scrotum	3.47	NA	NA	2.05	2.29	0.29	010
54800		A	Biopsy of epididymis	2.33	NA	NA	1.67	1.39	0.24	000
54830		A	Remove epididymis lesion	6.01	NA	NA	3.63	4.12	0.46	090
54840		A	Remove epididymis lesion	5.27	NA	NA	3.03	3.55	0.38	090
54860		A	Removal of epididymis	6.95	NA	NA	3.89	4.50	0.50	090
54861		A	Removal of epididymis	9.70	NA	NA	4.99	5.77	0.68	090
54865		A	Explore epididymis	5.77	NA	NA	3.48	4.00	0.41	090
54900		A	Fusion of spermatic ducts	14.20	NA	NA	7.31	6.91	0.75	090
54901		A	Fusion of spermatic ducts	19.10	NA	NA	9.33	10.16	1.00	090
55000		A	Drainage of hydrocele	1.43	1.52	1.85	0.78	0.87	0.10	000
55040		A	Removal of hydrocele	5.45	NA	NA	3.27	3.72	0.45	090
55041		A	Removal of hydroceles	8.54	NA	NA	4.66	5.32	0.66	090
55060		A	Repair of hydrocele	6.15	NA	NA	3.67	4.16	0.49	090
55100		A	Drainage of scrotum abscess	2.45	2.91	3.43	1.80	1.97	0.22	010
55110		A	Explore scrotum	6.33	NA	NA	3.67	4.17	0.50	090
55120		A	Removal of scrotum lesion	5.72	NA	NA	3.50	3.94	0.45	090
55150		A	Removal of scrotum	8.14	NA	NA	4.55	5.17	0.63	090
55175		A	Revision of scrotum	5.87	NA	NA	3.50	4.03	0.44	090
55180		A	Revision of scrotum	11.78	NA	NA	6.08	6.91	0.95	090
55200		A	Incision of sperm duct	4.55	6.22	8.49	2.64	2.99	0.32	090
55250		A	Removal of sperm duct(s)	3.37	6.02	8.15	2.44	2.82	0.24	090
55300		A	Prepare, sperm duct x-ray	3.50	NA	NA	1.41	1.46	0.25	000
55400		A	Repair of sperm duct	8.61	NA	NA	4.34	5.13	0.61	090
55450		A	Ligation of sperm duct	4.43	4.56	5.86	2.25	2.56	0.31	010
55500		A	Removal of hydrocele	6.22	NA	NA	3.89	4.05	0.65	090
55520		A	Removal of sperm cord lesion	6.66	NA	NA	4.60	4.01	1.00	090
55530		A	Revise spermatic cord veins	5.75	NA	NA	3.35	3.86	0.46	090
55535		A	Revise spermatic cord veins	7.19	NA	NA	3.95	4.51	0.51	090
55540		A	Revise hernia & sperm veins	8.30	NA	NA	5.13	4.54	1.21	090

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55550		A	Laparo ligate spermatic vein	7.20	NA	NA	3.90	4.35	0.51	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	7.01	NA	NA	3.90	4.54	0.50	090
55605		A	Incise sperm duct pouch	8.76	NA	NA	4.74	5.08	0.62	090
55650		A	Remove sperm duct pouch	12.65	NA	NA	6.08	6.88	0.90	090
55680		A	Remove sperm pouch lesion	5.67	NA	NA	3.28	3.60	0.40	090
55700		A	Biopsy of prostate	2.58	2.85	3.66	1.07	1.20	0.19	000
55705		A	Biopsy of prostate	4.61	NA	NA	2.31	2.74	0.33	010
55706		A	Prostate saturation sampling	6.28	NA	NA	3.43	4.21	0.32	010
55720		A	Drainage of prostate abscess	7.73	NA	NA	4.00	4.63	0.54	090
55725		A	Drainage of prostate abscess	10.05	NA	NA	5.33	6.07	0.72	090
55801		A	Removal of prostate	19.80	NA	NA	8.76	10.03	1.41	090
55810		A	Extensive prostate surgery	24.29	NA	NA	10.21	11.72	1.82	090
55812		A	Extensive prostate surgery	29.89	NA	NA	12.27	14.28	2.14	090
55815		A	Extensive prostate surgery	32.95	NA	NA	13.28	15.52	2.35	090
55821		A	Removal of prostate	15.76	NA	NA	7.08	8.23	1.14	090
55831		A	Removal of prostate	17.19	NA	NA	7.56	8.79	1.22	090
55840		A	Extensive prostate surgery	24.63	NA	NA	10.41	12.12	1.77	090
55842		A	Extensive prostate surgery	26.49	NA	NA	11.01	12.87	1.91	090
55845		A	Extensive prostate surgery	30.67	NA	NA	12.27	14.28	2.23	090
55860		A	Surgical exposure, prostate	15.84	NA	NA	6.99	8.20	1.12	090
55862		A	Extensive prostate surgery	20.04	NA	NA	8.64	10.18	1.42	090
55865		A	Extensive prostate surgery	24.57	NA	NA	10.35	12.16	1.75	090
55866		A	Laparo radical prostatectomy	32.46	NA	NA	13.23	15.35	2.34	090
55870		A	Electroejaculation	2.58	1.89	2.22	1.14	1.36	0.19	000
55873		A	Cryoablate prostate	13.60	146.25	146.25	6.32	10.13	1.00	090
55875		A	Transperi needle place, pros	13.46	NA	NA	6.47	7.47	0.95	090
55876		A	Place rt device/marker, pros	1.73	1.71	2.02	0.90	1.07	0.12	000
55899		C	Genital surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
55920		A	Place needles pelvic for rt	8.31	NA	NA	3.72	3.55	0.59	000
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	1.49	1.26	1.25	1.25	1.20	0.19	010
56420		A	Drainage of gland abscess	1.44	1.60	1.71	0.90	0.88	0.18	010
56440		A	Surgery for vulva lesion	2.89	NA	NA	1.79	1.69	0.36	010
56441		A	Lysis of labial lesion(s)	2.02	1.61	1.74	1.49	1.55	0.21	010

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56442		A	Hymenotomy	0.68	NA	NA	0.53	0.54	0.08	000
56501		A	Destroy, vulva lesions, sim	1.58	1.68	1.70	1.31	1.28	0.20	010
56515		A	Destroy vulva lesion/s compl	3.08	2.56	2.52	1.99	1.88	0.37	010
56605		A	Biopsy of vulva/perineum	1.10	0.96	0.98	0.46	0.41	0.13	000
56606		A	Biopsy of vulva/perineum	0.55	0.40	0.40	0.21	0.19	0.06	ZZZ
56620		A	Partial removal of vulva	7.53	NA	NA	5.23	4.94	0.93	090
56625		A	Complete removal of vulva	9.68	NA	NA	5.73	5.28	1.19	090
56630		A	Extensive vulva surgery	14.80	NA	NA	7.85	7.05	1.88	090
56631		A	Extensive vulva surgery	18.99	NA	NA	9.86	8.79	2.36	090
56632		A	Extensive vulva surgery	21.86	NA	NA	11.71	10.32	2.72	090
56633		A	Extensive vulva surgery	19.62	NA	NA	10.00	8.86	2.44	090
56634		A	Extensive vulva surgery	20.66	NA	NA	10.60	9.40	2.57	090
56637		A	Extensive vulva surgery	24.75	NA	NA	11.92	10.64	3.07	090
56640		A	Extensive vulva surgery	24.78	NA	NA	11.86	10.35	3.07	090
56700		A	Partial removal of hymen	2.84	NA	NA	1.92	1.85	0.35	010
56740		A	Remove vagina gland lesion	4.88	NA	NA	2.74	2.54	0.61	010
56800		A	Repair of vagina	3.93	NA	NA	2.23	2.16	0.47	010
56805		A	Repair clitoris	19.88	NA	NA	9.60	8.82	2.48	090
56810		A	Repair of perineum	4.29	NA	NA	2.37	2.24	0.51	010
56820		A	Exam of vulva w/scope	1.50	1.27	1.27	0.69	0.62	0.19	000
56821		A	Exam/biopsy of vulva w/scope	2.05	1.63	1.64	0.90	0.81	0.25	000
57000		A	Exploration of vagina	3.02	NA	NA	1.81	1.77	0.37	010
57010		A	Drainage of pelvic abscess	6.84	NA	NA	4.24	4.00	0.85	090
57020		A	Drainage of pelvic fluid	1.50	0.88	0.85	0.61	0.53	0.19	000
57022		A	I & d vaginal hematoma, pp	2.73	NA	NA	1.57	1.47	0.33	010
57023		A	I & d vag hematoma, non-ob	5.18	NA	NA	2.79	2.62	0.64	010
57061		A	Destroy vag lesions, simple	1.30	1.52	1.57	1.17	1.15	0.16	010
57065		A	Destroy vag lesions, complex	2.66	2.16	2.15	1.70	1.62	0.32	010
57100		A	Biopsy of vagina	1.20	1.01	1.01	0.50	0.44	0.15	000
57105		A	Biopsy of vagina	1.74	1.62	1.67	1.40	1.40	0.21	010
57106		A	Remove vagina wall, partial	7.50	NA	NA	4.82	4.53	0.89	090
57107		A	Remove vagina tissue, part	24.56	NA	NA	11.58	10.40	3.05	090
57109		A	Vaginectomy partial w/nodes	28.40	NA	NA	13.51	11.65	3.53	090
57110		A	Remove vagina wall, complete	15.48	NA	NA	7.59	7.00	1.90	090
57111		A	Remove vagina tissue, compl	28.40	NA	NA	13.51	12.01	3.53	090
57112		A	Vaginectomy w/nodes, compl	30.52	NA	NA	14.37	12.61	1.78	090

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57120		A	Closure of vagina	8.28	NA	NA	4.78	4.56	1.00	090
57130		A	Remove vagina lesion	2.46	2.01	2.05	1.60	1.56	0.30	010
57135		A	Remove vagina lesion	2.70	2.12	2.14	1.69	1.64	0.32	010
57150		A	Treat vagina infection	0.55	0.58	0.70	0.21	0.19	0.06	000
57155		A	Insert uteri tandems/ovoids	6.87	NA	NA	4.10	3.96	0.44	090
57160		A	Insert pessary/other device	0.89	1.02	1.05	0.34	0.31	0.10	000
57170		A	Fitting of diaphragm/cap	0.91	0.63	0.78	0.35	0.30	0.10	000
57180		A	Treat vaginal bleeding	1.63	1.87	1.95	1.06	1.05	0.20	010
57200		A	Repair of vagina	4.42	NA	NA	3.14	3.07	0.52	090
57210		A	Repair vagina/perineum	5.71	NA	NA	3.62	3.51	0.67	090
57220		A	Revision of urethra	4.85	NA	NA	3.29	3.20	0.59	090
57230		A	Repair of urethral lesion	6.30	NA	NA	3.79	3.78	0.78	090
57240		A	Repair bladder & vagina	11.50	NA	NA	5.79	5.46	1.20	090
57250		A	Repair rectum & vagina	11.50	NA	NA	5.91	5.19	1.37	090
57260		A	Repair of vagina	14.44	NA	NA	7.05	6.21	1.72	090
57265		A	Extensive repair of vagina	15.94	NA	NA	7.59	6.89	1.89	090
57267		A	Insert mesh/pelvic flr addon	4.88	NA	NA	1.82	1.76	0.53	ZZZ
57268		A	Repair of bowel bulge	7.57	NA	NA	4.74	4.54	0.90	090
57270		A	Repair of bowel pouch	13.67	NA	NA	6.90	6.35	1.65	090
57280		A	Suspension of vagina	16.72	NA	NA	7.89	7.53	1.91	090
57282		A	Colpopexy, extraperitoneal	7.97	NA	NA	4.87	4.75	0.91	090
57283		A	Colpopexy, intraperitoneal	11.66	NA	NA	6.07	5.70	1.41	090
57284		A	Repair paravag defect, open	14.33	NA	NA	6.74	6.64	1.59	090
57285		A	Repair paravag defect, vag	11.60	NA	NA	5.77	5.54	1.32	090
57287		A	Revise/remove sling repair	11.15	NA	NA	6.33	6.68	1.08	090
57288		A	Repair bladder defect	12.13	NA	NA	6.03	6.41	1.17	090
57289		A	Repair bladder & vagina	12.80	NA	NA	6.16	6.61	0.91	090
57291		A	Construction of vagina	8.64	NA	NA	4.92	4.92	1.08	090
57292		A	Construct vagina with graft	14.01	NA	NA	7.28	6.74	1.72	090
57295		A	Revise vag graft via vagina	7.82	NA	NA	4.46	4.47	0.88	090
57296		A	Revise vag graft, open abd	16.56	NA	NA	7.93	7.25	2.05	090
57300		A	Repair rectum-vagina fistula	8.71	NA	NA	5.50	4.83	1.12	090
57305		A	Repair rectum-vagina fistula	15.35	NA	NA	8.15	6.96	2.18	090
57307		A	Fistula repair & colostomy	17.17	NA	NA	9.39	7.84	2.70	090
57308		A	Fistula repair, transperine	10.59	NA	NA	5.80	5.33	1.32	090
57310		A	Repair urethrovaginal lesion	7.65	NA	NA	4.26	4.78	0.54	090

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57311		A	Repair urethrovaginal lesion	8.91	NA	NA	4.68	5.24	0.63	090
57320		A	Repair bladder-vagina lesion	8.88	NA	NA	4.83	5.25	0.77	090
57330		A	Repair bladder-vagina lesion	13.21	NA	NA	6.06	6.71	0.94	090
57335		A	Repair vagina	20.02	NA	NA	9.75	9.23	2.49	090
57400		A	Dilation of vagina	2.27	NA	NA	1.14	1.10	0.28	000
57410		A	Pelvic examination	1.75	NA	NA	0.99	0.93	0.21	000
57415		A	Remove vaginal foreign body	2.49	NA	NA	1.59	1.56	0.27	010
57420		A	Exam of vagina w/scope	1.60	1.31	1.31	0.72	0.65	0.19	000
57421		A	Exam/biopsy of vag w/scope	2.20	1.71	1.71	0.96	0.86	0.27	000
57423		A	Repair paravag defect, lap	16.08	NA	NA	7.47	7.08	2.00	090
57425		A	Laparoscopy, surg, colpopexy	17.03	NA	NA	8.07	7.46	1.96	090
57426		A	Revise prosth vag graft lap	14.30	NA	NA	7.64	7.64	1.77	090
57452		A	Exam of cervix w/scope	1.50	1.23	1.23	0.85	0.79	0.18	000
57454		A	Bx/curett of cervix w/scope	2.33	1.56	1.52	1.17	1.08	0.28	000
57455		A	Biopsy of cervix w/scope	1.99	1.60	1.60	0.87	0.78	0.24	000
57456		A	Endocerv curettage w/scope	1.85	1.54	1.55	0.82	0.74	0.23	000
57460		A	Bx of cervix w/scope, leep	2.83	4.13	4.60	1.36	1.26	0.35	000
57461		A	Conz of cervix w/scope, leep	3.43	4.46	4.91	1.43	1.28	0.43	000
57500		A	Biopsy of cervix	1.20	1.93	2.12	0.74	0.68	0.15	000
57505		A	Endocervical curettage	1.19	1.33	1.37	1.11	1.10	0.15	010
57510		A	Cauterization of cervix	1.90	1.41	1.41	1.06	0.99	0.23	010
57511		A	Cryocautery of cervix	1.95	1.70	1.70	1.41	1.35	0.24	010
57513		A	Laser surgery of cervix	1.95	1.66	1.65	1.40	1.37	0.24	010
57520		A	Conization of cervix	4.11	3.54	3.59	2.80	2.72	0.50	090
57522		A	Conization of cervix	3.67	2.94	2.95	2.49	2.41	0.46	090
57530		A	Removal of cervix	5.27	NA	NA	3.48	3.36	0.64	090
57531		A	Removal of cervix, radical	29.95	NA	NA	14.31	12.57	3.72	090
57540		A	Removal of residual cervix	13.29	NA	NA	6.73	6.17	1.64	090
57545		A	Remove cervix/repair pelvis	14.10	NA	NA	7.04	6.45	1.73	090
57550		A	Removal of residual cervix	6.34	NA	NA	4.04	3.89	0.79	090
57555		A	Remove cervix/repair vagina	9.94	NA	NA	5.46	5.08	1.22	090
57556		A	Remove cervix, repair bowel	9.36	NA	NA	5.19	5.01	1.07	090
57558		A	D&c of cervical stump	1.72	1.42	1.43	1.17	1.13	0.21	010
57700		A	Revision of cervix	4.35	NA	NA	3.50	3.45	0.53	090
57720		A	Revision of cervix	4.61	NA	NA	3.20	3.10	0.56	090
57800		A	Dilation of cervical canal	0.77	0.74	0.74	0.47	0.45	0.09	000

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58100		A	Biopsy of uterus lining	1.53	1.22	1.22	0.73	0.66	0.19	000
58110		A	Bx done w/colposcopy add-on	0.77	0.46	0.45	0.30	0.27	0.09	ZZZ
58120		A	Dilation and curettage	3.59	2.88	2.73	1.98	1.83	0.45	010
58140		A	Myomectomy abdom method	15.79	NA	NA	7.74	6.98	2.06	090
58145		A	Myomectomy vag method	8.91	NA	NA	5.00	4.68	1.10	090
58146		A	Myomectomy abdom complex	20.34	NA	NA	9.39	8.57	2.53	090
58150		A	Total hysterectomy	17.31	NA	NA	8.31	7.44	2.16	090
58152		A	Total hysterectomy	21.86	NA	NA	10.21	9.25	2.75	090
58180		A	Partial hysterectomy	16.60	NA	NA	8.01	7.25	2.06	090
58200		A	Extensive hysterectomy	23.10	NA	NA	10.73	9.53	2.86	090
58210		A	Extensive hysterectomy	30.91	NA	NA	14.32	12.62	3.87	090
58240		A	Removal of pelvis contents	49.33	NA	NA	22.40	19.85	6.12	090
58260		A	Vaginal hysterectomy	14.15	NA	NA	7.10	6.52	1.75	090
58262		A	Vag hyst including t/o	15.94	NA	NA	7.78	7.11	1.98	090
58263		A	Vag hyst w/t/o & vag repair	17.23	NA	NA	8.31	7.59	2.14	090
58267		A	Vag hyst w/urinary repair	18.36	NA	NA	8.80	8.01	2.29	090
58270		A	Vag hyst w/enterocele repair	15.30	NA	NA	7.38	6.76	1.89	090
58275		A	Hysterectomy/revise vagina	17.03	NA	NA	8.28	7.56	2.13	090
58280		A	Hysterectomy/revise vagina	18.33	NA	NA	8.82	7.98	2.26	090
58285		A	Extensive hysterectomy	23.38	NA	NA	10.45	9.43	2.89	090
58290		A	Vag hyst complex	20.27	NA	NA	9.36	8.52	2.52	090
58291		A	Vag hyst incl t/o, complex	22.06	NA	NA	10.05	9.19	2.74	090
58292		A	Vag hyst t/o & repair, compl	23.35	NA	NA	10.55	9.58	2.89	090
58293		A	Vag hyst w/uro repair, compl	24.33	NA	NA	10.93	9.87	3.02	090
58294		A	Vag hyst w/enterocele, compl	21.55	NA	NA	9.85	8.90	2.69	090
58300		N	Insert intrauterine device	1.01	0.79	0.92	0.37	0.36	0.05	XXX
58301		A	Remove intrauterine device	1.27	1.12	1.14	0.49	0.43	0.16	000
58321		A	Artificial insemination	0.92	1.05	1.07	0.34	0.32	0.04	000
58322		A	Artificial insemination	1.10	1.05	1.09	0.43	0.37	0.13	000
58323		A	Sperm washing	0.23	0.16	0.23	0.09	0.08	0.03	000
58340		A	Catheter for hysterography	0.88	1.97	2.32	0.60	0.61	0.09	000
58345		A	Reopen fallopian tube	4.70	NA	NA	2.46	2.33	0.57	010
58346		A	Insert heyman uteri capsule	7.56	NA	NA	4.51	4.10	0.46	090
58350		A	Reopen fallopian tube	1.06	1.32	1.39	0.92	0.92	0.13	010
58353		A	Endometr ablate, thermal	3.60	20.14	24.71	2.01	1.91	0.45	010
58356		A	Endometrial cryoablation	6.41	38.17	45.73	2.55	2.29	0.79	010

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58400		A	Suspension of uterus	7.14	NA	NA	4.16	4.08	0.79	090
58410		A	Suspension of uterus	13.80	NA	NA	6.87	6.28	1.70	090
58520		A	Repair of ruptured uterus	13.48	NA	NA	7.38	6.27	2.13	090
58540		A	Revision of uterus	15.71	NA	NA	7.67	6.95	1.95	090
58541		A	Lsh, uterus 250 g or less	14.70	NA	NA	7.50	6.75	1.81	090
58542		A	Lsh w/t/o ut 250 g or less	16.56	NA	NA	8.23	7.37	2.06	090
58543		A	Lsh uterus above 250 g	16.87	NA	NA	8.39	7.46	2.10	090
58544		A	Lsh w/t/o uterus above 250 g	18.37	NA	NA	8.93	7.91	2.29	090
58545		A	Laparoscopic myomectomy	15.55	NA	NA	7.44	6.75	1.96	090
58546		A	Laparo-myomectomy, complex	19.94	NA	NA	9.08	8.24	2.49	090
58548		A	Lap radical hyst	31.63	NA	NA	14.86	12.68	3.91	090
58550		A	Laparo-asst vag hysterectomy	15.10	NA	NA	7.57	6.96	1.88	090
58552		A	Laparo-vag hyst incl t/o	16.91	NA	NA	8.27	7.55	2.11	090
58553		A	Laparo-vag hyst, complex	20.06	NA	NA	9.15	8.28	2.50	090
58554		A	Laparo-vag hyst w/t/o, compl	23.11	NA	NA	10.68	9.64	2.89	090
58555		A	Hysteroscopy, dx, sep proc	3.33	4.17	3.06	1.56	1.42	0.41	000
58558		A	Hysteroscopy, biopsy	4.74	5.11	3.80	2.13	1.95	0.59	000
58559		A	Hysteroscopy, lysis	6.16	NA	NA	2.68	2.44	0.77	000
58560		A	Hysteroscopy, resect septum	6.99	NA	NA	3.00	2.72	0.87	000
58561		A	Hysteroscopy, remove myoma	9.99	NA	NA	4.16	3.75	1.23	000
58562		A	Hysteroscopy, remove fb	5.20	5.05	3.77	2.28	2.09	0.64	000
58563		A	Hysteroscopy, ablation	6.16	33.12	40.03	2.67	2.44	0.77	000
58565		A	Hysteroscopy, sterilization	7.12	37.05	42.43	3.97	3.74	0.88	090
58570		A	Tlh, uterus 250 g or less	15.88	NA	NA	8.01	7.15	1.98	090
58571		A	Tlh w/t/o 250 g or less	17.69	NA	NA	8.85	7.76	2.21	090
58572		A	Tlh, uterus over 250 g	20.09	NA	NA	9.57	8.47	2.50	090
58573		A	Tlh w/t/o uterus over 250 g	23.11	NA	NA	10.97	9.50	2.86	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	5.91	NA	NA	3.41	3.18	0.74	090
58605		A	Division of fallopian tube	5.28	NA	NA	3.13	2.96	0.65	090
58611		A	Ligate oviduct(s) add-on	1.45	NA	NA	0.56	0.49	0.18	ZZZ
58615		A	Occlude fallopian tube(s)	3.94	NA	NA	2.29	2.26	0.49	010
58660		A	Laparoscopy, lysis	11.59	NA	NA	5.64	5.12	1.50	090
58661		A	Laparoscopy, remove adnexa	11.35	NA	NA	5.19	4.70	1.42	010
58662		A	Laparoscopy, excise lesions	12.15	NA	NA	5.94	5.44	1.52	090

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58670		A	Laparoscopy, tubal cautery	5.91	NA	NA	3.44	3.23	0.74	090
58671		A	Laparoscopy, tubal block	5.91	NA	NA	3.42	3.22	0.74	090
58672		A	Laparoscopy, fimbrioplasty	12.91	NA	NA	6.03	5.50	1.60	090
58673		A	Laparoscopy, salpingostomy	14.04	NA	NA	6.56	6.01	1.73	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	12.95	NA	NA	6.85	6.12	1.77	090
58720		A	Removal of ovary/tube(s)	12.16	NA	NA	6.30	5.72	1.58	090
58740		A	Adhesiolysis tube, ovary	14.90	NA	NA	7.52	6.88	1.94	090
58750		A	Repair oviduct	15.64	NA	NA	7.55	6.93	1.94	090
58752		A	Revise ovarian tube(s)	15.64	NA	NA	7.39	7.04	0.81	090
58760		A	Fimbrioplasty	13.93	NA	NA	6.89	6.41	1.72	090
58770		A	Create new tubal opening	14.77	NA	NA	7.16	6.27	1.82	090
58800		A	Drainage of ovarian cyst(s)	4.62	3.42	3.46	2.98	2.91	0.56	090
58805		A	Drainage of ovarian cyst(s)	6.42	NA	NA	3.90	3.73	0.80	090
58820		A	Drain ovary abscess, open	4.70	NA	NA	3.24	3.16	0.57	090
58822		A	Drain ovary abscess, percut	11.81	NA	NA	6.84	6.03	1.85	090
58823		A	Drain pelvic abscess, percut	3.37	18.29	20.05	1.05	1.22	0.28	000
58825		A	Transposition, ovary(s)	11.78	NA	NA	6.06	5.59	1.45	090
58900		A	Biopsy of ovary(s)	6.59	NA	NA	4.64	3.95	1.03	090
58920		A	Partial removal of ovary(s)	11.95	NA	NA	6.04	5.50	1.47	090
58925		A	Removal of ovarian cyst(s)	12.43	NA	NA	6.49	5.85	1.64	090
58940		A	Removal of ovary(s)	8.22	NA	NA	4.86	4.39	1.13	090
58943		A	Removal of ovary(s)	19.52	NA	NA	9.35	8.33	2.59	090
58950		A	Resect ovarian malignancy	18.37	NA	NA	9.25	8.28	2.39	090
58951		A	Resect ovarian malignancy	24.26	NA	NA	11.35	10.05	3.07	090
58952		A	Resect ovarian malignancy	27.29	NA	NA	12.91	11.40	3.48	090
58953		A	Tah, rad dissect for debulk	34.13	NA	NA	15.69	13.80	4.32	090
58954		A	Tah rad debulk/lymph remove	37.13	NA	NA	16.90	14.87	4.67	090
58956		A	Bso, omentectomy w/tah	22.80	NA	NA	11.11	9.93	2.93	090
58957		A	Resect recurrent gyn mal	26.22	NA	NA	12.54	10.81	3.53	090
58958		A	Resect recur gyn mal w/lym	29.22	NA	NA	13.81	11.90	3.63	090
58960		A	Exploration of abdomen	15.79	NA	NA	7.99	7.20	2.03	090
58970		A	Retrieval of oocyte	3.52	2.19	2.08	1.63	1.46	0.19	000
58974		C	Transfer of embryo	0.00	0.00	0.00	0.00	0.00	0.00	000
58976		A	Transfer of embryo	3.82	2.52	2.55	1.74	1.72	0.20	000
58999		C	Genital surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY

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59000		A	Amniocentesis, diagnostic	1.30	1.70	1.82	0.66	0.62	0.27	000
59001		A	Amniocentesis, therapeutic	3.00	NA	NA	1.37	1.35	0.63	000
59012		A	Fetal cord puncture,prenatal	3.44	NA	NA	1.49	1.36	0.73	000
59015		A	Chorion biopsy	2.20	1.55	1.52	1.01	0.93	0.46	000
59020		A	Fetal contract stress test	0.66	1.02	1.01	NA	NA	0.13	000
59020	TC	A	Fetal contract stress test	0.00	0.77	0.79	NA	NA	0.01	000
59020	26	A	Fetal contract stress test	0.66	0.25	0.22	0.25	0.22	0.12	000
59025		A	Fetal non-stress test	0.53	0.62	0.60	NA	NA	0.10	000
59025	TC	A	Fetal non-stress test	0.00	0.42	0.42	NA	NA	0.01	000
59025	26	A	Fetal non-stress test	0.53	0.20	0.18	0.20	0.18	0.09	000
59030		A	Fetal scalp blood sample	1.99	NA	NA	0.73	0.66	0.09	000
59050		A	Fetal monitor w/report	0.89	NA	NA	0.34	0.30	0.19	XXX
59051		A	Fetal monitor/interpret only	0.74	NA	NA	0.29	0.25	0.16	XXX
59070		A	Transabdom amnioinfus w/us	5.24	4.63	4.83	2.30	2.19	1.11	000
59072		A	Umbilical cord occlud w/us	8.99	NA	NA	3.77	3.48	1.90	000
59074		A	Fetal fluid drainage w/us	5.24	4.86	4.48	2.45	2.17	1.11	000
59076		A	Fetal shunt placement, w/us	8.99	NA	NA	3.77	3.26	1.90	000
59100		A	Remove uterus lesion	13.37	NA	NA	6.84	6.21	2.82	090
59120		A	Treat ectopic pregnancy	12.67	NA	NA	6.57	6.07	2.69	090
59121		A	Treat ectopic pregnancy	12.74	NA	NA	6.52	6.04	2.70	090
59130		A	Treat ectopic pregnancy	15.08	NA	NA	7.34	6.73	0.79	090
59135		A	Treat ectopic pregnancy	14.92	NA	NA	7.22	7.10	0.78	090
59136		A	Treat ectopic pregnancy	14.25	NA	NA	7.05	6.45	3.01	090
59140		A	Treat ectopic pregnancy	5.94	NA	NA	3.83	3.50	0.30	090
59150		A	Treat ectopic pregnancy	12.29	NA	NA	6.35	5.84	2.60	090
59151		A	Treat ectopic pregnancy	12.11	NA	NA	6.02	5.58	2.56	090
59160		A	D & c after delivery	2.76	2.14	2.32	1.44	1.48	0.57	010
59200		A	Insert cervical dilator	0.79	0.93	1.00	0.31	0.27	0.17	000
59300		A	Episiotomy or vaginal repair	2.41	2.22	2.21	1.20	1.06	0.50	000
59320		A	Revision of cervix	2.48	NA	NA	1.22	1.14	0.51	000
59325		A	Revision of cervix	4.06	NA	NA	1.79	1.67	0.21	000
59350		A	Repair of uterus	4.94	NA	NA	1.87	1.59	1.04	000
59400		A	Obstetrical care	27.48	NA	NA	16.55	15.40	5.62	MMM
59409		A	Obstetrical care	13.48	NA	NA	5.23	4.59	2.74	MMM
59410		A	Obstetrical care	15.37	NA	NA	6.58	5.85	3.13	MMM
59412		A	Antepartum manipulation	1.71	NA	NA	0.80	0.74	0.36	MMM

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59414		A	Deliver placenta	1.61	NA	NA	0.62	0.55	0.33	MMM
59425		A	Antepartum care only	6.50	4.77	4.48	2.50	2.02	1.32	MMM
59426		A	Antepartum care only	11.57	8.75	8.16	4.44	3.57	2.30	MMM
59430		A	Care after delivery	2.13	1.27	1.19	0.94	0.84	0.43	MMM
59510		A	Cesarean delivery	31.07	NA	NA	18.57	17.39	6.51	MMM
59514		A	Cesarean delivery only	15.95	NA	NA	6.22	5.46	3.33	MMM
59515		A	Cesarean delivery	18.39	NA	NA	8.08	7.26	3.83	MMM
59525		A	Remove uterus after cesarean	8.53	NA	NA	3.30	2.91	1.79	ZZZ
59610		A	Vbac delivery	28.86	NA	NA	17.34	16.16	6.10	MMM
59612		A	Vbac delivery only	15.04	NA	NA	5.87	5.20	3.18	MMM
59614		A	Vbac care after delivery	16.64	NA	NA	6.89	6.18	3.51	MMM
59618		A	Attempted vbac delivery	32.51	NA	NA	19.22	18.07	6.87	MMM
59620		A	Attempted vbac delivery only	17.50	NA	NA	6.82	6.00	3.70	MMM
59622		A	Attempted vbac after care	19.83	NA	NA	8.78	7.94	4.19	MMM
59812		A	Treatment of miscarriage	4.44	3.34	3.13	2.70	2.55	0.92	090
59820		A	Care of miscarriage	4.84	4.26	4.27	3.74	3.63	1.02	090
59821		A	Treatment of miscarriage	5.09	4.08	4.07	3.52	3.39	1.08	090
59830		A	Treat uterus infection	6.59	NA	NA	3.95	3.78	1.39	090
59840		R	Abortion	3.01	2.24	2.15	2.03	1.96	0.59	010
59841		R	Abortion	5.65	3.57	3.39	3.08	2.85	1.19	010
59850		R	Abortion	5.90	NA	NA	3.31	3.28	0.30	090
59851		R	Abortion	5.92	NA	NA	3.70	3.57	1.24	090
59852		R	Abortion	8.23	NA	NA	5.04	5.02	0.43	090
59855		R	Abortion	6.43	NA	NA	3.61	3.40	1.36	090
59856		R	Abortion	7.79	NA	NA	4.02	3.76	1.64	090
59857		R	Abortion	9.33	NA	NA	4.47	4.44	0.48	090
59866		R	Abortion (mpr)	3.99	NA	NA	1.80	1.69	0.21	000
59870		A	Evacuate mole of uterus	6.57	NA	NA	4.80	4.74	1.39	090
59871		A	Remove cerclage suture	2.13	NA	NA	1.12	1.05	0.45	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	1.81	2.36	2.22	1.95	1.85	0.18	010
60100		A	Biopsy of thyroid	1.56	1.23	1.35	0.50	0.55	0.12	000
60200		A	Remove thyroid lesion	10.02	NA	NA	6.91	6.13	1.25	090
60210		A	Partial thyroid excision	11.23	NA	NA	6.80	5.90	1.52	090

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60212		A	Partial thyroid excision	16.43	NA	NA	9.35	8.04	2.25	090
60220		A	Partial removal of thyroid	12.37	NA	NA	7.45	6.44	1.58	090
60225		A	Partial removal of thyroid	14.79	NA	NA	9.01	7.80	1.94	090
60240		A	Removal of thyroid	16.22	NA	NA	8.66	7.47	2.17	090
60252		A	Removal of thyroid	22.01	NA	NA	11.93	10.23	2.85	090
60254		A	Extensive thyroid surgery	28.42	NA	NA	15.24	13.27	3.33	090
60260		A	Repeat thyroid surgery	18.26	NA	NA	10.00	8.62	2.30	090
60270		A	Removal of thyroid	23.20	NA	NA	11.91	10.62	3.22	090
60271		A	Removal of thyroid	17.62	NA	NA	9.68	8.42	2.21	090
60280		A	Remove thyroid duct lesion	6.16	NA	NA	5.47	4.88	0.62	090
60281		A	Remove thyroid duct lesion	8.82	NA	NA	6.81	5.90	0.84	090
60300		A	Aspir/inj thyroid cyst	0.97	1.80	1.83	0.31	0.33	0.08	000
60500		A	Explore parathyroid glands	16.78	NA	NA	9.16	7.82	2.38	090
60502		A	Re-explore parathyroids	21.15	NA	NA	11.33	9.72	3.05	090
60505		A	Explore parathyroid glands	23.06	NA	NA	12.55	10.90	3.18	090
60512		A	Autotransplant parathyroid	4.44	NA	NA	1.77	1.50	0.61	ZZZ
60520		A	Removal of thymus gland	17.16	NA	NA	8.85	7.94	2.55	090
60521		A	Removal of thymus gland	19.18	NA	NA	9.16	9.09	3.33	090
60522		A	Removal of thymus gland	23.48	NA	NA	10.95	10.76	4.01	090
60540		A	Explore adrenal gland	18.02	NA	NA	8.72	8.58	2.23	090
60545		A	Explore adrenal gland	20.93	NA	NA	9.91	9.37	2.71	090
60600		A	Remove carotid body lesion	25.09	NA	NA	10.87	10.22	3.90	090
60605		A	Remove carotid body lesion	31.96	NA	NA	19.15	14.04	3.02	090
60650		A	Laparoscopy adrenalectomy	20.73	NA	NA	9.50	8.80	2.75	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
6070F		I	Pt asked/cnsld aed effects	0.00	0.00	0.00	0.00	0.00	0.00	XXX
61000		A	Remove cranial cavity fluid	1.58	NA	NA	1.31	1.19	0.10	000
61001		A	Remove cranial cavity fluid	1.49	NA	NA	1.98	1.37	0.39	000
61020		A	Remove brain cavity fluid	1.51	NA	NA	1.69	1.59	0.37	000
61026		A	Injection into brain canal	1.69	NA	NA	1.42	1.39	0.28	000
61050		A	Remove brain canal fluid	1.51	NA	NA	1.15	1.21	0.09	000
61055		A	Injection into brain canal	2.10	NA	NA	1.31	1.37	0.21	000
61070		A	Brain canal shunt procedure	0.89	NA	NA	1.18	1.12	0.15	000
61105		A	Twist drill hole	5.45	NA	NA	5.14	4.69	1.41	090
61107		A	Drill skull for implantation	4.99	NA	NA	2.31	2.18	1.31	000

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61108		A	Drill skull for drainage	11.64	NA	NA	9.37	8.49	3.04	090
61120		A	Burr hole for puncture	9.60	NA	NA	7.73	6.94	2.54	090
61140		A	Pierce skull for biopsy	17.23	NA	NA	11.92	10.96	4.49	090
61150		A	Pierce skull for drainage	18.90	NA	NA	12.47	11.32	4.98	090
61151		A	Pierce skull for drainage	13.49	NA	NA	9.54	8.54	3.56	090
61154		A	Pierce skull & remove clot	17.07	NA	NA	12.35	11.21	4.48	090
61156		A	Pierce skull for drainage	17.45	NA	NA	11.30	10.51	4.60	090
61210		A	Pierce skull, implant device	5.83	NA	NA	2.69	2.54	1.53	000
61215		A	Insert brain-fluid device	5.85	NA	NA	5.88	5.34	1.52	090
61250		A	Pierce skull & explore	11.49	NA	NA	8.61	7.64	3.03	090
61253		A	Pierce skull & explore	13.49	NA	NA	8.40	7.71	1.26	090
61304		A	Open skull for exploration	23.41	NA	NA	14.76	13.51	5.99	090
61305		A	Open skull for exploration	28.64	NA	NA	17.87	16.36	7.55	090
61312		A	Open skull for drainage	30.17	NA	NA	18.00	16.43	7.93	090
61313		A	Open skull for drainage	28.09	NA	NA	17.85	16.30	7.37	090
61314		A	Open skull for drainage	25.90	NA	NA	16.50	14.99	6.81	090
61315		A	Open skull for drainage	29.65	NA	NA	18.25	16.78	7.83	090
61316		A	Implt cran bone flap to abdo	1.39	NA	NA	0.64	0.59	0.36	ZZZ
61320		A	Open skull for drainage	27.42	NA	NA	16.70	15.46	7.12	090
61321		A	Open skull for drainage	30.53	NA	NA	18.76	16.76	8.06	090
61322		A	Decompressive craniotomy	34.26	NA	NA	20.72	18.48	8.99	090
61323		A	Decompressive lobectomy	35.06	NA	NA	20.18	18.23	9.15	090
61330		A	Decompress eye socket	25.30	NA	NA	14.82	13.44	6.68	090
61332		A	Explore/biopsy eye socket	28.60	NA	NA	17.33	15.03	7.54	090
61333		A	Explore orbit/remove lesion	29.27	NA	NA	19.59	15.92	7.72	090
61334		A	Explore orbit/remove object	19.60	NA	NA	13.13	10.40	5.16	090
61340		A	Subtemporal decompression	20.11	NA	NA	13.37	12.05	5.31	090
61343		A	Incise skull (press relief)	31.86	NA	NA	19.10	17.52	8.34	090
61345		A	Relieve cranial pressure	29.23	NA	NA	17.98	16.51	7.71	090
61440		A	Incise skull for surgery	28.66	NA	NA	17.71	16.15	7.55	090
61450		A	Incise skull for surgery	27.69	NA	NA	16.80	15.25	7.30	090
61458		A	Incise skull for brain wound	28.84	NA	NA	17.63	16.30	7.53	090
61460		A	Incise skull for surgery	30.24	NA	NA	18.45	16.45	7.97	090
61470		A	Incise skull for surgery	27.62	NA	NA	16.77	15.35	7.28	090
61480		A	Incise skull for surgery	28.05	NA	NA	12.06	12.40	1.45	090
61490		A	Incise skull for surgery	27.22	NA	NA	16.58	15.30	7.19	090

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61500		A	Removal of skull lesion	19.18	NA	NA	12.81	11.59	4.25	090
61501		A	Remove infected skull bone	16.35	NA	NA	11.51	10.31	3.43	090
61510		A	Removal of brain lesion	30.83	NA	NA	19.76	18.15	8.09	090
61512		A	Remove brain lining lesion	37.14	NA	NA	21.92	20.22	9.76	090
61514		A	Removal of brain abscess	27.23	NA	NA	16.89	15.54	7.14	090
61516		A	Removal of brain lesion	26.58	NA	NA	16.29	15.12	6.78	090
61517		A	Implt brain chemotx add-on	1.38	NA	NA	0.64	0.60	0.36	ZZZ
61518		A	Removal of brain lesion	39.89	NA	NA	24.06	22.03	10.51	090
61519		A	Remove brain lining lesion	43.43	NA	NA	24.79	22.90	11.38	090
61520		A	Removal of brain lesion	57.09	NA	NA	31.47	29.23	13.20	090
61521		A	Removal of brain lesion	46.99	NA	NA	26.65	24.37	12.39	090
61522		A	Removal of brain abscess	31.54	NA	NA	19.05	17.57	8.32	090
61524		A	Removal of brain lesion	29.89	NA	NA	18.28	16.60	7.89	090
61526		A	Removal of brain lesion	54.08	NA	NA	29.14	26.54	14.26	090
61530		A	Removal of brain lesion	45.56	NA	NA	25.60	22.96	12.03	090
61531		A	Implant brain electrodes	16.41	NA	NA	11.90	10.88	4.33	090
61533		A	Implant brain electrodes	21.46	NA	NA	13.77	12.63	5.65	090
61534		A	Removal of brain lesion	23.01	NA	NA	15.07	13.80	6.07	090
61535		A	Remove brain electrodes	13.15	NA	NA	10.02	9.13	3.47	090
61536		A	Removal of brain lesion	37.72	NA	NA	21.94	20.34	9.95	090
61537		A	Removal of brain tissue	36.45	NA	NA	20.42	18.24	9.56	090
61538		A	Removal of brain tissue	39.45	NA	NA	21.57	19.44	10.42	090
61539		A	Removal of brain tissue	34.28	NA	NA	20.33	18.45	9.04	090
61540		A	Removal of brain tissue	31.43	NA	NA	19.08	17.61	8.29	090
61541		A	Incision of brain tissue	30.94	NA	NA	18.77	17.15	8.16	090
61542		A	Removal of brain tissue	33.16	NA	NA	19.68	18.29	8.74	090
61543		A	Removal of brain tissue	31.31	NA	NA	18.95	16.95	8.25	090
61544		A	Remove & treat brain lesion	27.36	NA	NA	16.65	13.20	7.22	090
61545		A	Excision of brain tumor	46.43	NA	NA	27.24	24.83	12.24	090
61546		A	Removal of pituitary gland	33.44	NA	NA	19.94	18.21	8.81	090
61548		A	Removal of pituitary gland	23.37	NA	NA	14.13	12.90	4.90	090
61550		A	Release of skull seams	15.59	NA	NA	7.91	8.62	0.81	090
61552		A	Release of skull seams	20.40	NA	NA	9.55	11.24	1.07	090
61556		A	Incise skull/sutures	24.09	NA	NA	15.34	13.50	6.36	090
61557		A	Incise skull/sutures	23.31	NA	NA	15.60	14.52	6.15	090
61558		A	Excision of skull/sutures	26.50	NA	NA	16.96	15.61	6.99	090

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61559		A	Excision of skull/sutures	34.02	NA	NA	15.06	18.29	1.77	090
61563		A	Excision of skull tumor	28.44	NA	NA	17.37	16.00	7.50	090
61564		A	Excision of skull tumor	34.74	NA	NA	20.94	19.35	9.15	090
61566		A	Removal of brain tissue	32.45	NA	NA	19.56	18.21	8.55	090
61567		A	Incision of brain tissue	37.00	NA	NA	22.30	20.83	9.77	090
61570		A	Remove foreign body, brain	26.51	NA	NA	16.71	15.02	6.99	090
61571		A	Incise skull for brain wound	28.42	NA	NA	17.60	16.25	7.49	090
61575		A	Skull base/brainstem surgery	36.56	NA	NA	21.40	18.78	9.64	090
61576		A	Skull base/brainstem surgery	55.31	NA	NA	36.12	34.44	5.22	090
61580		A	Craniofacial approach, skull	34.51	NA	NA	27.93	25.30	4.33	090
61581		A	Craniofacial approach, skull	39.13	NA	NA	31.98	28.24	3.70	090
61582		A	Craniofacial approach, skull	35.14	NA	NA	35.83	31.90	9.27	090
61583		A	Craniofacial approach, skull	38.50	NA	NA	29.10	27.10	9.51	090
61584		A	Orbitocranial approach/skull	37.70	NA	NA	28.48	26.68	9.33	090
61585		A	Orbitocranial approach/skull	42.57	NA	NA	32.57	27.72	11.23	090
61586		A	Resect nasopharynx, skull	27.48	NA	NA	29.54	24.41	7.25	090
61590		A	Infratemporal approach/skull	47.04	NA	NA	31.67	28.27	6.21	090
61591		A	Infratemporal approach/skull	47.02	NA	NA	31.50	28.47	7.05	090
61592		A	Orbitocranial approach/skull	43.08	NA	NA	30.87	28.79	10.66	090
61595		A	Transtemporal approach/skull	33.74	NA	NA	25.66	23.29	5.25	090
61596		A	Transcochlear approach/skull	39.43	NA	NA	26.11	23.73	3.72	090
61597		A	Transcondylar approach/skull	40.82	NA	NA	28.02	24.91	10.77	090
61598		A	Transpetrosal approach/skull	36.53	NA	NA	29.24	24.09	9.63	090
61600		A	Resect/excise cranial lesion	30.01	NA	NA	24.19	21.44	4.57	090
61601		A	Resect/excise cranial lesion	31.14	NA	NA	24.89	22.95	7.47	090
61605		A	Resect/excise cranial lesion	32.57	NA	NA	24.55	21.94	3.64	090
61606		A	Resect/excise cranial lesion	42.05	NA	NA	28.77	26.76	10.05	090
61607		A	Resect/excise cranial lesion	40.93	NA	NA	27.03	24.16	10.79	090
61608		A	Resect/excise cranial lesion	45.54	NA	NA	30.00	27.89	11.30	090
61609		A	Transect artery, sinus	9.88	NA	NA	4.79	4.03	2.61	ZZZ
61610		A	Transect artery, sinus	29.63	NA	NA	13.83	12.73	7.82	ZZZ
61611		A	Transect artery, sinus	7.41	NA	NA	2.71	3.09	0.38	ZZZ
61612		A	Transect artery, sinus	27.84	NA	NA	10.19	10.91	1.44	ZZZ
61613		A	Remove aneurysm, sinus	45.03	NA	NA	31.01	28.02	11.88	090
61615		A	Resect/excise lesion, skull	35.77	NA	NA	24.47	23.09	3.38	090
61616		A	Resect/excise lesion, skull	46.74	NA	NA	32.03	29.37	10.59	090

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61618		A	Repair dura	18.69	NA	NA	12.31	11.15	4.23	090
61619		A	Repair dura	22.10	NA	NA	13.75	12.47	4.65	090
61623		A	Endovasc tempory vessel occl	9.95	NA	NA	3.73	3.99	1.36	000
61624		A	Transcath occlusion, cns	20.12	NA	NA	7.10	7.69	2.77	000
61626		A	Transcath occlusion, non-cns	16.60	NA	NA	5.22	6.14	1.57	000
61630		R	Intracranial angioplasty	22.07	NA	NA	9.08	9.77	3.07	XXX
61635		R	Intracran angioplsty w/stent	24.28	NA	NA	9.69	10.55	2.99	XXX
61640		N	Dilate ic vasospasm, init	12.32	NA	NA	4.51	4.29	0.64	000
61641		N	Dilate ic vasospasm add-on	4.33	NA	NA	1.58	1.51	0.23	ZZZ
61642		N	Dilate ic vasospasm add-on	8.66	NA	NA	3.17	3.01	0.45	ZZZ
61680		A	Intracranial vessel surgery	32.55	NA	NA	19.79	18.29	8.58	090
61682		A	Intracranial vessel surgery	63.41	NA	NA	33.17	30.99	16.72	090
61684		A	Intracranial vessel surgery	41.64	NA	NA	24.16	21.80	10.98	090
61686		A	Intracranial vessel surgery	67.50	NA	NA	36.59	33.97	17.81	090
61690		A	Intracranial vessel surgery	31.34	NA	NA	19.24	17.55	8.27	090
61692		A	Intracranial vessel surgery	54.59	NA	NA	30.09	27.56	14.40	090
61697		A	Brain aneurysm repr, complx	63.40	NA	NA	34.22	31.14	16.55	090
61698		A	Brain aneurysm repr, complx	69.63	NA	NA	37.59	33.28	18.36	090
61700		A	Brain aneurysm repr, simple	50.62	NA	NA	28.55	26.69	13.27	090
61702		A	Inner skull vessel surgery	60.04	NA	NA	33.11	29.57	15.83	090
61703		A	Clamp neck artery	18.80	NA	NA	12.65	11.67	4.96	090
61705		A	Revise circulation to head	38.10	NA	NA	22.12	19.66	10.05	090
61708		A	Revise circulation to head	37.20	NA	NA	17.81	16.09	2.26	090
61710		A	Revise circulation to head	31.29	NA	NA	13.50	14.74	4.79	090
61711		A	Fusion of skull arteries	38.23	NA	NA	21.69	20.08	10.08	090
61720		A	Incise skull/brain surgery	17.62	NA	NA	11.78	9.83	4.65	090
61735		A	Incise skull/brain surgery	22.35	NA	NA	14.44	11.88	5.89	090
61750		A	Incise skull/brain biopsy	19.83	NA	NA	12.70	11.69	5.19	090
61751		A	Brain biopsy w/ct/mr guide	18.79	NA	NA	13.00	12.02	4.92	090
61760		A	Implant brain electrodes	22.39	NA	NA	14.18	12.39	5.90	090
61770		A	Incise skull for treatment	23.19	NA	NA	13.88	12.25	6.02	090
61790		A	Treat trigeminal nerve	11.60	NA	NA	8.69	7.69	2.99	090
61791		A	Treat trigeminal tract	15.41	NA	NA	10.02	9.45	3.82	090
61795		A	Brain surgery using computer	4.03	NA	NA	1.90	1.74	0.78	ZZZ
61796		A	Srs, cranial lesion simple	13.93	NA	NA	8.98	7.49	3.40	090
61797		A	Srs, cran les simple, addl	3.48	NA	NA	1.55	1.41	0.85	ZZZ

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61798		A	Srs, cranial lesion complex	19.85	NA	NA	11.62	8.16	4.85	090
61799		A	Srs, cran les complex, addl	4.81	NA	NA	2.14	1.95	1.17	ZZZ
61800		A	Apply srs headframe add-on	2.25	NA	NA	1.25	1.16	0.54	ZZZ
61850		A	Implant neuroelectrodes	13.34	NA	NA	9.39	8.67	3.53	090
61860		A	Implant neuroelectrodes	22.26	NA	NA	13.95	12.85	5.87	090
61863		A	Implant neuroelectrode	20.71	NA	NA	14.08	13.02	5.44	090
61864		A	Implant neuroelectrde, addl	4.49	NA	NA	2.10	1.98	1.18	ZZZ
61867		A	Implant neuroelectrode	33.03	NA	NA	19.81	18.29	8.69	090
61868		A	Implant neuroelectrde, addl	7.91	NA	NA	3.70	3.48	2.09	ZZZ
61870		A	Implant neuroelectrodes	16.34	NA	NA	11.05	10.30	4.31	090
61875		A	Implant neuroelectrodes	16.46	NA	NA	7.67	9.25	0.86	090
61880		A	Revise/remove neuroelectrode	6.95	NA	NA	6.29	5.58	1.81	090
61885		A	Insrt/redo neurostim 1 array	7.57	NA	NA	8.21	7.31	1.90	090
61886		A	Implant neurostim arrays	9.93	NA	NA	9.69	8.74	2.59	090
61888		A	Revise/remove neuroreceiver	5.23	NA	NA	3.88	3.70	1.26	010
62000		A	Treat skull fracture	13.93	NA	NA	9.93	7.66	3.68	090
62005		A	Treat skull fracture	17.63	NA	NA	11.78	10.53	4.65	090
62010		A	Treatment of head injury	21.43	NA	NA	13.63	12.55	5.65	090
62100		A	Repair brain fluid leakage	23.53	NA	NA	14.50	13.12	5.52	090
62115		A	Reduction of skull defect	22.91	NA	NA	10.84	9.07	1.19	090
62116		A	Reduction of skull defect	25.02	NA	NA	16.02	14.74	6.60	090
62117		A	Reduction of skull defect	28.35	NA	NA	15.94	15.57	2.69	090
62120		A	Repair skull cavity lesion	24.59	NA	NA	19.67	18.55	2.33	090
62121		A	Incise skull repair	23.03	NA	NA	19.55	16.09	6.08	090
62140		A	Repair of skull defect	14.55	NA	NA	9.94	9.08	3.49	090
62141		A	Repair of skull defect	16.07	NA	NA	10.81	9.90	3.90	090
62142		A	Remove skull plate/flap	11.83	NA	NA	8.88	8.11	3.00	090
62143		A	Replace skull plate/flap	14.15	NA	NA	10.00	9.08	3.68	090
62145		A	Repair of skull & brain	20.09	NA	NA	12.52	11.63	5.30	090
62146		A	Repair of skull with graft	17.28	NA	NA	11.62	10.31	4.56	090
62147		A	Repair of skull with graft	20.67	NA	NA	13.20	11.95	5.44	090
62148		A	Retr bone flap to fix skull	2.00	NA	NA	0.93	0.85	0.52	ZZZ
62160		A	Neuroendoscopy add-on	3.00	NA	NA	1.39	1.32	0.79	ZZZ
62161		A	Dissect brain w/scope	21.23	NA	NA	14.02	12.78	5.60	090
62162		A	Remove colloid cyst w/scope	26.80	NA	NA	16.94	15.72	7.06	090
62163		A	Neuroendoscopy w/fb removal	16.53	NA	NA	11.83	10.97	4.35	090

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62164		A	Remove brain tumor w/scope	29.43	NA	NA	18.93	16.80	7.77	090
62165		A	Remove pituit tumor w/scope	23.23	NA	NA	14.49	13.29	4.68	090
62180		A	Establish brain cavity shunt	22.58	NA	NA	14.46	13.31	5.96	090
62190		A	Establish brain cavity shunt	12.17	NA	NA	9.24	8.39	3.21	090
62192		A	Establish brain cavity shunt	13.35	NA	NA	9.52	8.54	3.40	090
62194		A	Replace/irrigate catheter	5.78	NA	NA	5.18	3.76	0.33	010
62200		A	Establish brain cavity shunt	19.29	NA	NA	12.56	11.52	5.09	090
62201		A	Brain cavity shunt w/scope	16.04	NA	NA	11.85	10.77	4.21	090
62220		A	Establish brain cavity shunt	14.10	NA	NA	9.64	8.73	3.55	090
62223		A	Establish brain cavity shunt	14.05	NA	NA	10.60	9.66	3.56	090
62225		A	Replace/irrigate catheter	6.19	NA	NA	5.92	5.28	1.62	090
62230		A	Replace/revise brain shunt	11.43	NA	NA	8.20	7.48	2.92	090
62252		A	Csf shunt reprogram	0.74	1.77	1.70	NA	NA	0.19	XXX
62252	TC	A	Csf shunt reprogram	0.00	1.43	1.38	NA	NA	0.01	XXX
62252	26	A	Csf shunt reprogram	0.74	0.34	0.32	0.34	0.32	0.18	XXX
62256		A	Remove brain cavity shunt	7.38	NA	NA	6.49	5.92	1.93	090
62258		A	Replace brain cavity shunt	15.64	NA	NA	10.58	9.68	3.99	090
62263		A	Epidural lysis mult sessions	6.54	12.40	10.56	4.35	3.36	0.38	010
62264		A	Epidural lysis on single day	4.42	6.65	5.83	2.07	1.51	0.26	010
62267		A	Interdiscal perq aspir, dx	3.00	4.16	3.63	1.49	1.25	0.22	000
62268		A	Drain spinal cord cyst	4.73	5.65	6.69	1.89	1.96	0.33	000
62269		A	Needle biopsy, spinal cord	5.01	5.42	7.22	1.66	1.81	0.41	000
62270		A	Spinal fluid tap, diagnostic	1.37	2.40	2.54	0.59	0.60	0.17	000
62272		A	Drain cerebro spinal fluid	1.35	3.45	3.30	0.70	0.68	0.24	000
62273		A	Inject epidural patch	2.15	2.20	2.05	0.83	0.69	0.15	000
62280		A	Treat spinal cord lesion	2.63	5.22	5.08	1.44	1.20	0.37	010
62281		A	Treat spinal cord lesion	2.66	5.06	4.64	1.46	1.13	0.20	010
62282		A	Treat spinal canal lesion	2.33	4.89	5.06	1.44	1.16	0.21	010
62284		A	Injection for myelogram	1.54	3.50	3.99	0.66	0.73	0.13	000
62287		A	Percutaneous diskectomy	9.03	NA	NA	5.28	4.92	0.60	090
62290		A	Inject for spine disk x-ray	3.00	5.48	5.31	1.55	1.34	0.22	000
62291		A	Inject for spine disk x-ray	2.91	5.22	4.89	1.52	1.28	0.20	000
62292		A	Injection into disk lesion	9.24	NA	NA	4.25	3.26	0.55	090
62294		A	Injection into spinal artery	12.87	NA	NA	3.29	5.85	0.75	090
62310		A	Inject spine c/t	1.91	4.18	3.72	0.95	0.70	0.12	000
62311		A	Inject spine l/s (cd)	1.54	3.55	3.37	0.78	0.63	0.09	000

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62318		A	Inject spine w/cath, c/t	2.04	3.88	3.83	0.62	0.53	0.12	000
62319		A	Inject spine w/cath l/s (cd)	1.87	3.67	3.49	0.67	0.55	0.12	000
62350		A	Implant spinal canal cath	6.05	NA	NA	4.06	3.38	0.77	010
62351		A	Implant spinal canal cath	11.66	NA	NA	9.35	8.13	2.49	090
62355		A	Remove spinal canal catheter	4.35	NA	NA	3.34	2.80	0.54	010
62360		A	Insert spine infusion device	4.33	NA	NA	3.43	2.81	0.64	010
62361		A	Implant spine infusion pump	5.65	NA	NA	4.23	3.81	0.81	010
62362		A	Implant spine infusion pump	6.10	NA	NA	4.25	3.69	0.90	010
62365		A	Remove spine infusion device	4.65	NA	NA	3.63	3.16	0.65	010
62367		A	Analyze spine infusion pump	0.48	0.61	0.52	0.19	0.14	0.04	XXX
62368		A	Analyze spine infusion pump	0.75	0.84	0.68	0.31	0.22	0.05	XXX
63001		A	Removal of spinal lamina	17.61	NA	NA	11.49	10.47	4.18	090
63003		A	Removal of spinal lamina	17.74	NA	NA	11.56	10.54	4.14	090
63005		A	Removal of spinal lamina	16.43	NA	NA	11.70	10.66	3.73	090
63011		A	Removal of spinal lamina	15.91	NA	NA	10.85	9.60	2.95	090
63012		A	Removal of spinal lamina	16.85	NA	NA	11.50	10.57	3.75	090
63015		A	Removal of spinal lamina	20.85	NA	NA	13.92	12.74	5.15	090
63016		A	Removal of spinal lamina	22.03	NA	NA	13.92	12.69	4.98	090
63017		A	Removal of spinal lamina	17.33	NA	NA	12.17	11.13	4.09	090
63020		A	Neck spine disk surgery	16.20	NA	NA	11.59	10.57	3.72	090
63030		A	Low back disk surgery	13.18	NA	NA	10.07	9.17	2.84	090
63035		A	Spinal disk surgery add-on	3.15	NA	NA	1.52	1.42	0.65	ZZZ
63040		A	Laminotomy, single cervical	20.31	NA	NA	13.16	11.99	4.61	090
63042		A	Laminotomy, single lumbar	18.76	NA	NA	12.69	11.61	3.82	090
63043		C	Laminotomy, addl cervical	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
63044		C	Laminotomy, addl lumbar	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
63045		A	Removal of spinal lamina	17.95	NA	NA	12.12	11.09	4.21	090
63046		A	Removal of spinal lamina	17.25	NA	NA	11.70	10.69	3.78	090
63047		A	Removal of spinal lamina	15.37	NA	NA	11.10	10.18	3.24	090
63048		A	Remove spinal lamina add-on	3.47	NA	NA	1.67	1.54	0.74	ZZZ
63050		A	Cervical laminoplasty	22.01	NA	NA	14.04	12.90	5.81	090
63051		A	C-laminoplasty w/graft/plate	25.51	NA	NA	15.77	14.34	5.32	090
63055		A	Decompress spinal cord	23.55	NA	NA	14.78	13.61	5.63	090
63056		A	Decompress spinal cord	21.86	NA	NA	13.78	12.58	4.55	090
63057		A	Decompress spine cord add-on	5.25	NA	NA	2.52	2.34	1.11	ZZZ
63064		A	Decompress spinal cord	26.22	NA	NA	15.98	14.51	5.84	090

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63066		A	Decompress spine cord add-on	3.26	NA	NA	1.52	1.45	0.86	ZZZ
63075		A	Neck spine disk surgery	19.60	NA	NA	13.03	12.07	4.49	090
63076		A	Neck spine disk surgery	4.04	NA	NA	1.92	1.81	0.92	ZZZ
63077		A	Spine disk surgery, thorax	22.88	NA	NA	13.62	12.54	4.31	090
63078		A	Spine disk surgery, thorax	3.28	NA	NA	1.57	1.45	0.55	ZZZ
63081		A	Removal of vertebral body	26.10	NA	NA	16.18	14.81	5.80	090
63082		A	Remove vertebral body add-on	4.36	NA	NA	2.08	1.96	0.96	ZZZ
63085		A	Removal of vertebral body	29.47	NA	NA	16.65	15.21	5.83	090
63086		A	Remove vertebral body add-on	3.19	NA	NA	1.48	1.39	0.64	ZZZ
63087		A	Removal of vertebral body	37.53	NA	NA	20.75	19.10	7.15	090
63088		A	Remove vertebral body add-on	4.32	NA	NA	2.06	1.94	0.78	ZZZ
63090		A	Removal of vertebral body	30.93	NA	NA	17.72	16.13	5.29	090
63091		A	Remove vertebral body add-on	3.03	NA	NA	1.43	1.33	0.50	ZZZ
63101		A	Removal of vertebral body	34.10	NA	NA	20.92	19.20	7.81	090
63102		A	Removal of vertebral body	34.10	NA	NA	20.75	18.97	6.32	090
63103		A	Remove vertebral body add-on	4.82	NA	NA	2.30	2.18	0.95	ZZZ
63170		A	Incise spinal cord tract(s)	22.21	NA	NA	14.66	12.98	5.86	090
63172		A	Drainage of spinal cyst	19.76	NA	NA	12.66	11.67	5.20	090
63173		A	Drainage of spinal cyst	24.31	NA	NA	15.64	14.35	6.43	090
63180		A	Revise spinal cord ligaments	20.53	NA	NA	10.39	10.92	5.41	090
63182		A	Revise spinal cord ligaments	22.82	NA	NA	14.94	11.45	6.02	090
63185		A	Incise spinal column/nerves	16.49	NA	NA	11.86	10.16	4.35	090
63190		A	Incise spinal column/nerves	18.89	NA	NA	12.61	11.43	3.15	090
63191		A	Incise spinal column/nerves	18.92	NA	NA	13.95	9.02	2.75	090
63194		A	Incise spinal column & cord	22.10	NA	NA	13.34	12.47	2.09	090
63195		A	Incise spinal column & cord	21.64	NA	NA	13.94	12.46	5.71	090
63196		A	Incise spinal column & cord	25.27	NA	NA	11.24	13.49	1.32	090
63197		A	Incise spinal column & cord	24.08	NA	NA	15.53	14.15	6.36	090
63198		A	Incise spinal column & cord	29.90	NA	NA	13.13	11.94	1.56	090
63199		A	Incise spinal column & cord	31.47	NA	NA	13.70	15.57	1.64	090
63200		A	Release of spinal cord	21.44	NA	NA	14.05	12.71	5.57	090
63250		A	Revise spinal cord vessels	43.86	NA	NA	24.80	22.48	11.57	090
63251		A	Revise spinal cord vessels	44.64	NA	NA	25.56	23.43	11.78	090
63252		A	Revise spinal cord vessels	44.63	NA	NA	25.55	23.37	11.78	090
63265		A	Excise intraspinal lesion	23.82	NA	NA	15.24	13.94	5.94	090
63266		A	Excise intraspinal lesion	24.68	NA	NA	15.64	14.20	6.17	090

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63267		A	Excise intraspinal lesion	19.45	NA	NA	13.09	11.97	4.60	090
63268		A	Excise intraspinal lesion	20.02	NA	NA	13.68	12.12	5.28	090
63270		A	Excise intraspinal lesion	29.80	NA	NA	18.24	16.56	7.87	090
63271		A	Excise intraspinal lesion	29.92	NA	NA	18.18	16.65	7.77	090
63272		A	Excise intraspinal lesion	27.50	NA	NA	16.99	15.55	6.96	090
63273		A	Excise intraspinal lesion	26.47	NA	NA	16.69	14.51	6.98	090
63275		A	Biopsy/excise spinal tumor	25.86	NA	NA	16.17	14.72	6.48	090
63276		A	Biopsy/excise spinal tumor	25.69	NA	NA	16.03	14.68	6.40	090
63277		A	Biopsy/excise spinal tumor	22.39	NA	NA	14.42	13.16	5.14	090
63278		A	Biopsy/excise spinal tumor	22.12	NA	NA	14.66	13.06	5.84	090
63280		A	Biopsy/excise spinal tumor	30.29	NA	NA	18.75	17.32	7.96	090
63281		A	Biopsy/excise spinal tumor	29.99	NA	NA	18.50	17.09	7.84	090
63282		A	Biopsy/excise spinal tumor	28.15	NA	NA	17.69	16.32	7.31	090
63283		A	Biopsy/excise spinal tumor	26.76	NA	NA	17.21	15.59	7.05	090
63285		A	Biopsy/excise spinal tumor	38.05	NA	NA	22.40	20.27	10.04	090
63286		A	Biopsy/excise spinal tumor	37.62	NA	NA	22.17	20.36	9.70	090
63287		A	Biopsy/excise spinal tumor	40.08	NA	NA	23.43	21.35	10.58	090
63290		A	Biopsy/excise spinal tumor	40.82	NA	NA	23.77	21.66	10.77	090
63295		A	Repair of laminectomy defect	5.25	NA	NA	2.45	2.19	1.38	ZZZ
63300		A	Removal of vertebral body	26.80	NA	NA	16.42	15.01	6.38	090
63301		A	Removal of vertebral body	31.57	NA	NA	19.46	16.60	8.33	090
63302		A	Removal of vertebral body	31.15	NA	NA	19.26	16.56	8.21	090
63303		A	Removal of vertebral body	33.55	NA	NA	18.24	16.62	8.84	090
63304		A	Removal of vertebral body	33.85	NA	NA	20.52	18.57	8.92	090
63305		A	Removal of vertebral body	36.24	NA	NA	21.64	18.24	9.56	090
63306		A	Removal of vertebral body	35.55	NA	NA	21.31	19.53	9.38	090
63307		A	Removal of vertebral body	34.96	NA	NA	15.80	17.22	9.23	090
63308		A	Remove vertebral body add-on	5.24	NA	NA	2.41	2.30	1.15	ZZZ
63600		A	Remove spinal cord lesion	15.12	NA	NA	6.69	5.33	1.16	090
63610		A	Stimulation of spinal cord	8.72	13.69	22.26	1.66	1.82	0.50	000
63615		A	Remove lesion of spinal cord	17.32	NA	NA	8.51	8.94	4.56	090
63620		A	Srs, spinal lesion	15.60	NA	NA	9.73	7.68	3.81	090
63621		A	Srs, spinal lesion, addl	4.00	NA	NA	1.78	1.62	0.97	ZZZ
63650		A	Implant neuroelectrodes	7.20	NA	NA	4.27	3.24	0.47	010
63655		A	Implant neuroelectrodes	11.56	NA	NA	9.09	8.07	2.66	090
63661		A	Remove spine eltrd perq aray	5.08	9.67	9.67	3.18	3.18	0.52	010

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63662		A	Remove spine eltrd plate	11.00	NA	NA	6.92	6.92	1.14	090
63663		A	Revise spine eltrd perq aray	7.75	13.34	13.34	4.26	4.26	0.80	010
63664		A	Revise spine eltrd plate	11.52	NA	NA	7.13	7.13	1.18	090
63685		A	Insrt/redo spine n generator	6.05	NA	NA	4.12	3.50	0.81	010
63688		A	Revise/remove neuroreceiver	5.30	NA	NA	3.92	3.32	0.74	010
63700		A	Repair of spinal herniation	17.47	NA	NA	12.60	11.03	4.60	090
63702		A	Repair of spinal herniation	19.41	NA	NA	13.50	12.32	5.12	090
63704		A	Repair of spinal herniation	22.43	NA	NA	15.76	13.32	5.91	090
63706		A	Repair of spinal herniation	25.35	NA	NA	17.12	15.32	6.70	090
63707		A	Repair spinal fluid leakage	12.65	NA	NA	9.32	8.41	2.57	090
63709		A	Repair spinal fluid leakage	15.65	NA	NA	10.83	9.83	3.31	090
63710		A	Graft repair of spine defect	15.40	NA	NA	10.85	9.85	3.57	090
63740		A	Install spinal shunt	12.63	NA	NA	9.51	8.77	3.13	090
63741		A	Install spinal shunt	9.12	NA	NA	5.67	5.00	1.61	090
63744		A	Revision of spinal shunt	8.94	NA	NA	6.84	5.87	2.25	090
63746		A	Removal of spinal shunt	7.33	NA	NA	6.59	5.72	1.93	090
64400		A	N block inj, trigeminal	1.11	1.81	1.63	0.65	0.51	0.13	000
64402		A	N block inj, facial	1.25	1.75	1.55	0.72	0.58	0.13	000
64405		A	N block inj, occipital	1.32	1.60	1.34	0.73	0.56	0.19	000
64408		A	N block inj, vagus	1.41	1.77	1.61	0.97	0.85	0.12	000
64410		A	N block inj, phrenic	1.43	2.36	2.13	0.65	0.56	0.24	000
64412		A	N block inj, spinal accessor	1.18	2.81	2.43	0.77	0.62	0.15	000
64413		A	N block inj, cervical plexus	1.40	1.60	1.50	0.65	0.54	0.15	000
64415		A	N block inj, brachial plexus	1.48	1.72	1.77	0.40	0.37	0.08	000
64416		A	N block cont infuse, b plex	1.81	NA	NA	0.30	0.35	0.10	000
64417		A	N block inj, axillary	1.44	1.73	1.82	0.41	0.38	0.08	000
64418		A	N block inj, suprascapular	1.32	2.23	2.10	0.68	0.55	0.09	000
64420		A	N block inj, intercost, sng	1.18	3.00	2.89	0.63	0.50	0.09	000
64421		A	N block inj, intercost, mlt	1.68	4.47	4.33	0.78	0.62	0.15	000
64425		A	N block inj, ilio-ing/hypogi	1.75	1.71	1.50	0.78	0.62	0.15	000
64430		A	N block inj, pudendal	1.46	1.92	2.34	0.66	0.73	0.10	000
64435		A	N block inj, paracervical	1.45	1.91	2.09	0.70	0.64	0.18	000
64445		A	N block inj, sciatic, sng	1.48	1.91	1.91	0.63	0.55	0.12	000
64446		A	N blk inj, sciatic, cont inf	1.81	NA	NA	0.32	0.41	0.10	000
64447		A	N block inj fem, single	1.50	NA	NA	0.25	0.25	0.08	000
64448		A	N block inj fem, cont inf	1.63	NA	NA	0.27	0.33	0.09	000

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64449		A	N block inj, lumbar plexus	1.81	NA	NA	0.37	0.43	0.10	000
64450		A	N block, other peripheral	1.27	1.42	1.31	0.55	0.51	0.08	000
64455		A	N block inj, plantar digit	0.75	0.59	0.55	0.27	0.25	0.06	000
64479		A	Inj foramen epidural c/t	2.20	4.97	4.85	1.22	0.96	0.19	000
64480		A	Inj foramen epidural add-on	1.54	2.14	1.99	0.65	0.50	0.17	ZZZ
64483		A	Inj foramen epidural l/s	1.90	5.00	4.94	1.10	0.88	0.12	000
64484		A	Inj foramen epidural add-on	1.33	2.25	2.14	0.56	0.42	0.08	ZZZ
64490		A	Inj paravert f jnt c/t 1 lev	1.82	3.07	3.07	1.02	1.02	0.15	000
64491		A	Inj paravert f jnt c/t 2 lev	1.16	1.29	1.29	0.46	0.46	0.08	ZZZ
64492		A	Inj paravert f jnt c/t 3 lev	1.16	1.32	1.32	0.49	0.49	0.08	ZZZ
64493		A	Inj paravert f jnt l/s 1 lev	1.52	2.87	2.87	0.90	0.90	0.10	000
64494		A	Inj paravert f jnt l/s 2 lev	1.00	1.24	1.24	0.39	0.39	0.06	ZZZ
64495		A	Inj paravert f jnt l/s 3 lev	1.00	1.27	1.27	0.42	0.42	0.06	ZZZ
64505		A	N block, spenopalatine gangl	1.36	1.15	1.16	0.80	0.75	0.07	000
64508		A	N block, carotid sinus s/p	1.12	3.09	2.63	0.85	0.68	0.18	000
64510		A	N block, stellate ganglion	1.22	2.00	2.26	0.71	0.53	0.07	000
64517		A	N block inj, hypogas plxs	2.20	2.53	2.17	1.16	0.87	0.13	000
64520		A	N block, lumbar/thoracic	1.35	3.52	3.38	0.80	0.62	0.08	000
64530		A	N block inj, celiac pelus	1.58	3.39	3.28	0.89	0.73	0.10	000
64550		A	Apply neurostimulator	0.18	0.24	0.22	0.07	0.05	0.01	000
64553		A	Implant neuroelectrodes	2.36	3.06	2.80	1.79	1.64	0.28	010
64555		A	Implant neuroelectrodes	2.32	2.53	2.93	1.43	1.53	0.19	010
64560		A	Implant neuroelectrodes	2.41	2.60	2.83	1.50	1.55	0.12	010
64561		A	Implant neuroelectrodes	7.15	15.24	20.65	3.26	3.60	0.57	010
64565		A	Implant neuroelectrodes	1.81	2.82	2.56	1.52	1.26	0.18	010
64573		A	Implant neuroelectrodes	8.25	NA	NA	6.31	5.64	1.79	090
64575		A	Implant neuroelectrodes	4.42	NA	NA	3.19	2.62	0.32	090
64577		A	Implant neuroelectrodes	4.69	NA	NA	5.08	3.98	1.23	090
64580		A	Implant neuroelectrodes	4.19	NA	NA	3.34	3.15	0.65	090
64581		A	Implant neuroelectrodes	14.23	NA	NA	5.80	6.49	1.16	090
64585		A	Revise/remove neuroelectrode	2.11	4.01	5.81	1.58	1.83	0.20	010
64590		A	Insrt/redo pn/gastr stimul	2.45	4.01	5.16	1.65	1.96	0.21	010
64595		A	Revise/rmv pn/gastr stimul	1.78	4.20	5.92	1.44	1.69	0.16	010
64600		A	Injection treatment of nerve	3.49	6.69	6.60	2.28	1.88	0.39	010
64605		A	Injection treatment of nerve	5.65	13.46	9.58	4.06	2.89	0.32	010
64610		A	Injection treatment of nerve	7.20	10.79	9.66	4.36	4.04	1.58	010

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64612		A	Destroy nerve, face muscle	2.01	2.11	1.93	1.83	1.50	0.48	010
64613		A	Destroy nerve, neck muscle	2.01	1.89	1.83	1.58	1.29	0.43	010
64614		A	Destroy nerve, extrem musc	2.20	2.12	2.08	1.71	1.44	0.31	010
64620		A	Injection treatment of nerve	2.89	4.65	4.09	1.77	1.38	0.21	010
64622		A	Destr paravertebrl nerve l/s	3.05	5.76	5.28	2.05	1.53	0.19	010
64623		A	Destr paravertebral n add-on	0.99	2.29	2.10	0.41	0.28	0.06	ZZZ
64626		A	Destr paravertebrl nerve c/t	3.92	6.72	5.92	2.99	2.24	0.25	010
64627		A	Destr paravertebral n add-on	1.16	3.27	3.06	0.48	0.33	0.07	ZZZ
64630		A	Injection treatment of nerve	3.05	2.53	2.72	1.72	1.76	0.25	010
64632		A	N block inj, common digit	1.23	1.08	1.00	0.71	0.66	0.07	010
64640		A	Injection treatment of nerve	2.81	2.69	2.84	1.58	1.56	0.18	010
64650		A	Chemodenerv eccrine glands	0.70	1.12	1.01	0.35	0.29	0.08	000
64653		A	Chemodenerv eccrine glands	0.88	1.29	1.11	0.39	0.35	0.18	000
64680		A	Injection treatment of nerve	2.67	5.28	5.11	1.63	1.43	0.22	010
64681		A	Injection treatment of nerve	3.78	4.82	5.79	1.18	1.46	0.22	010
64702		A	Revise finger/toe nerve	6.26	NA	NA	6.30	5.33	0.78	090
64704		A	Revise hand/foot nerve	4.69	NA	NA	3.65	3.50	0.40	090
64708		A	Revise arm/leg nerve	6.36	NA	NA	5.98	5.32	0.85	090
64712		A	Revision of sciatic nerve	8.07	NA	NA	5.76	5.27	0.98	090
64713		A	Revision of arm nerve(s)	11.40	NA	NA	7.77	6.95	1.72	090
64714		A	Revise low back nerve(s)	10.55	NA	NA	7.17	5.65	1.26	090
64716		A	Revision of cranial nerve	6.99	NA	NA	6.67	6.02	0.83	090
64718		A	Revise ulnar nerve at elbow	7.26	NA	NA	7.39	6.62	1.09	090
64719		A	Revise ulnar nerve at wrist	4.97	NA	NA	4.95	4.53	0.68	090
64721		A	Carpal tunnel surgery	4.97	5.60	5.16	5.53	5.12	0.72	090
64722		A	Relieve pressure on nerve(s)	4.82	NA	NA	3.97	3.47	0.62	090
64726		A	Release foot/toe nerve	4.27	NA	NA	2.93	2.83	0.29	090
64727		A	Internal nerve revision	3.10	NA	NA	1.54	1.41	0.44	ZZZ
64732		A	Incision of brow nerve	4.89	NA	NA	5.32	4.42	1.30	090
64734		A	Incision of cheek nerve	5.55	NA	NA	6.02	4.73	0.52	090
64736		A	Incision of chin nerve	5.23	NA	NA	5.87	4.69	1.38	090
64738		A	Incision of jaw nerve	6.36	NA	NA	6.40	5.02	1.67	090
64740		A	Incision of tongue nerve	6.22	NA	NA	5.82	5.16	0.59	090
64742		A	Incision of facial nerve	6.85	NA	NA	5.99	4.90	0.64	090
64744		A	Incise nerve, back of head	5.72	NA	NA	5.71	4.37	1.50	090
64746		A	Incise diaphragm nerve	6.56	NA	NA	5.22	4.41	1.13	090

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64752		A	Incision of vagus nerve	7.69	NA	NA	4.44	4.40	1.33	090
64755		A	Incision of stomach nerves	15.05	NA	NA	7.75	6.56	2.36	090
64760		A	Incision of vagus nerve	7.59	NA	NA	5.12	4.18	1.18	090
64761		A	Incision of pelvis nerve	7.04	NA	NA	4.61	4.13	0.74	090
64763		A	Incise hip/thigh nerve	7.56	NA	NA	5.02	5.44	1.18	090
64766		A	Incise hip/thigh nerve	9.47	NA	NA	6.03	5.76	0.67	090
64771		A	Sever cranial nerve	8.15	NA	NA	6.25	6.02	0.77	090
64772		A	Incision of spinal nerve	7.84	NA	NA	6.39	5.75	1.33	090
64774		A	Remove skin nerve lesion	5.80	NA	NA	4.70	4.22	0.77	090
64776		A	Remove digit nerve lesion	5.60	NA	NA	4.38	3.96	0.62	090
64778		A	Digit nerve surgery add-on	3.11	NA	NA	1.53	1.39	0.45	ZZZ
64782		A	Remove limb nerve lesion	6.86	NA	NA	4.90	4.43	0.67	090
64783		A	Limb nerve surgery add-on	3.71	NA	NA	2.11	1.75	0.33	ZZZ
64784		A	Remove nerve lesion	10.62	NA	NA	7.87	6.95	1.47	090
64786		A	Remove sciatic nerve lesion	16.25	NA	NA	10.81	9.62	2.36	090
64787		A	Implant nerve end	4.29	NA	NA	1.95	1.87	0.50	ZZZ
64788		A	Remove skin nerve lesion	5.24	NA	NA	4.64	4.17	0.79	090
64790		A	Removal of nerve lesion	12.10	NA	NA	8.45	7.56	2.02	090
64792		A	Removal of nerve lesion	15.86	NA	NA	11.67	9.97	4.18	090
64795		A	Biopsy of nerve	3.01	NA	NA	1.79	1.60	0.60	000
64802		A	Remove sympathetic nerves	10.37	NA	NA	7.33	4.87	0.60	090
64804		A	Remove sympathetic nerves	15.91	NA	NA	4.14	5.41	0.93	090
64809		A	Remove sympathetic nerves	14.71	NA	NA	3.77	5.48	0.86	090
64818		A	Remove sympathetic nerves	11.34	NA	NA	5.44	4.88	1.52	090
64820		A	Remove sympathetic nerves	10.74	NA	NA	8.41	7.57	1.40	090
64821		A	Remove sympathetic nerves	9.33	NA	NA	7.85	7.27	1.35	090
64822		A	Remove sympathetic nerves	9.33	NA	NA	7.85	7.08	1.35	090
64823		A	Remove sympathetic nerves	10.94	NA	NA	8.64	7.64	1.58	090
64831		A	Repair of digit nerve	9.16	NA	NA	8.05	7.26	1.20	090
64832		A	Repair nerve add-on	5.65	NA	NA	3.02	2.72	0.74	ZZZ
64834		A	Repair of hand or foot nerve	10.81	NA	NA	7.98	7.22	1.36	090
64835		A	Repair of hand or foot nerve	11.73	NA	NA	8.59	7.79	1.69	090
64836		A	Repair of hand or foot nerve	11.73	NA	NA	8.59	7.81	1.69	090
64837		A	Repair nerve add-on	6.25	NA	NA	3.55	3.08	0.56	ZZZ
64840		A	Repair of leg nerve	14.02	NA	NA	5.57	7.58	0.79	090
64856		A	Repair/transpose nerve	15.07	NA	NA	10.62	9.51	2.09	090

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64857		A	Repair arm/leg nerve	15.82	NA	NA	11.08	9.88	2.14	090
64858		A	Repair sciatic nerve	17.82	NA	NA	11.68	11.03	2.58	090
64859		A	Nerve surgery	4.25	NA	NA	2.09	1.99	0.61	ZZZ
64861		A	Repair of arm nerves	20.89	NA	NA	13.47	11.74	3.03	090
64862		A	Repair of low back nerves	21.09	NA	NA	14.12	11.09	5.56	090
64864		A	Repair of facial nerve	13.41	NA	NA	9.22	8.26	1.25	090
64865		A	Repair of facial nerve	16.09	NA	NA	13.37	12.59	1.50	090
64866		A	Fusion of facial/other nerve	16.83	NA	NA	13.72	12.71	1.59	090
64868		A	Fusion of facial/other nerve	14.90	NA	NA	12.09	11.17	1.40	090
64870		A	Fusion of facial/other nerve	17.08	NA	NA	10.51	8.69	2.94	090
64872		A	Subsequent repair of nerve	1.99	NA	NA	1.13	0.99	0.19	ZZZ
64874		A	Repair & revise nerve add-on	2.98	NA	NA	1.39	1.34	0.27	ZZZ
64876		A	Repair nerve/shorten bone	3.37	NA	NA	1.99	1.49	0.48	ZZZ
64885		A	Nerve graft, head or neck	17.60	NA	NA	11.49	10.50	1.65	090
64886		A	Nerve graft, head or neck	20.82	NA	NA	13.93	12.49	1.96	090
64890		A	Nerve graft, hand or foot	16.24	NA	NA	10.81	10.06	2.35	090
64891		A	Nerve graft, hand or foot	17.35	NA	NA	11.45	10.38	2.52	090
64892		A	Nerve graft, arm or leg	15.74	NA	NA	10.56	9.73	2.29	090
64893		A	Nerve graft, arm or leg	16.87	NA	NA	11.21	10.02	2.46	090
64895		A	Nerve graft, hand or foot	20.39	NA	NA	12.95	11.47	2.95	090
64896		A	Nerve graft, hand or foot	21.96	NA	NA	15.50	13.22	5.80	090
64897		A	Nerve graft, arm or leg	19.38	NA	NA	12.45	11.33	2.81	090
64898		A	Nerve graft, arm or leg	20.97	NA	NA	13.51	12.48	3.04	090
64901		A	Nerve graft add-on	10.20	NA	NA	6.02	4.88	1.47	ZZZ
64902		A	Nerve graft add-on	11.81	NA	NA	6.97	5.56	1.70	ZZZ
64905		A	Nerve pedicle transfer	15.11	NA	NA	11.37	9.76	2.19	090
64907		A	Nerve pedicle transfer	20.03	NA	NA	9.19	10.94	1.04	090
64910		A	Nerve repair w/allograft	11.39	NA	NA	9.63	8.56	1.45	090
64911		A	Neurorraphy w/vein autograft	14.39	NA	NA	11.75	9.93	2.09	090
64999		C	Nervous system surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
65091		A	Revise eye	7.26	NA	NA	8.83	7.77	1.06	090
65093		A	Revise eye with implant	7.04	NA	NA	8.83	7.89	1.02	090
65101		A	Removal of eye	8.30	NA	NA	10.38	9.10	1.20	090
65103		A	Remove eye/insert implant	8.84	NA	NA	10.66	9.32	1.28	090
65105		A	Remove eye/attach implant	9.93	NA	NA	11.65	10.12	1.43	090
65110		A	Removal of eye	15.70	NA	NA	15.40	13.26	1.47	090

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65112		A	Remove eye/revise socket	18.51	NA	NA	17.95	15.38	1.73	090
65114		A	Remove eye/revise socket	19.65	NA	NA	18.62	15.82	1.85	090
65125		A	Revise ocular implant	3.27	7.86	7.47	4.14	3.58	0.47	090
65130		A	Insert ocular implant	8.42	NA	NA	10.14	8.81	1.21	090
65135		A	Insert ocular implant	8.60	NA	NA	10.25	8.93	1.23	090
65140		A	Attach ocular implant	9.46	NA	NA	11.06	9.64	0.90	090
65150		A	Revise ocular implant	6.43	NA	NA	8.16	7.30	0.33	090
65155		A	Reinsert ocular implant	10.10	NA	NA	11.44	9.97	1.45	090
65175		A	Removal of ocular implant	7.40	NA	NA	9.19	8.10	0.70	090
65205		A	Remove foreign body from eye	0.71	0.71	0.63	0.44	0.35	0.07	000
65210		A	Remove foreign body from eye	0.84	0.92	0.80	0.57	0.45	0.09	000
65220		A	Remove foreign body from eye	0.71	0.75	0.65	0.39	0.32	0.08	000
65222		A	Remove foreign body from eye	0.93	1.00	0.88	0.60	0.48	0.10	000
65235		A	Remove foreign body from eye	9.01	NA	NA	9.23	7.64	0.91	090
65260		A	Remove foreign body from eye	12.54	NA	NA	12.15	10.12	0.65	090
65265		A	Remove foreign body from eye	14.34	NA	NA	13.51	11.19	2.26	090
65270		A	Repair of eye wound	1.95	4.54	4.33	1.70	1.41	0.20	010
65272		A	Repair of eye wound	4.62	7.86	7.12	4.44	3.65	0.24	090
65273		A	Repair of eye wound	5.16	NA	NA	4.71	3.88	0.27	090
65275		A	Repair of eye wound	6.29	8.31	6.99	5.69	4.52	0.63	090
65280		A	Repair of eye wound	9.10	NA	NA	8.28	6.78	1.32	090
65285		A	Repair of eye wound	14.71	NA	NA	12.20	9.92	1.91	090
65286		A	Repair of eye wound	6.63	10.89	9.95	6.19	5.07	0.66	090
65290		A	Repair of eye socket wound	6.53	NA	NA	6.15	5.11	0.94	090
65400		A	Removal of eye lesion	7.50	9.70	8.40	7.97	6.65	0.76	090
65410		A	Biopsy of cornea	1.47	2.10	1.91	1.23	1.01	0.23	000
65420		A	Removal of eye lesion	4.36	8.38	7.77	5.24	4.50	0.41	090
65426		A	Removal of eye lesion	6.05	10.15	9.26	6.23	5.23	0.61	090
65430		A	Corneal smear	1.47	1.46	1.26	1.21	1.01	0.16	000
65435		A	Curette/treat cornea	0.92	1.10	0.97	0.87	0.74	0.12	000
65436		A	Curette/treat cornea	4.82	5.10	4.30	4.74	3.94	0.62	090
65450		A	Treatment of corneal lesion	3.47	4.74	4.12	4.66	4.04	0.35	090
65600		A	Revision of cornea	4.20	5.72	5.00	4.59	3.81	0.44	090
65710		A	Corneal transplant	14.45	NA	NA	14.10	11.75	1.45	090
65730		A	Corneal transplant	16.35	NA	NA	15.39	12.74	1.64	090
65750		A	Corneal transplant	16.90	NA	NA	15.09	12.47	1.59	090

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65755		A	Corneal transplant	16.79	NA	NA	15.02	12.42	1.68	090
65756		A	Corneal trnspl, endothelial	16.84	NA	NA	13.96	11.26	0.88	090
65757		C	Prep corneal endo allograft	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
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	19.74	NA	NA	16.77	13.79	5.20	090
65771		N	Radial keratotomy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
65772		A	Correction of astigmatism	5.09	6.34	5.51	5.34	4.46	0.48	090
65775		A	Correction of astigmatism	6.91	NA	NA	7.23	6.12	0.36	090
65780		A	Ocular reconst, transplant	10.73	NA	NA	11.93	10.25	1.02	090
65781		A	Ocular reconst, transplant	18.14	NA	NA	16.41	13.71	0.94	090
65782		A	Ocular reconst, transplant	15.43	NA	NA	14.33	12.02	2.25	090
65800		A	Drainage of eye	1.91	1.90	1.65	1.49	1.22	0.20	000
65805		A	Drainage of eye	1.91	2.23	1.98	1.50	1.23	0.25	000
65810		A	Drainage of eye	5.82	NA	NA	6.30	5.26	0.62	090
65815		A	Drainage of eye	6.00	9.87	9.00	6.25	5.22	0.78	090
65820		A	Relieve inner eye pressure	8.91	NA	NA	10.19	8.79	0.46	090
65850		A	Incision of eye	11.39	NA	NA	10.32	8.61	1.46	090
65855		A	Laser surgery of eye	3.99	4.63	4.05	3.70	3.10	0.46	010
65860		A	Incise inner eye adhesions	3.59	4.28	3.77	3.00	2.49	0.97	090
65865		A	Incise inner eye adhesions	5.77	NA	NA	6.32	5.45	0.29	090
65870		A	Incise inner eye adhesions	7.39	NA	NA	7.75	6.56	0.95	090
65875		A	Incise inner eye adhesions	7.81	NA	NA	8.33	7.04	0.79	090
65880		A	Incise inner eye adhesions	8.36	NA	NA	8.64	7.27	0.44	090
65900		A	Remove eye lesion	12.51	NA	NA	12.32	10.34	0.65	090
65920		A	Remove implant of eye	9.99	NA	NA	10.24	8.59	0.95	090
65930		A	Remove blood clot from eye	8.39	NA	NA	8.02	6.78	1.09	090
66020		A	Injection treatment of eye	1.64	2.97	2.75	1.73	1.47	0.08	010
66030		A	Injection treatment of eye	1.30	2.77	2.59	1.52	1.31	0.13	010
66130		A	Remove eye lesion	7.83	9.79	8.73	6.93	5.75	1.22	090
66150		A	Glaucoma surgery	10.53	NA	NA	11.86	10.00	0.54	090
66155		A	Glaucoma surgery	10.52	NA	NA	11.86	9.99	0.54	090
66160		A	Glaucoma surgery	12.39	NA	NA	12.96	10.85	0.64	090
66165		A	Glaucoma surgery	10.24	NA	NA	11.69	9.86	0.53	090
66170		A	Glaucoma surgery	15.02	NA	NA	15.77	13.17	1.41	090

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66172		A	Incision of eye	18.86	NA	NA	19.97	16.64	1.77	090
66180		A	Implant eye shunt	16.30	NA	NA	13.94	11.42	1.56	090
66185		A	Revise eye shunt	9.58	NA	NA	9.69	8.05	1.23	090
66220		A	Repair eye lesion	9.21	NA	NA	9.85	8.08	0.93	090
66225		A	Repair/graft eye lesion	12.63	NA	NA	11.50	9.44	1.82	090
66250		A	Follow-up surgery of eye	7.10	11.54	10.52	7.22	5.99	1.03	090
66500		A	Incision of iris	3.83	NA	NA	5.10	4.48	0.20	090
66505		A	Incision of iris	4.22	NA	NA	5.57	4.88	0.22	090
66600		A	Remove iris and lesion	10.12	NA	NA	11.15	9.29	0.56	090
66605		A	Removal of iris	14.22	NA	NA	13.12	10.74	0.75	090
66625		A	Removal of iris	5.30	NA	NA	5.69	4.83	0.53	090
66630		A	Removal of iris	7.28	NA	NA	7.37	6.13	0.90	090
66635		A	Removal of iris	7.37	NA	NA	7.42	6.17	0.38	090
66680		A	Repair iris & ciliary body	6.39	NA	NA	6.84	5.73	1.00	090
66682		A	Repair iris & ciliary body	7.33	NA	NA	8.85	7.45	1.07	090
66700		A	Destruction, ciliary body	5.14	6.30	5.42	5.00	4.16	0.36	090
66710		A	Ciliary transsleral therapy	5.14	6.07	5.23	4.98	4.14	0.75	090
66711		A	Ciliary endoscopic ablation	7.93	NA	NA	8.55	7.13	0.41	090
66720		A	Destruction, ciliary body	5.00	6.88	5.95	5.72	4.87	0.50	090
66740		A	Destruction, ciliary body	5.14	6.00	5.16	5.00	4.18	0.26	090
66761		A	Revision of iris	5.02	6.53	5.66	5.63	4.72	0.55	090
66762		A	Revision of iris	5.38	6.69	5.77	5.57	4.64	0.50	090
66770		A	Removal of inner eye lesion	6.13	7.32	6.26	6.30	5.24	0.31	090
66820		A	Incision, secondary cataract	4.01	NA	NA	5.87	5.29	0.49	090
66821		A	After cataract laser surgery	3.42	4.89	4.25	4.44	3.82	0.39	090
66825		A	Reposition intraocular lens	9.01	NA	NA	10.33	8.93	0.86	090
66830		A	Removal of lens lesion	9.47	NA	NA	8.95	7.40	0.49	090
66840		A	Removal of lens material	9.18	NA	NA	8.79	7.25	1.33	090
66850		A	Removal of lens material	10.55	NA	NA	9.92	8.20	1.07	090
66852		A	Removal of lens material	11.41	NA	NA	10.43	8.61	1.47	090
66920		A	Extraction of lens	10.13	NA	NA	9.37	7.74	0.52	090
66930		A	Extraction of lens	11.61	NA	NA	10.55	8.70	0.60	090
66940		A	Extraction of lens	10.37	NA	NA	9.82	8.12	1.28	090
66982		A	Cataract surgery, complex	15.02	NA	NA	12.41	10.20	1.71	090
66983		A	Cataract surg w/iol, 1 stage	10.43	NA	NA	8.74	7.25	0.61	090
66984		A	Cataract surg w/iol, 1 stage	10.52	NA	NA	9.18	7.63	1.21	090

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66985		A	Insert lens prosthesis	9.98	NA	NA	9.86	8.16	0.95	090
66986		A	Exchange lens prosthesis	12.26	NA	NA	11.24	9.42	1.15	090
66990		A	Ophthalmic endoscope add-on	1.51	NA	NA	0.89	0.70	0.07	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	5.89	NA	NA	6.22	5.21	0.92	090
67010		A	Partial removal of eye fluid	7.06	NA	NA	6.90	5.75	0.72	090
67015		A	Release of eye fluid	7.14	NA	NA	7.69	6.55	0.73	090
67025		A	Replace eye fluid	8.11	10.25	8.97	8.14	6.76	1.06	090
67027		A	Implant eye drug system	11.62	NA	NA	10.43	8.58	1.49	090
67028		A	Injection eye drug	2.52	2.85	2.51	1.86	1.51	0.27	000
67030		A	Incise inner eye strands	6.11	NA	NA	7.42	6.29	0.31	090
67031		A	Laser surgery, eye strands	4.47	5.40	4.65	4.68	3.91	0.43	090
67036		A	Removal of inner eye fluid	13.32	NA	NA	11.56	9.52	1.34	090
67039		A	Laser treatment of retina	16.74	NA	NA	15.19	12.59	2.18	090
67040		A	Laser treatment of retina	19.61	NA	NA	17.18	14.18	1.98	090
67041		A	Vit for macular pucker	19.25	NA	NA	15.29	12.24	1.94	090
67042		A	Vit for macular hole	22.38	NA	NA	17.15	13.64	2.27	090
67043		A	Vit for membrane dissect	23.24	NA	NA	18.30	14.61	3.01	090
67101		A	Repair detached retina	8.80	11.08	9.53	8.57	7.09	1.14	090
67105		A	Repair detached retina	8.53	9.86	8.41	8.10	6.68	0.86	090
67107		A	Repair detached retina	16.71	NA	NA	14.79	12.12	2.17	090
67108		A	Repair detached retina	22.89	NA	NA	18.90	15.35	2.31	090
67110		A	Repair detached retina	10.25	11.86	10.22	9.74	8.03	0.96	090
67112		A	Rerepair detached retina	18.75	NA	NA	15.71	12.78	1.89	090
67113		A	Repair retinal detach, cplx	25.35	NA	NA	20.14	16.12	2.56	090
67115		A	Release encircling material	6.11	NA	NA	6.67	5.58	0.57	090
67120		A	Remove eye implant material	7.10	9.47	8.34	7.23	6.03	1.03	090
67121		A	Remove eye implant material	12.25	NA	NA	11.24	9.24	1.59	090
67141		A	Treatment of retina	6.15	7.19	6.12	6.37	5.30	0.80	090
67145		A	Treatment of retina	6.32	7.15	6.05	6.47	5.38	0.63	090
67208		A	Treatment of retinal lesion	7.65	7.75	6.49	7.27	6.00	0.39	090
67210		A	Treatment of retinal lesion	9.45	8.40	6.93	7.88	6.40	1.03	090
67218		A	Treatment of retinal lesion	20.36	NA	NA	15.78	12.77	1.07	090
67220		A	Treatment of choroid lesion	14.39	13.03	10.82	11.88	9.66	1.87	090
67221		R	Ocular photodynamic ther	3.45	3.87	3.53	2.20	1.76	0.35	000
67225		A	Eye photodynamic ther add-on	0.47	0.31	0.25	0.28	0.22	0.02	ZZZ

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67227		A	Treatment of retinal lesion	7.53	8.11	6.86	7.20	5.95	0.39	090
67228		A	Treatment of retinal lesion	13.82	17.63	14.63	13.94	11.22	1.54	090
67229		A	Tr retinal les preterm inf	16.30	NA	NA	13.54	11.05	0.86	090
67250		A	Reinforce eye wall	9.61	NA	NA	10.35	8.91	1.19	090
67255		A	Reinforce/graft eye wall	10.17	NA	NA	11.29	9.73	1.46	090
67299		C	Eye surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
67311		A	Revise eye muscle	7.77	NA	NA	7.63	6.36	0.96	090
67312		A	Revise two eye muscles	9.66	NA	NA	8.76	7.21	1.40	090
67314		A	Revise eye muscle	8.79	NA	NA	8.54	7.08	1.09	090
67316		A	Revise two eye muscles	10.93	NA	NA	9.72	8.00	1.58	090
67318		A	Revise eye muscle(s)	9.12	NA	NA	9.05	7.49	0.47	090
67320		A	Revise eye muscle(s) add-on	5.40	NA	NA	3.18	2.39	0.28	ZZZ
67331		A	Eye surgery follow-up add-on	5.13	NA	NA	3.01	2.25	0.63	ZZZ
67332		A	Rerevise eye muscles add-on	5.56	NA	NA	3.28	2.46	0.68	ZZZ
67334		A	Revise eye muscle w/suture	5.05	NA	NA	2.99	2.24	0.26	ZZZ
67335		A	Eye suture during surgery	2.49	NA	NA	1.46	1.14	0.30	ZZZ
67340		A	Revise eye muscle add-on	6.00	NA	NA	3.56	2.67	0.31	ZZZ
67343		A	Release eye tissue	8.47	NA	NA	8.30	6.93	1.22	090
67345		A	Destroy nerve of eye muscle	3.01	2.92	2.52	2.40	2.01	0.59	010
67346		A	Biopsy, eye muscle	2.87	NA	NA	2.36	1.94	0.45	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	11.20	NA	NA	12.52	10.87	1.52	090
67405		A	Explore/drain eye socket	9.20	NA	NA	10.92	9.60	0.87	090
67412		A	Explore/treat eye socket	10.30	NA	NA	11.38	10.02	1.37	090
67413		A	Explore/treat eye socket	10.24	NA	NA	11.56	10.13	1.47	090
67414		A	Explr/decompress eye socket	17.94	NA	NA	16.29	13.41	1.68	090
67415		A	Aspiration, orbital contents	1.76	NA	NA	1.04	0.79	0.18	000
67420		A	Explore/treat eye socket	21.87	NA	NA	19.80	16.84	3.17	090
67430		A	Explore/treat eye socket	15.29	NA	NA	16.58	14.31	0.80	090
67440		A	Explore/drain eye socket	14.84	NA	NA	15.99	13.78	1.40	090
67445		A	Explr/decompress eye socket	19.12	NA	NA	17.05	14.27	2.77	090
67450		A	Explore/biopsy eye socket	15.41	NA	NA	16.65	14.33	1.45	090
67500		A	Inject/treat eye socket	1.44	0.84	0.69	0.68	0.50	0.08	000
67505		A	Inject/treat eye socket	1.27	1.05	0.84	0.87	0.63	0.19	000
67515		A	Inject/treat eye socket	1.40	1.13	0.86	0.95	0.69	0.19	000
67550		A	Insert eye socket implant	11.77	NA	NA	12.87	11.15	1.69	090

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67560		A	Revise eye socket implant	12.18	NA	NA	13.04	11.25	1.15	090
67570		A	Decompress optic nerve	14.40	NA	NA	14.76	12.94	3.79	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	1.40	4.96	4.87	1.55	1.32	0.17	010
67710		A	Incision of eyelid	1.07	4.23	4.21	1.39	1.21	0.16	010
67715		A	Incision of eyelid fold	1.27	4.37	4.30	1.49	1.30	0.19	010
67800		A	Remove eyelid lesion	1.41	1.80	1.58	1.27	1.06	0.18	010
67801		A	Remove eyelid lesions	1.91	2.22	1.92	1.57	1.29	0.27	010
67805		A	Remove eyelid lesions	2.27	2.84	2.49	2.01	1.67	0.32	010
67808		A	Remove eyelid lesion(s)	4.60	NA	NA	4.84	4.07	0.66	090
67810		A	Biopsy of eyelid	1.48	3.76	3.82	0.88	0.77	0.16	000
67820		A	Revise eyelashes	0.71	0.59	0.52	0.67	0.57	0.08	000
67825		A	Revise eyelashes	1.43	1.81	1.61	1.66	1.43	0.20	010
67830		A	Revise eyelashes	1.75	4.67	4.53	1.79	1.52	0.25	010
67835		A	Revise eyelashes	5.70	NA	NA	5.60	4.72	0.83	090
67840		A	Remove eyelid lesion	2.09	4.63	4.46	1.99	1.68	0.25	010
67850		A	Treat eyelid lesion	1.74	3.55	3.51	1.74	1.61	0.18	010
67875		A	Closure of eyelid by suture	1.35	2.84	2.72	1.17	0.97	0.18	000
67880		A	Revision of eyelid	4.60	6.86	6.16	4.84	4.07	0.60	090
67882		A	Revision of eyelid	6.02	8.17	7.25	6.12	5.12	0.87	090
67900		A	Repair brow defect	6.82	9.28	8.37	6.32	5.34	0.90	090
67901		A	Repair eyelid defect	7.59	11.24	9.09	7.25	6.00	1.10	090
67902		A	Repair eyelid defect	9.82	NA	NA	8.85	7.10	1.42	090
67903		A	Repair eyelid defect	6.51	8.45	7.82	5.99	5.14	0.93	090
67904		A	Repair eyelid defect	7.97	10.48	9.27	7.45	6.09	1.12	090
67906		A	Repair eyelid defect	6.93	NA	NA	6.24	5.21	0.36	090
67908		A	Repair eyelid defect	5.30	7.14	6.33	5.59	4.88	0.77	090
67909		A	Revise eyelid defect	5.57	7.86	7.13	5.68	4.86	0.81	090
67911		A	Revise eyelid defect	7.50	NA	NA	7.02	5.70	1.03	090
67912		A	Correction eyelid w/implant	6.36	15.22	14.97	6.27	5.44	0.68	090
67914		A	Repair eyelid defect	3.75	5.90	5.46	3.66	3.11	0.50	090
67915		A	Repair eyelid defect	3.26	5.31	4.99	3.25	2.80	0.33	090
67916		A	Repair eyelid defect	5.48	8.00	7.27	5.61	4.79	0.70	090
67917		A	Repair eyelid defect	6.19	8.53	7.70	6.03	5.12	0.85	090
67921		A	Repair eyelid defect	3.47	5.73	5.31	3.50	2.96	0.50	090
67922		A	Repair eyelid defect	3.14	5.16	4.85	3.14	2.70	0.31	090

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67923		A	Repair eyelid defect	6.05	8.24	7.40	5.95	5.03	0.83	090
67924		A	Repair eyelid defect	5.93	8.72	7.94	5.64	4.75	0.83	090
67930		A	Repair eyelid wound	3.65	5.46	5.02	2.66	2.18	0.52	010
67935		A	Repair eyelid wound	6.36	8.56	7.73	5.14	4.30	0.92	090
67938		A	Remove eyelid foreign body	1.38	4.45	4.35	1.57	1.36	0.16	010
67950		A	Revision of eyelid	5.99	8.38	7.64	5.92	5.09	0.81	090
67961		A	Revision of eyelid	5.86	8.55	7.79	5.85	4.99	0.81	090
67966		A	Revision of eyelid	8.97	10.54	9.14	8.05	6.53	1.25	090
67971		A	Reconstruction of eyelid	10.01	NA	NA	8.75	7.31	1.44	090
67973		A	Reconstruction of eyelid	13.13	NA	NA	11.08	9.24	1.90	090
67974		A	Reconstruction of eyelid	13.10	NA	NA	11.06	9.19	1.90	090
67975		A	Reconstruction of eyelid	9.35	NA	NA	8.38	7.02	1.35	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	1.42	1.61	1.41	1.41	1.21	0.15	010
68040		A	Treatment of eyelid lesions	0.85	0.81	0.70	0.54	0.43	0.12	000
68100		A	Biopsy of eyelid lining	1.35	2.79	2.69	1.19	0.99	0.15	000
68110		A	Remove eyelid lining lesion	1.82	3.71	3.49	1.98	1.69	0.26	010
68115		A	Remove eyelid lining lesion	2.41	5.20	4.94	2.33	1.95	0.23	010
68130		A	Remove eyelid lining lesion	5.10	8.30	7.63	5.46	4.65	0.26	090
68135		A	Remove eyelid lining lesion	1.89	2.11	1.81	1.98	1.69	0.19	010
68200		A	Treat eyelid by injection	0.49	0.59	0.51	0.41	0.34	0.06	000
68320		A	Revise/graft eyelid lining	6.64	11.36	10.35	7.18	6.01	0.95	090
68325		A	Revise/graft eyelid lining	8.63	NA	NA	8.33	6.95	1.24	090
68326		A	Revise/graft eyelid lining	8.42	NA	NA	8.21	6.82	1.21	090
68328		A	Revise/graft eyelid lining	9.45	NA	NA	8.87	7.42	1.37	090
68330		A	Revise eyelid lining	5.78	9.29	8.45	6.06	5.07	0.84	090
68335		A	Revise/graft eyelid lining	8.46	NA	NA	8.25	6.84	1.22	090
68340		A	Separate eyelid adhesions	4.97	8.54	7.84	5.27	4.41	0.73	090
68360		A	Revise eyelid lining	5.17	8.07	7.32	5.38	4.51	0.75	090
68362		A	Revise eyelid lining	8.61	NA	NA	8.29	6.88	1.24	090
68371		A	Harvest eye tissue, alograft	5.09	NA	NA	5.50	4.70	0.26	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	1.74	5.08	4.90	1.66	1.48	0.25	010
68420		A	Incise/drain tear sac	2.35	5.45	5.20	2.02	1.77	0.22	010
68440		A	Incise tear duct opening	0.99	1.56	1.52	1.49	1.31	0.15	010
68500		A	Removal of tear gland	12.77	NA	NA	12.38	10.29	2.20	090

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68505		A	Partial removal, tear gland	12.69	NA	NA	12.33	10.44	1.82	090
68510		A	Biopsy of tear gland	4.60	6.55	6.09	3.10	2.43	0.66	000
68520		A	Removal of tear sac	8.78	NA	NA	8.88	7.53	0.84	090
68525		A	Biopsy of tear sac	4.42	NA	NA	2.61	2.03	0.63	000
68530		A	Clearance of tear duct	3.70	6.82	6.52	3.00	2.52	0.53	010
68540		A	Remove tear gland lesion	12.18	NA	NA	11.78	9.84	1.15	090
68550		A	Remove tear gland lesion	15.16	NA	NA	12.71	11.42	1.42	090
68700		A	Repair tear ducts	7.87	NA	NA	7.71	6.41	1.13	090
68705		A	Revise tear duct opening	2.11	3.73	3.50	2.16	1.83	0.30	010
68720		A	Create tear sac drain	9.96	NA	NA	9.51	8.01	1.22	090
68745		A	Create tear duct drain	9.90	NA	NA	9.69	8.14	1.43	090
68750		A	Create tear duct drain	10.10	NA	NA	10.14	8.54	1.45	090
68760		A	Close tear duct opening	1.78	3.18	2.98	1.95	1.67	0.25	010
68761		A	Close tear duct opening	1.41	2.26	2.07	1.62	1.40	0.16	010
68770		A	Close tear system fistula	8.29	NA	NA	7.95	6.01	1.19	090
68801		A	Dilate tear duct opening	1.00	2.11	1.92	1.72	1.53	0.12	010
68810		A	Probe nasolacrimal duct	2.15	3.84	3.48	2.60	2.34	0.29	010
68811		A	Probe nasolacrimal duct	2.45	NA	NA	2.82	2.43	0.35	010
68815		A	Probe nasolacrimal duct	3.30	7.62	7.19	3.31	2.82	0.43	010
68816		A	Probe nl duct w/balloon	3.06	14.47	13.31	3.36	2.83	0.44	010
68840		A	Explore/irrigate tear ducts	1.30	1.91	1.66	1.65	1.38	0.18	010
68850		A	Injection for tear sac x-ray	0.80	0.76	0.79	0.64	0.65	0.05	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	1.50	3.20	3.00	1.59	1.43	0.16	010
69005		A	Drain external ear lesion	2.16	3.35	3.13	1.96	1.79	0.21	010
69020		A	Drain outer ear canal lesion	1.53	4.43	4.21	2.19	2.05	0.15	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	1.68	1.80	0.48	0.43	0.08	000
69105		A	Biopsy of external ear canal	0.85	2.72	2.63	0.83	0.77	0.07	000
69110		A	Remove external ear, partial	3.53	7.96	7.77	4.78	4.63	0.39	090
69120		A	Removal of external ear	4.14	NA	NA	6.25	5.84	0.44	090
69140		A	Remove ear canal lesion(s)	8.14	NA	NA	14.50	13.75	0.77	090
69145		A	Remove ear canal lesion(s)	2.70	7.43	6.95	3.80	3.52	0.26	090
69150		A	Extensive ear canal surgery	13.61	NA	NA	13.63	12.71	1.43	090
69155		A	Extensive ear/neck surgery	23.35	NA	NA	20.74	19.04	2.21	090
69200		A	Clear outer ear canal	0.77	2.35	2.26	0.74	0.64	0.07	000

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69205		A	Clear outer ear canal	1.21	NA	NA	1.43	1.33	0.12	010
69210		A	Remove impacted ear wax	0.61	0.71	0.63	0.26	0.21	0.05	000
69220		A	Clean out mastoid cavity	0.83	2.69	2.58	0.81	0.74	0.07	000
69222		A	Clean out mastoid cavity	1.45	4.18	4.03	2.12	2.02	0.13	010
69300		R	Revise external ear	6.69	11.23	9.65	5.89	5.27	0.63	YYY
69310		A	Rebuild outer ear canal	10.97	NA	NA	17.10	16.26	1.06	090
69320		A	Rebuild outer ear canal	17.18	NA	NA	22.69	21.47	1.62	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	2.93	2.74	0.81	0.73	0.07	000
69401		A	Inflate middle ear canal	0.63	1.59	1.45	0.66	0.62	0.05	000
69405		A	Catheterize middle ear canal	2.68	4.11	3.80	2.41	2.20	0.25	010
69420		A	Incision of eardrum	1.38	3.53	3.37	1.78	1.65	0.13	010
69421		A	Incision of eardrum	1.78	NA	NA	2.13	2.02	0.17	010
69424		A	Remove ventilating tube	0.85	2.44	2.35	0.79	0.72	0.07	000
69433		A	Create eardrum opening	1.57	3.56	3.37	1.84	1.69	0.16	010
69436		A	Create eardrum opening	2.01	NA	NA	2.22	2.09	0.19	010
69440		A	Exploration of middle ear	7.71	NA	NA	10.30	9.49	0.73	090
69450		A	Eardrum revision	5.69	NA	NA	8.50	7.86	0.53	090
69501		A	Mastoidectomy	9.21	NA	NA	10.05	9.18	0.87	090
69502		A	Mastoidectomy	12.56	NA	NA	12.87	11.84	1.24	090
69505		A	Remove mastoid structures	13.17	NA	NA	18.15	17.08	1.25	090
69511		A	Extensive mastoid surgery	13.70	NA	NA	18.45	17.38	1.30	090
69530		A	Extensive mastoid surgery	20.38	NA	NA	22.97	21.39	1.92	090
69535		A	Remove part of temporal bone	37.42	NA	NA	32.67	30.02	3.84	090
69540		A	Remove ear lesion	1.25	4.08	3.94	2.05	1.95	0.12	010
69550		A	Remove ear lesion	11.15	NA	NA	15.95	15.02	1.06	090
69552		A	Remove ear lesion	19.81	NA	NA	21.41	19.87	1.87	090
69554		A	Remove ear lesion	35.97	NA	NA	28.44	26.49	3.39	090
69601		A	Mastoid surgery revision	13.45	NA	NA	14.13	12.91	1.26	090
69602		A	Mastoid surgery revision	13.76	NA	NA	14.90	13.64	1.30	090
69603		A	Mastoid surgery revision	14.20	NA	NA	18.69	17.71	1.34	090
69604		A	Mastoid surgery revision	14.20	NA	NA	15.11	14.00	1.34	090
69605		A	Mastoid surgery revision	18.69	NA	NA	22.15	20.71	1.76	090
69610		A	Repair of eardrum	4.47	5.59	5.30	3.28	2.99	0.43	010
69620		A	Repair of eardrum	6.03	11.80	11.30	6.76	6.27	0.56	090
69631		A	Repair eardrum structures	10.05	NA	NA	13.08	12.06	0.95	090

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69632		A	Rebuild eardrum structures	12.96	NA	NA	15.31	14.12	1.22	090
69633		A	Rebuild eardrum structures	12.31	NA	NA	15.01	13.82	1.17	090
69635		A	Repair eardrum structures	13.51	NA	NA	18.12	17.13	1.28	090
69636		A	Rebuild eardrum structures	15.43	NA	NA	20.57	19.32	1.45	090
69637		A	Rebuild eardrum structures	15.32	NA	NA	20.52	19.28	1.47	090
69641		A	Revise middle ear & mastoid	12.89	NA	NA	14.45	13.30	1.23	090
69642		A	Revise middle ear & mastoid	17.06	NA	NA	18.14	16.67	1.61	090
69643		A	Revise middle ear & mastoid	15.59	NA	NA	16.57	15.22	1.47	090
69644		A	Revise middle ear & mastoid	17.23	NA	NA	21.40	20.10	1.63	090
69645		A	Revise middle ear & mastoid	16.71	NA	NA	21.14	19.87	1.60	090
69646		A	Revise middle ear & mastoid	18.37	NA	NA	21.98	20.50	1.73	090
69650		A	Release middle ear bone	9.80	NA	NA	11.32	10.22	0.92	090
69660		A	Revise middle ear bone	12.03	NA	NA	12.36	11.36	1.14	090
69661		A	Revise middle ear bone	15.92	NA	NA	15.87	14.63	1.47	090
69662		A	Revise middle ear bone	15.60	NA	NA	14.89	13.66	1.47	090
69666		A	Repair middle ear structures	9.89	NA	NA	11.30	10.36	0.94	090
69667		A	Repair middle ear structures	9.90	NA	NA	11.30	10.41	0.94	090
69670		A	Remove mastoid air cells	11.73	NA	NA	13.09	11.98	1.11	090
69676		A	Remove middle ear nerve	9.69	NA	NA	12.10	11.21	0.91	090
69700		A	Close mastoid fistula	8.37	NA	NA	9.64	9.01	0.79	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	10.62	NA	NA	12.05	11.17	1.00	090
69714		A	Implant temple bone w/stimul	14.45	NA	NA	13.93	12.74	1.37	090
69715		A	Temple bne implnt w/stimulat	18.96	NA	NA	16.28	14.78	1.78	090
69717		A	Temple bone implant revision	15.43	NA	NA	14.44	13.41	1.45	090
69718		A	Revise temple bone implant	19.21	NA	NA	16.40	14.92	1.80	090
69720		A	Release facial nerve	14.71	NA	NA	16.18	14.86	1.39	090
69725		A	Release facial nerve	27.64	NA	NA	22.33	20.07	2.61	090
69740		A	Repair facial nerve	16.27	NA	NA	14.64	13.34	1.53	090
69745		A	Repair facial nerve	17.02	NA	NA	15.84	14.55	1.60	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	8.70	NA	NA	10.97	10.11	0.83	090
69802		A	Incise inner ear	13.50	NA	NA	13.95	12.76	1.26	090
69805		A	Explore inner ear	14.71	NA	NA	13.22	11.93	1.39	090
69806		A	Explore inner ear	12.63	NA	NA	12.31	11.25	1.20	090
69820		A	Establish inner ear window	10.52	NA	NA	12.01	11.16	1.00	090

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69840		A	Revise inner ear window	10.44	NA	NA	14.28	12.70	0.54	090
69905		A	Remove inner ear	11.26	NA	NA	12.86	11.89	1.07	090
69910		A	Remove inner ear & mastoid	13.91	NA	NA	13.09	11.92	1.32	090
69915		A	Incise inner ear nerve	22.77	NA	NA	14.27	15.26	2.18	090
69930		A	Implant cochlear device	17.73	NA	NA	14.69	13.55	1.67	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	27.63	NA	NA	19.91	18.22	2.61	090
69955		A	Release facial nerve	29.42	NA	NA	23.21	20.91	2.78	090
69960		A	Release inner ear canal	29.42	NA	NA	21.87	19.54	2.78	090
69970		A	Remove inner ear lesion	32.41	NA	NA	24.65	22.21	3.06	090
69979		C	Temporal bone surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
69990		R	Microsurgery add-on	3.46	NA	NA	1.62	1.52	0.85	ZZZ
70010		A	Contrast x-ray of brain	1.19	2.42	3.11	NA	NA	0.16	XXX
70010	TC	A	Contrast x-ray of brain	0.00	2.06	2.69	NA	NA	0.01	XXX
70010	26	A	Contrast x-ray of brain	1.19	0.36	0.42	0.36	0.42	0.15	XXX
70015		A	Contrast x-ray of brain	1.19	2.57	2.63	NA	NA	0.06	XXX
70015	TC	A	Contrast x-ray of brain	0.00	2.19	2.19	NA	NA	0.01	XXX
70015	26	A	Contrast x-ray of brain	1.19	0.38	0.44	0.38	0.44	0.05	XXX
70030		A	X-ray eye for foreign body	0.17	0.53	0.57	NA	NA	0.02	XXX
70030	TC	A	X-ray eye for foreign body	0.00	0.48	0.51	NA	NA	0.01	XXX
70030	26	A	X-ray eye for foreign body	0.17	0.05	0.06	0.05	0.06	0.01	XXX
70100		A	X-ray exam of jaw	0.18	0.62	0.63	NA	NA	0.02	XXX
70100	TC	A	X-ray exam of jaw	0.00	0.55	0.57	NA	NA	0.01	XXX
70100	26	A	X-ray exam of jaw	0.18	0.07	0.06	0.07	0.06	0.01	XXX
70110		A	X-ray exam of jaw	0.25	0.71	0.78	NA	NA	0.02	XXX
70110	TC	A	X-ray exam of jaw	0.00	0.63	0.69	NA	NA	0.01	XXX
70110	26	A	X-ray exam of jaw	0.25	0.08	0.09	0.08	0.09	0.01	XXX
70120		A	X-ray exam of mastoids	0.18	0.74	0.70	NA	NA	0.02	XXX
70120	TC	A	X-ray exam of mastoids	0.00	0.67	0.64	NA	NA	0.01	XXX
70120	26	A	X-ray exam of mastoids	0.18	0.07	0.06	0.07	0.06	0.01	XXX
70130		A	X-ray exam of mastoids	0.34	1.06	1.10	NA	NA	0.02	XXX
70130	TC	A	X-ray exam of mastoids	0.00	0.95	0.98	NA	NA	0.01	XXX
70130	26	A	X-ray exam of mastoids	0.34	0.11	0.12	0.11	0.12	0.01	XXX
70134		A	X-ray exam of middle ear	0.34	0.78	0.87	NA	NA	0.02	XXX
70134	TC	A	X-ray exam of middle ear	0.00	0.68	0.75	NA	NA	0.01	XXX
70134	26	A	X-ray exam of middle ear	0.34	0.10	0.12	0.10	0.12	0.01	XXX

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70140		A	X-ray exam of facial bones	0.19	0.54	0.57	NA	NA	0.02	XXX
70140	TC	A	X-ray exam of facial bones	0.00	0.47	0.51	NA	NA	0.01	XXX
70140	26	A	X-ray exam of facial bones	0.19	0.07	0.06	0.07	0.06	0.01	XXX
70150		A	X-ray exam of facial bones	0.26	0.78	0.84	NA	NA	0.02	XXX
70150	TC	A	X-ray exam of facial bones	0.00	0.69	0.75	NA	NA	0.01	XXX
70150	26	A	X-ray exam of facial bones	0.26	0.09	0.09	0.09	0.09	0.01	XXX
70160		A	X-ray exam of nasal bones	0.17	0.64	0.67	NA	NA	0.02	XXX
70160	TC	A	X-ray exam of nasal bones	0.00	0.58	0.61	NA	NA	0.01	XXX
70160	26	A	X-ray exam of nasal bones	0.17	0.06	0.06	0.06	0.06	0.01	XXX
70170		C	X-ray exam of tear duct	0.00	0.00	0.00	NA	NA	0.00	XXX
70170	TC	C	X-ray exam of tear duct	0.00	0.00	0.00	NA	NA	0.00	XXX
70170	26	A	X-ray exam of tear duct	0.30	0.09	0.11	0.09	0.11	0.02	XXX
70190		A	X-ray exam of eye sockets	0.21	0.66	0.71	NA	NA	0.02	XXX
70190	TC	A	X-ray exam of eye sockets	0.00	0.59	0.64	NA	NA	0.01	XXX
70190	26	A	X-ray exam of eye sockets	0.21	0.07	0.07	0.07	0.07	0.01	XXX
70200		A	X-ray exam of eye sockets	0.28	0.79	0.86	NA	NA	0.02	XXX
70200	TC	A	X-ray exam of eye sockets	0.00	0.70	0.76	NA	NA	0.01	XXX
70200	26	A	X-ray exam of eye sockets	0.28	0.09	0.10	0.09	0.10	0.01	XXX
70210		A	X-ray exam of sinuses	0.17	0.59	0.61	NA	NA	0.02	XXX
70210	TC	A	X-ray exam of sinuses	0.00	0.53	0.55	NA	NA	0.01	XXX
70210	26	A	X-ray exam of sinuses	0.17	0.06	0.06	0.06	0.06	0.01	XXX
70220		A	X-ray exam of sinuses	0.25	0.71	0.76	NA	NA	0.02	XXX
70220	TC	A	X-ray exam of sinuses	0.00	0.62	0.68	NA	NA	0.01	XXX
70220	26	A	X-ray exam of sinuses	0.25	0.09	0.08	0.09	0.08	0.01	XXX
70240		A	X-ray exam, pituitary saddle	0.19	0.52	0.58	NA	NA	0.02	XXX
70240	TC	A	X-ray exam, pituitary saddle	0.00	0.46	0.51	NA	NA	0.01	XXX
70240	26	A	X-ray exam, pituitary saddle	0.19	0.06	0.07	0.06	0.07	0.01	XXX
70250		A	X-ray exam of skull	0.24	0.67	0.70	NA	NA	0.02	XXX
70250	TC	A	X-ray exam of skull	0.00	0.58	0.62	NA	NA	0.01	XXX
70250	26	A	X-ray exam of skull	0.24	0.09	0.08	0.09	0.08	0.01	XXX
70260		A	X-ray exam of skull	0.34	0.82	0.89	NA	NA	0.02	XXX
70260	TC	A	X-ray exam of skull	0.00	0.70	0.78	NA	NA	0.01	XXX
70260	26	A	X-ray exam of skull	0.34	0.12	0.11	0.12	0.11	0.01	XXX
70300		A	X-ray exam of teeth	0.10	0.25	0.26	NA	NA	0.02	XXX
70300	TC	A	X-ray exam of teeth	0.00	0.20	0.22	NA	NA	0.01	XXX
70300	26	A	X-ray exam of teeth	0.10	0.05	0.04	0.05	0.04	0.01	XXX

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70310		A	X-ray exam of teeth	0.16	0.82	0.77	NA	NA	0.02	XXX
70310	TC	A	X-ray exam of teeth	0.00	0.73	0.70	NA	NA	0.01	XXX
70310	26	A	X-ray exam of teeth	0.16	0.09	0.07	0.09	0.07	0.01	XXX
70320		A	Full mouth x-ray of teeth	0.22	1.06	1.05	NA	NA	0.02	XXX
70320	TC	A	Full mouth x-ray of teeth	0.00	0.95	0.96	NA	NA	0.01	XXX
70320	26	A	Full mouth x-ray of teeth	0.22	0.11	0.09	0.11	0.09	0.01	XXX
70328		A	X-ray exam of jaw joint	0.18	0.58	0.60	NA	NA	0.02	XXX
70328	TC	A	X-ray exam of jaw joint	0.00	0.52	0.54	NA	NA	0.01	XXX
70328	26	A	X-ray exam of jaw joint	0.18	0.06	0.06	0.06	0.06	0.01	XXX
70330		A	X-ray exam of jaw joints	0.24	0.94	0.99	NA	NA	0.02	XXX
70330	TC	A	X-ray exam of jaw joints	0.00	0.85	0.90	NA	NA	0.01	XXX
70330	26	A	X-ray exam of jaw joints	0.24	0.09	0.09	0.09	0.09	0.01	XXX
70332		A	X-ray exam of jaw joint	0.54	1.56	1.66	NA	NA	0.03	XXX
70332	TC	A	X-ray exam of jaw joint	0.00	1.32	1.46	NA	NA	0.01	XXX
70332	26	A	X-ray exam of jaw joint	0.54	0.24	0.20	0.24	0.20	0.02	XXX
70336		A	Magnetic image, jaw joint	1.48	6.28	10.72	NA	NA	0.07	XXX
70336	TC	A	Magnetic image, jaw joint	0.00	5.83	10.20	NA	NA	0.01	XXX
70336	26	A	Magnetic image, jaw joint	1.48	0.45	0.52	0.45	0.52	0.06	XXX
70350		A	X-ray head for orthodontia	0.17	0.37	0.37	NA	NA	0.02	XXX
70350	TC	A	X-ray head for orthodontia	0.00	0.27	0.30	NA	NA	0.01	XXX
70350	26	A	X-ray head for orthodontia	0.17	0.10	0.07	0.10	0.07	0.01	XXX
70355		A	Panoramic x-ray of jaws	0.20	0.32	0.37	NA	NA	0.02	XXX
70355	TC	A	Panoramic x-ray of jaws	0.00	0.22	0.29	NA	NA	0.01	XXX
70355	26	A	Panoramic x-ray of jaws	0.20	0.10	0.08	0.10	0.08	0.01	XXX
70360		A	X-ray exam of neck	0.17	0.50	0.54	NA	NA	0.02	XXX
70360	TC	A	X-ray exam of neck	0.00	0.45	0.48	NA	NA	0.01	XXX
70360	26	A	X-ray exam of neck	0.17	0.05	0.06	0.05	0.06	0.01	XXX
70370		A	Throat x-ray & fluoroscopy	0.32	1.75	1.68	NA	NA	0.02	XXX
70370	TC	A	Throat x-ray & fluoroscopy	0.00	1.64	1.57	NA	NA	0.01	XXX
70370	26	A	Throat x-ray & fluoroscopy	0.32	0.11	0.11	0.11	0.11	0.01	XXX
70371		A	Speech evaluation, complex	0.84	1.47	1.66	NA	NA	0.03	XXX
70371	TC	A	Speech evaluation, complex	0.00	1.18	1.38	NA	NA	0.01	XXX
70371	26	A	Speech evaluation, complex	0.84	0.29	0.28	0.29	0.28	0.02	XXX
70373		A	Contrast x-ray of larynx	0.44	1.64	1.66	NA	NA	0.02	XXX
70373	TC	A	Contrast x-ray of larynx	0.00	1.48	1.53	NA	NA	0.01	XXX
70373	26	A	Contrast x-ray of larynx	0.44	0.16	0.13	0.16	0.13	0.01	XXX

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70380		A	X-ray exam of salivary gland	0.17	0.82	0.81	NA	NA	0.02	XXX
70380	TC	A	X-ray exam of salivary gland	0.00	0.73	0.74	NA	NA	0.01	XXX
70380	26	A	X-ray exam of salivary gland	0.17	0.09	0.07	0.09	0.07	0.01	XXX
70390		A	X-ray exam of salivary duct	0.38	2.05	2.21	NA	NA	0.03	XXX
70390	TC	A	X-ray exam of salivary duct	0.00	1.93	2.07	NA	NA	0.01	XXX
70390	26	A	X-ray exam of salivary duct	0.38	0.12	0.14	0.12	0.14	0.02	XXX
70450		A	Ct head/brain w/o dye	0.85	2.73	4.44	NA	NA	0.04	XXX
70450	TC	A	Ct head/brain w/o dye	0.00	2.47	4.13	NA	NA	0.01	XXX
70450	26	A	Ct head/brain w/o dye	0.85	0.26	0.31	0.26	0.31	0.03	XXX
70460		A	Ct head/brain w/dye	1.13	3.62	5.75	NA	NA	0.05	XXX
70460	TC	A	Ct head/brain w/dye	0.00	3.27	5.34	NA	NA	0.01	XXX
70460	26	A	Ct head/brain w/dye	1.13	0.35	0.41	0.35	0.41	0.04	XXX
70470		A	Ct head/brain w/o & w/dye	1.27	4.40	7.04	NA	NA	0.06	XXX
70470	TC	A	Ct head/brain w/o & w/dye	0.00	4.01	6.58	NA	NA	0.01	XXX
70470	26	A	Ct head/brain w/o & w/dye	1.27	0.39	0.46	0.39	0.46	0.05	XXX
70480		A	Ct orbit/ear/fossa w/o dye	1.28	4.73	6.99	NA	NA	0.06	XXX
70480	TC	A	Ct orbit/ear/fossa w/o dye	0.00	4.33	6.53	NA	NA	0.01	XXX
70480	26	A	Ct orbit/ear/fossa w/o dye	1.28	0.40	0.46	0.40	0.46	0.05	XXX
70481		A	Ct orbit/ear/fossa w/dye	1.38	5.53	8.21	NA	NA	0.07	XXX
70481	TC	A	Ct orbit/ear/fossa w/dye	0.00	5.11	7.72	NA	NA	0.01	XXX
70481	26	A	Ct orbit/ear/fossa w/dye	1.38	0.42	0.49	0.42	0.49	0.06	XXX
70482		A	Ct orbit/ear/fossa w/o&w/dye	1.45	6.25	9.49	NA	NA	0.07	XXX
70482	TC	A	Ct orbit/ear/fossa w/o&w/dye	0.00	5.81	8.97	NA	NA	0.01	XXX
70482	26	A	Ct orbit/ear/fossa w/o&w/dye	1.45	0.44	0.52	0.44	0.52	0.06	XXX
70486		A	Ct maxillofacial w/o dye	1.14	3.82	5.80	NA	NA	0.05	XXX
70486	TC	A	Ct maxillofacial w/o dye	0.00	3.46	5.39	NA	NA	0.01	XXX
70486	26	A	Ct maxillofacial w/o dye	1.14	0.36	0.41	0.36	0.41	0.04	XXX
70487		A	Ct maxillofacial w/dye	1.30	4.63	7.07	NA	NA	0.06	XXX
70487	TC	A	Ct maxillofacial w/dye	0.00	4.24	6.60	NA	NA	0.01	XXX
70487	26	A	Ct maxillofacial w/dye	1.30	0.39	0.47	0.39	0.47	0.05	XXX
70488		A	Ct maxillofacial w/o & w/dye	1.42	5.70	8.76	NA	NA	0.07	XXX
70488	TC	A	Ct maxillofacial w/o & w/dye	0.00	5.26	8.25	NA	NA	0.01	XXX
70488	26	A	Ct maxillofacial w/o & w/dye	1.42	0.44	0.51	0.44	0.51	0.06	XXX
70490		A	Ct soft tissue neck w/o dye	1.28	3.61	5.58	NA	NA	0.06	XXX
70490	TC	A	Ct soft tissue neck w/o dye	0.00	3.22	5.11	NA	NA	0.01	XXX
70490	26	A	Ct soft tissue neck w/o dye	1.28	0.39	0.47	0.39	0.47	0.05	XXX

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70491		A	Ct soft tissue neck w/dye	1.38	4.47	6.85	NA	NA	0.06	XXX
70491	TC	A	Ct soft tissue neck w/dye	0.00	4.04	6.35	NA	NA	0.01	XXX
70491	26	A	Ct soft tissue neck w/dye	1.38	0.43	0.50	0.43	0.50	0.05	XXX
70492		A	Ct sft tsue nck w/o & w/dye	1.45	5.49	8.51	NA	NA	0.07	XXX
70492	TC	A	Ct sft tsue nck w/o & w/dye	0.00	5.04	7.99	NA	NA	0.01	XXX
70492	26	A	Ct sft tsue nck w/o & w/dye	1.45	0.45	0.52	0.45	0.52	0.06	XXX
70496		A	Ct angiography, head	1.75	14.91	15.58	NA	NA	0.08	XXX
70496	TC	A	Ct angiography, head	0.00	14.38	14.94	NA	NA	0.01	XXX
70496	26	A	Ct angiography, head	1.75	0.53	0.64	0.53	0.64	0.07	XXX
70498		A	Ct angiography, neck	1.75	14.80	15.60	NA	NA	0.08	XXX
70498	TC	A	Ct angiography, neck	0.00	14.27	14.96	NA	NA	0.01	XXX
70498	26	A	Ct angiography, neck	1.75	0.53	0.64	0.53	0.64	0.07	XXX
70540		A	Mri orbit/face/neck w/o dye	1.35	7.23	12.07	NA	NA	0.07	XXX
70540	TC	A	Mri orbit/face/neck w/o dye	0.00	6.82	11.59	NA	NA	0.01	XXX
70540	26	A	Mri orbit/face/neck w/o dye	1.35	0.41	0.48	0.41	0.48	0.06	XXX
70542		A	Mri orbit/face/neck w/dye	1.62	8.04	13.29	NA	NA	0.08	XXX
70542	TC	A	Mri orbit/face/neck w/dye	0.00	7.55	12.72	NA	NA	0.01	XXX
70542	26	A	Mri orbit/face/neck w/dye	1.62	0.49	0.57	0.49	0.57	0.07	XXX
70543		A	Mri orbt/fac/nck w/o & w/dye	2.15	9.82	17.96	NA	NA	0.10	XXX
70543	TC	A	Mri orbt/fac/nck w/o & w/dye	0.00	9.17	17.20	NA	NA	0.01	XXX
70543	26	A	Mri orbt/fac/nck w/o & w/dye	2.15	0.65	0.76	0.65	0.76	0.09	XXX
70544		A	Mr angiography head w/o dye	1.20	13.90	14.68	NA	NA	0.06	XXX
70544	TC	A	Mr angiography head w/o dye	0.00	13.53	14.25	NA	NA	0.01	XXX
70544	26	A	Mr angiography head w/o dye	1.20	0.37	0.43	0.37	0.43	0.05	XXX
70545		A	Mr angiography head w/dye	1.20	13.74	14.59	NA	NA	0.06	XXX
70545	TC	A	Mr angiography head w/dye	0.00	13.38	14.16	NA	NA	0.01	XXX
70545	26	A	Mr angiography head w/dye	1.20	0.36	0.43	0.36	0.43	0.05	XXX
70546		A	Mr angiograph head w/o&w/dye	1.80	21.10	23.29	NA	NA	0.09	XXX
70546	TC	A	Mr angiograph head w/o&w/dye	0.00	20.55	22.65	NA	NA	0.01	XXX
70546	26	A	Mr angiograph head w/o&w/dye	1.80	0.55	0.64	0.55	0.64	0.08	XXX
70547		A	Mr angiography neck w/o dye	1.20	13.86	14.64	NA	NA	0.06	XXX
70547	TC	A	Mr angiography neck w/o dye	0.00	13.49	14.21	NA	NA	0.01	XXX
70547	26	A	Mr angiography neck w/o dye	1.20	0.37	0.43	0.37	0.43	0.05	XXX
70548		A	Mr angiography neck w/dye	1.20	14.72	15.34	NA	NA	0.06	XXX
70548	TC	A	Mr angiography neck w/dye	0.00	14.35	14.91	NA	NA	0.01	XXX
70548	26	A	Mr angiography neck w/dye	1.20	0.37	0.43	0.37	0.43	0.05	XXX

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70549		A	Mr angiograph neck w/o&w/dye	1.80	21.04	23.29	NA	NA	0.08	XXX
70549	TC	A	Mr angiograph neck w/o&w/dye	0.00	20.49	22.65	NA	NA	0.01	XXX
70549	26	A	Mr angiograph neck w/o&w/dye	1.80	0.55	0.64	0.55	0.64	0.07	XXX
70551		A	Mri brain w/o dye	1.48	7.55	12.32	NA	NA	0.07	XXX
70551	TC	A	Mri brain w/o dye	0.00	7.10	11.79	NA	NA	0.01	XXX
70551	26	A	Mri brain w/o dye	1.48	0.45	0.53	0.45	0.53	0.06	XXX
70552		A	Mri brain w/dye	1.78	8.39	13.63	NA	NA	0.09	XXX
70552	TC	A	Mri brain w/dye	0.00	7.84	12.99	NA	NA	0.01	XXX
70552	26	A	Mri brain w/dye	1.78	0.55	0.64	0.55	0.64	0.08	XXX
70553		A	Mri brain w/o & w/dye	2.36	9.65	17.57	NA	NA	0.11	XXX
70553	TC	A	Mri brain w/o & w/dye	0.00	8.93	16.73	NA	NA	0.01	XXX
70553	26	A	Mri brain w/o & w/dye	2.36	0.72	0.84	0.72	0.84	0.10	XXX
70554		A	Fmri brain by tech	2.11	8.95	13.04	NA	NA	0.10	XXX
70554	TC	A	Fmri brain by tech	0.00	8.28	12.26	NA	NA	0.01	XXX
70554	26	A	Fmri brain by tech	2.11	0.67	0.78	0.67	0.78	0.09	XXX
70555		C	Fmri brain by phys/psych	0.00	0.00	0.00	NA	NA	0.00	XXX
70555	TC	C	Fmri brain by phys/psych	0.00	0.00	0.00	NA	NA	0.00	XXX
70555	26	A	Fmri brain by phys/psych	2.54	0.76	0.94	0.76	0.94	0.18	XXX
70557		C	Mri brain w/o dye	0.00	0.00	0.00	NA	NA	0.00	XXX
70557	TC	C	Mri brain w/o dye	0.00	0.00	0.00	NA	NA	0.00	XXX
70557	26	A	Mri brain w/o dye	2.90	1.35	1.20	1.35	1.20	0.77	XXX
70558		C	Mri brain w/dye	0.00	0.00	0.00	NA	NA	0.00	XXX
70558	TC	C	Mri brain w/dye	0.00	0.00	0.00	NA	NA	0.00	XXX
70558	26	A	Mri brain w/dye	3.20	0.97	1.15	0.97	1.15	0.22	XXX
70559		C	Mri brain w/o & w/dye	0.00	0.00	0.00	NA	NA	0.00	XXX
70559	TC	C	Mri brain w/o & w/dye	0.00	0.00	0.00	NA	NA	0.00	XXX
70559	26	A	Mri brain w/o & w/dye	3.20	1.08	1.23	1.08	1.23	0.22	XXX
71010		A	Chest x-ray	0.18	0.39	0.44	NA	NA	0.02	XXX
71010	TC	A	Chest x-ray	0.00	0.33	0.38	NA	NA	0.01	XXX
71010	26	A	Chest x-ray	0.18	0.06	0.06	0.06	0.06	0.01	XXX
71015		A	Chest x-ray	0.21	0.54	0.57	NA	NA	0.02	XXX
71015	TC	A	Chest x-ray	0.00	0.47	0.50	NA	NA	0.01	XXX
71015	26	A	Chest x-ray	0.21	0.07	0.07	0.07	0.07	0.01	XXX
71020		A	Chest x-ray	0.22	0.52	0.60	NA	NA	0.02	XXX
71020	TC	A	Chest x-ray	0.00	0.45	0.52	NA	NA	0.01	XXX
71020	26	A	Chest x-ray	0.22	0.07	0.08	0.07	0.08	0.01	XXX

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71021		A	Chest x-ray	0.27	0.66	0.72	NA	NA	0.02	XXX
71021	TC	A	Chest x-ray	0.00	0.57	0.63	NA	NA	0.01	XXX
71021	26	A	Chest x-ray	0.27	0.09	0.09	0.09	0.09	0.01	XXX
71022		A	Chest x-ray	0.31	0.83	0.90	NA	NA	0.02	XXX
71022	TC	A	Chest x-ray	0.00	0.73	0.79	NA	NA	0.01	XXX
71022	26	A	Chest x-ray	0.31	0.10	0.11	0.10	0.11	0.01	XXX
71023		A	Chest x-ray and fluoroscopy	0.38	1.36	1.40	NA	NA	0.02	XXX
71023	TC	A	Chest x-ray and fluoroscopy	0.00	1.23	1.25	NA	NA	0.01	XXX
71023	26	A	Chest x-ray and fluoroscopy	0.38	0.13	0.15	0.13	0.15	0.01	XXX
71030		A	Chest x-ray	0.31	0.81	0.90	NA	NA	0.02	XXX
71030	TC	A	Chest x-ray	0.00	0.71	0.79	NA	NA	0.01	XXX
71030	26	A	Chest x-ray	0.31	0.10	0.11	0.10	0.11	0.01	XXX
71034		A	Chest x-ray and fluoroscopy	0.46	1.61	1.90	NA	NA	0.02	XXX
71034	TC	A	Chest x-ray and fluoroscopy	0.00	1.46	1.70	NA	NA	0.01	XXX
71034	26	A	Chest x-ray and fluoroscopy	0.46	0.15	0.20	0.15	0.20	0.01	XXX
71035		A	Chest x-ray	0.18	0.67	0.73	NA	NA	0.02	XXX
71035	TC	A	Chest x-ray	0.00	0.62	0.66	NA	NA	0.01	XXX
71035	26	A	Chest x-ray	0.18	0.05	0.07	0.05	0.07	0.01	XXX
71040		A	Contrast x-ray of bronchi	0.58	1.81	1.93	NA	NA	0.02	XXX
71040	TC	A	Contrast x-ray of bronchi	0.00	1.63	1.73	NA	NA	0.01	XXX
71040	26	A	Contrast x-ray of bronchi	0.58	0.18	0.20	0.18	0.20	0.01	XXX
71060		A	Contrast x-ray of bronchi	0.74	2.80	2.94	NA	NA	0.04	XXX
71060	TC	A	Contrast x-ray of bronchi	0.00	2.56	2.67	NA	NA	0.01	XXX
71060	26	A	Contrast x-ray of bronchi	0.74	0.24	0.27	0.24	0.27	0.03	XXX
71090		C	X-ray & pacemaker insertion	0.00	0.00	0.00	NA	NA	0.00	XXX
71090	TC	C	X-ray & pacemaker insertion	0.00	0.00	0.00	NA	NA	0.00	XXX
71090	26	A	X-ray & pacemaker insertion	0.54	0.18	0.24	0.18	0.24	0.03	XXX
71100		A	X-ray exam of ribs	0.22	0.57	0.63	NA	NA	0.02	XXX
71100	TC	A	X-ray exam of ribs	0.00	0.50	0.55	NA	NA	0.01	XXX
71100	26	A	X-ray exam of ribs	0.22	0.07	0.08	0.07	0.08	0.01	XXX
71101		A	X-ray exam of ribs/chest	0.27	0.70	0.75	NA	NA	0.02	XXX
71101	TC	A	X-ray exam of ribs/chest	0.00	0.61	0.66	NA	NA	0.01	XXX
71101	26	A	X-ray exam of ribs/chest	0.27	0.09	0.09	0.09	0.09	0.01	XXX
71110		A	X-ray exam of ribs	0.27	0.72	0.78	NA	NA	0.02	XXX
71110	TC	A	X-ray exam of ribs	0.00	0.63	0.69	NA	NA	0.01	XXX
71110	26	A	X-ray exam of ribs	0.27	0.09	0.09	0.09	0.09	0.01	XXX

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71111		A	X-ray exam of ribs/chest	0.32	0.99	1.04	NA	NA	0.02	XXX
71111	TC	A	X-ray exam of ribs/chest	0.00	0.88	0.93	NA	NA	0.01	XXX
71111	26	A	X-ray exam of ribs/chest	0.32	0.11	0.11	0.11	0.11	0.01	XXX
71120		A	X-ray exam of breastbone	0.20	0.56	0.64	NA	NA	0.02	XXX
71120	TC	A	X-ray exam of breastbone	0.00	0.50	0.57	NA	NA	0.01	XXX
71120	26	A	X-ray exam of breastbone	0.20	0.06	0.07	0.06	0.07	0.01	XXX
71130		A	X-ray exam of breastbone	0.22	0.68	0.75	NA	NA	0.02	XXX
71130	TC	A	X-ray exam of breastbone	0.00	0.61	0.67	NA	NA	0.01	XXX
71130	26	A	X-ray exam of breastbone	0.22	0.07	0.08	0.07	0.08	0.01	XXX
71250		A	Ct thorax w/o dye	1.16	3.57	5.77	NA	NA	0.06	XXX
71250	TC	A	Ct thorax w/o dye	0.00	3.22	5.35	NA	NA	0.01	XXX
71250	26	A	Ct thorax w/o dye	1.16	0.35	0.42	0.35	0.42	0.05	XXX
71260		A	Ct thorax w/dye	1.24	4.44	7.08	NA	NA	0.06	XXX
71260	TC	A	Ct thorax w/dye	0.00	4.06	6.63	NA	NA	0.01	XXX
71260	26	A	Ct thorax w/dye	1.24	0.38	0.45	0.38	0.45	0.05	XXX
71270		A	Ct thorax w/o & w/dye	1.38	5.50	8.87	NA	NA	0.06	XXX
71270	TC	A	Ct thorax w/o & w/dye	0.00	5.08	8.37	NA	NA	0.01	XXX
71270	26	A	Ct thorax w/o & w/dye	1.38	0.42	0.50	0.42	0.50	0.05	XXX
71275		A	Ct angiography, chest	1.92	10.20	11.71	NA	NA	0.09	XXX
71275	TC	A	Ct angiography, chest	0.00	9.62	11.02	NA	NA	0.01	XXX
71275	26	A	Ct angiography, chest	1.92	0.58	0.69	0.58	0.69	0.08	XXX
71550		A	Mri chest w/o dye	1.46	8.36	13.58	NA	NA	0.07	XXX
71550	TC	A	Mri chest w/o dye	0.00	7.92	13.06	NA	NA	0.01	XXX
71550	26	A	Mri chest w/o dye	1.46	0.44	0.52	0.44	0.52	0.06	XXX
71551		A	Mri chest w/dye	1.73	9.43	15.16	NA	NA	0.08	XXX
71551	TC	A	Mri chest w/dye	0.00	8.89	14.55	NA	NA	0.01	XXX
71551	26	A	Mri chest w/dye	1.73	0.54	0.61	0.54	0.61	0.07	XXX
71552		A	Mri chest w/o & w/dye	2.26	11.64	20.58	NA	NA	0.10	XXX
71552	TC	A	Mri chest w/o & w/dye	0.00	10.95	19.76	NA	NA	0.01	XXX
71552	26	A	Mri chest w/o & w/dye	2.26	0.69	0.82	0.69	0.82	0.09	XXX
71555		R	Mri angio chest w or w/o dye	1.81	13.03	14.20	NA	NA	0.08	XXX
71555	TC	R	Mri angio chest w or w/o dye	0.00	12.48	13.53	NA	NA	0.01	XXX
71555	26	R	Mri angio chest w or w/o dye	1.81	0.55	0.67	0.55	0.67	0.07	XXX
72010		A	X-ray exam of spine	0.45	1.47	1.41	NA	NA	0.03	XXX
72010	TC	A	X-ray exam of spine	0.00	1.30	1.26	NA	NA	0.01	XXX
72010	26	A	X-ray exam of spine	0.45	0.17	0.15	0.17	0.15	0.02	XXX

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72020		A	X-ray exam of spine	0.15	0.42	0.47	NA	NA	0.02	XXX
72020	TC	A	X-ray exam of spine	0.00	0.37	0.41	NA	NA	0.01	XXX
72020	26	A	X-ray exam of spine	0.15	0.05	0.06	0.05	0.06	0.01	XXX
72040		A	X-ray exam of neck spine	0.22	0.74	0.75	NA	NA	0.03	XXX
72040	TC	A	X-ray exam of neck spine	0.00	0.66	0.67	NA	NA	0.01	XXX
72040	26	A	X-ray exam of neck spine	0.22	0.08	0.08	0.08	0.08	0.02	XXX
72050		A	X-ray exam of neck spine	0.31	0.97	1.05	NA	NA	0.03	XXX
72050	TC	A	X-ray exam of neck spine	0.00	0.87	0.94	NA	NA	0.01	XXX
72050	26	A	X-ray exam of neck spine	0.31	0.10	0.11	0.10	0.11	0.02	XXX
72052		A	X-ray exam of neck spine	0.36	1.29	1.35	NA	NA	0.03	XXX
72052	TC	A	X-ray exam of neck spine	0.00	1.17	1.22	NA	NA	0.01	XXX
72052	26	A	X-ray exam of neck spine	0.36	0.12	0.13	0.12	0.13	0.02	XXX
72069		A	X-ray exam of trunk spine	0.22	0.71	0.71	NA	NA	0.03	XXX
72069	TC	A	X-ray exam of trunk spine	0.00	0.63	0.63	NA	NA	0.01	XXX
72069	26	A	X-ray exam of trunk spine	0.22	0.08	0.08	0.08	0.08	0.02	XXX
72070		A	X-ray exam of thoracic spine	0.22	0.60	0.65	NA	NA	0.02	XXX
72070	TC	A	X-ray exam of thoracic spine	0.00	0.52	0.57	NA	NA	0.01	XXX
72070	26	A	X-ray exam of thoracic spine	0.22	0.08	0.08	0.08	0.08	0.01	XXX
72072		A	X-ray exam of thoracic spine	0.22	0.68	0.77	NA	NA	0.02	XXX
72072	TC	A	X-ray exam of thoracic spine	0.00	0.61	0.69	NA	NA	0.01	XXX
72072	26	A	X-ray exam of thoracic spine	0.22	0.07	0.08	0.07	0.08	0.01	XXX
72074		A	X-ray exam of thoracic spine	0.22	0.85	0.94	NA	NA	0.02	XXX
72074	TC	A	X-ray exam of thoracic spine	0.00	0.78	0.86	NA	NA	0.01	XXX
72074	26	A	X-ray exam of thoracic spine	0.22	0.07	0.08	0.07	0.08	0.01	XXX
72080		A	X-ray exam of trunk spine	0.22	0.67	0.70	NA	NA	0.03	XXX
72080	TC	A	X-ray exam of trunk spine	0.00	0.59	0.62	NA	NA	0.01	XXX
72080	26	A	X-ray exam of trunk spine	0.22	0.08	0.08	0.08	0.08	0.02	XXX
72090		A	X-ray exam of trunk spine	0.28	0.95	0.96	NA	NA	0.04	XXX
72090	TC	A	X-ray exam of trunk spine	0.00	0.85	0.85	NA	NA	0.01	XXX
72090	26	A	X-ray exam of trunk spine	0.28	0.10	0.11	0.10	0.11	0.03	XXX
72100		A	X-ray exam of lower spine	0.22	0.78	0.80	NA	NA	0.03	XXX
72100	TC	A	X-ray exam of lower spine	0.00	0.70	0.72	NA	NA	0.01	XXX
72100	26	A	X-ray exam of lower spine	0.22	0.08	0.08	0.08	0.08	0.02	XXX
72110		A	X-ray exam of lower spine	0.31	1.04	1.10	NA	NA	0.03	XXX
72110	TC	A	X-ray exam of lower spine	0.00	0.94	0.99	NA	NA	0.01	XXX
72110	26	A	X-ray exam of lower spine	0.31	0.10	0.11	0.10	0.11	0.02	XXX

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72114		A	X-ray exam of lower spine	0.36	1.50	1.51	NA	NA	0.04	XXX
72114	TC	A	X-ray exam of lower spine	0.00	1.37	1.38	NA	NA	0.01	XXX
72114	26	A	X-ray exam of lower spine	0.36	0.13	0.13	0.13	0.13	0.03	XXX
72120		A	X-ray exam of lower spine	0.22	1.08	1.06	NA	NA	0.03	XXX
72120	TC	A	X-ray exam of lower spine	0.00	0.99	0.98	NA	NA	0.01	XXX
72120	26	A	X-ray exam of lower spine	0.22	0.09	0.08	0.09	0.08	0.02	XXX
72125		A	Ct neck spine w/o dye	1.16	3.60	5.79	NA	NA	0.06	XXX
72125	TC	A	Ct neck spine w/o dye	0.00	3.25	5.37	NA	NA	0.01	XXX
72125	26	A	Ct neck spine w/o dye	1.16	0.35	0.42	0.35	0.42	0.05	XXX
72126		A	Ct neck spine w/dye	1.22	4.45	7.09	NA	NA	0.06	XXX
72126	TC	A	Ct neck spine w/dye	0.00	4.08	6.65	NA	NA	0.01	XXX
72126	26	A	Ct neck spine w/dye	1.22	0.37	0.44	0.37	0.44	0.05	XXX
72127		A	Ct neck spine w/o & w/dye	1.27	5.50	8.81	NA	NA	0.06	XXX
72127	TC	A	Ct neck spine w/o & w/dye	0.00	5.11	8.36	NA	NA	0.01	XXX
72127	26	A	Ct neck spine w/o & w/dye	1.27	0.39	0.45	0.39	0.45	0.05	XXX
72128		A	Ct chest spine w/o dye	1.16	3.59	5.77	NA	NA	0.06	XXX
72128	TC	A	Ct chest spine w/o dye	0.00	3.24	5.35	NA	NA	0.01	XXX
72128	26	A	Ct chest spine w/o dye	1.16	0.35	0.42	0.35	0.42	0.05	XXX
72129		A	Ct chest spine w/dye	1.22	4.45	7.09	NA	NA	0.06	XXX
72129	TC	A	Ct chest spine w/dye	0.00	4.08	6.65	NA	NA	0.01	XXX
72129	26	A	Ct chest spine w/dye	1.22	0.37	0.44	0.37	0.44	0.05	XXX
72130		A	Ct chest spine w/o & w/dye	1.27	5.53	8.85	NA	NA	0.06	XXX
72130	TC	A	Ct chest spine w/o & w/dye	0.00	5.14	8.39	NA	NA	0.01	XXX
72130	26	A	Ct chest spine w/o & w/dye	1.27	0.39	0.46	0.39	0.46	0.05	XXX
72131		A	Ct lumbar spine w/o dye	1.16	3.58	5.76	NA	NA	0.06	XXX
72131	TC	A	Ct lumbar spine w/o dye	0.00	3.23	5.34	NA	NA	0.01	XXX
72131	26	A	Ct lumbar spine w/o dye	1.16	0.35	0.42	0.35	0.42	0.05	XXX
72132		A	Ct lumbar spine w/dye	1.22	4.43	7.07	NA	NA	0.06	XXX
72132	TC	A	Ct lumbar spine w/dye	0.00	4.06	6.63	NA	NA	0.01	XXX
72132	26	A	Ct lumbar spine w/dye	1.22	0.37	0.44	0.37	0.44	0.05	XXX
72133		A	Ct lumbar spine w/o & w/dye	1.27	5.50	8.83	NA	NA	0.06	XXX
72133	TC	A	Ct lumbar spine w/o & w/dye	0.00	5.11	8.37	NA	NA	0.01	XXX
72133	26	A	Ct lumbar spine w/o & w/dye	1.27	0.39	0.46	0.39	0.46	0.05	XXX
72141		A	Mri neck spine w/o dye	1.60	6.55	10.95	NA	NA	0.08	XXX
72141	TC	A	Mri neck spine w/o dye	0.00	6.05	10.38	NA	NA	0.01	XXX
72141	26	A	Mri neck spine w/o dye	1.60	0.50	0.57	0.50	0.57	0.07	XXX

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72142		A	Mri neck spine w/dye	1.92	8.49	13.67	NA	NA	0.09	XXX
72142	TC	A	Mri neck spine w/dye	0.00	7.89	12.99	NA	NA	0.01	XXX
72142	26	A	Mri neck spine w/dye	1.92	0.60	0.68	0.60	0.68	0.08	XXX
72146		A	Mri chest spine w/o dye	1.60	6.57	11.20	NA	NA	0.08	XXX
72146	TC	A	Mri chest spine w/o dye	0.00	6.07	10.63	NA	NA	0.01	XXX
72146	26	A	Mri chest spine w/o dye	1.60	0.50	0.57	0.50	0.57	0.07	XXX
72147		A	Mri chest spine w/dye	1.92	7.38	12.24	NA	NA	0.09	XXX
72147	TC	A	Mri chest spine w/dye	0.00	6.79	11.55	NA	NA	0.01	XXX
72147	26	A	Mri chest spine w/dye	1.92	0.59	0.69	0.59	0.69	0.08	XXX
72148		A	Mri lumbar spine w/o dye	1.48	6.53	11.15	NA	NA	0.08	XXX
72148	TC	A	Mri lumbar spine w/o dye	0.00	6.06	10.62	NA	NA	0.01	XXX
72148	26	A	Mri lumbar spine w/o dye	1.48	0.47	0.53	0.47	0.53	0.07	XXX
72149		A	Mri lumbar spine w/dye	1.78	8.34	13.59	NA	NA	0.09	XXX
72149	TC	A	Mri lumbar spine w/dye	0.00	7.78	12.95	NA	NA	0.01	XXX
72149	26	A	Mri lumbar spine w/dye	1.78	0.56	0.64	0.56	0.64	0.08	XXX
72156		A	Mri neck spine w/o & w/dye	2.57	9.55	17.39	NA	NA	0.13	XXX
72156	TC	A	Mri neck spine w/o & w/dye	0.00	8.76	16.47	NA	NA	0.01	XXX
72156	26	A	Mri neck spine w/o & w/dye	2.57	0.79	0.92	0.79	0.92	0.12	XXX
72157		A	Mri chest spine w/o & w/dye	2.57	8.73	16.30	NA	NA	0.13	XXX
72157	TC	A	Mri chest spine w/o & w/dye	0.00	7.95	15.38	NA	NA	0.01	XXX
72157	26	A	Mri chest spine w/o & w/dye	2.57	0.78	0.92	0.78	0.92	0.12	XXX
72158		A	Mri lumbar spine w/o & w/dye	2.36	9.43	17.29	NA	NA	0.13	XXX
72158	TC	A	Mri lumbar spine w/o & w/dye	0.00	8.70	16.45	NA	NA	0.01	XXX
72158	26	A	Mri lumbar spine w/o & w/dye	2.36	0.73	0.84	0.73	0.84	0.12	XXX
72159		N	Mr angio spine w/o&w/dye	1.80	15.65	15.74	NA	NA	0.06	XXX
72159	TC	N	Mr angio spine w/o&w/dye	0.00	14.99	15.09	NA	NA	0.01	XXX
72159	26	N	Mr angio spine w/o&w/dye	1.80	0.66	0.65	0.66	0.65	0.05	XXX
72170		A	X-ray exam of pelvis	0.17	0.47	0.51	NA	NA	0.03	XXX
72170	TC	A	X-ray exam of pelvis	0.00	0.41	0.45	NA	NA	0.01	XXX
72170	26	A	X-ray exam of pelvis	0.17	0.06	0.06	0.06	0.06	0.02	XXX
72190		A	X-ray exam of pelvis	0.21	0.81	0.83	NA	NA	0.03	XXX
72190	TC	A	X-ray exam of pelvis	0.00	0.73	0.75	NA	NA	0.01	XXX
72190	26	A	X-ray exam of pelvis	0.21	0.08	0.08	0.08	0.08	0.02	XXX
72191		A	Ct angiograph pelv w/o&w/dye	1.81	9.82	11.32	NA	NA	0.10	XXX
72191	TC	A	Ct angiograph pelv w/o&w/dye	0.00	9.28	10.66	NA	NA	0.01	XXX
72191	26	A	Ct angiograph pelv w/o&w/dye	1.81	0.54	0.66	0.54	0.66	0.09	XXX

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72192		A	Ct pelvis w/o dye	1.09	3.33	5.47	NA	NA	0.05	XXX
72192	TC	A	Ct pelvis w/o dye	0.00	3.00	5.07	NA	NA	0.01	XXX
72192	26	A	Ct pelvis w/o dye	1.09	0.33	0.40	0.33	0.40	0.04	XXX
72193		A	Ct pelvis w/dye	1.16	4.17	6.72	NA	NA	0.06	XXX
72193	TC	A	Ct pelvis w/dye	0.00	3.82	6.30	NA	NA	0.01	XXX
72193	26	A	Ct pelvis w/dye	1.16	0.35	0.42	0.35	0.42	0.05	XXX
72194		A	Ct pelvis w/o & w/dye	1.22	5.53	8.84	NA	NA	0.06	XXX
72194	TC	A	Ct pelvis w/o & w/dye	0.00	5.16	8.40	NA	NA	0.01	XXX
72194	26	A	Ct pelvis w/o & w/dye	1.22	0.37	0.44	0.37	0.44	0.05	XXX
72195		A	Mri pelvis w/o dye	1.46	7.50	12.28	NA	NA	0.08	XXX
72195	TC	A	Mri pelvis w/o dye	0.00	7.04	11.76	NA	NA	0.01	XXX
72195	26	A	Mri pelvis w/o dye	1.46	0.46	0.52	0.46	0.52	0.07	XXX
72196		A	Mri pelvis w/dye	1.73	8.29	13.50	NA	NA	0.08	XXX
72196	TC	A	Mri pelvis w/dye	0.00	7.76	12.88	NA	NA	0.01	XXX
72196	26	A	Mri pelvis w/dye	1.73	0.53	0.62	0.53	0.62	0.07	XXX
72197		A	Mri pelvis w/o & w/dye	2.26	9.95	18.13	NA	NA	0.10	XXX
72197	TC	A	Mri pelvis w/o & w/dye	0.00	9.27	17.32	NA	NA	0.01	XXX
72197	26	A	Mri pelvis w/o & w/dye	2.26	0.68	0.81	0.68	0.81	0.09	XXX
72198		A	Mr angio pelvis w/o & w/dye	1.80	13.06	14.13	NA	NA	0.08	XXX
72198	TC	A	Mr angio pelvis w/o & w/dye	0.00	12.52	13.48	NA	NA	0.01	XXX
72198	26	A	Mr angio pelvis w/o & w/dye	1.80	0.54	0.65	0.54	0.65	0.07	XXX
72200		A	X-ray exam sacroiliac joints	0.17	0.55	0.59	NA	NA	0.02	XXX
72200	TC	A	X-ray exam sacroiliac joints	0.00	0.49	0.53	NA	NA	0.01	XXX
72200	26	A	X-ray exam sacroiliac joints	0.17	0.06	0.06	0.06	0.06	0.01	XXX
72202		A	X-ray exam sacroiliac joints	0.19	0.64	0.71	NA	NA	0.02	XXX
72202	TC	A	X-ray exam sacroiliac joints	0.00	0.58	0.64	NA	NA	0.01	XXX
72202	26	A	X-ray exam sacroiliac joints	0.19	0.06	0.07	0.06	0.07	0.01	XXX
72220		A	X-ray exam of tailbone	0.17	0.53	0.58	NA	NA	0.02	XXX
72220	TC	A	X-ray exam of tailbone	0.00	0.47	0.52	NA	NA	0.01	XXX
72220	26	A	X-ray exam of tailbone	0.17	0.06	0.06	0.06	0.06	0.01	XXX
72240		A	Contrast x-ray of neck spine	0.91	2.29	3.01	NA	NA	0.05	XXX
72240	TC	A	Contrast x-ray of neck spine	0.00	2.01	2.69	NA	NA	0.01	XXX
72240	26	A	Contrast x-ray of neck spine	0.91	0.28	0.32	0.28	0.32	0.04	XXX
72255		A	Contrast x-ray, thorax spine	0.91	2.23	2.73	NA	NA	0.04	XXX
72255	TC	A	Contrast x-ray, thorax spine	0.00	1.93	2.42	NA	NA	0.01	XXX
72255	26	A	Contrast x-ray, thorax spine	0.91	0.30	0.31	0.30	0.31	0.03	XXX

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72265		A	Contrast x-ray, lower spine	0.83	2.30	2.86	NA	NA	0.04	XXX
72265	TC	A	Contrast x-ray, lower spine	0.00	2.04	2.56	NA	NA	0.01	XXX
72265	26	A	Contrast x-ray, lower spine	0.83	0.26	0.30	0.26	0.30	0.03	XXX
72270		A	Contrast x-ray, spine	1.33	3.54	4.43	NA	NA	0.06	XXX
72270	TC	A	Contrast x-ray, spine	0.00	3.12	3.95	NA	NA	0.01	XXX
72270	26	A	Contrast x-ray, spine	1.33	0.42	0.48	0.42	0.48	0.05	XXX
72275		A	Epidurography	0.76	2.18	1.99	NA	NA	0.04	XXX
72275	TC	A	Epidurography	0.00	1.88	1.75	NA	NA	0.01	XXX
72275	26	A	Epidurography	0.76	0.30	0.24	0.30	0.24	0.03	XXX
72285		A	X-ray c/t spine disk	1.16	1.88	2.99	NA	NA	0.05	XXX
72285	TC	A	X-ray c/t spine disk	0.00	1.39	2.61	NA	NA	0.01	XXX
72285	26	A	X-ray c/t spine disk	1.16	0.49	0.38	0.49	0.38	0.04	XXX
72291		C	Perq verte/sacroplsty, fluor	0.00	0.00	0.00	NA	NA	0.00	XXX
72291	TC	C	Perq verte/sacroplsty, fluor	0.00	0.00	0.00	NA	NA	0.00	XXX
72291	26	A	Perq verte/sacroplsty, fluor	1.31	0.49	0.51	0.49	0.51	0.16	XXX
72292		C	Perq verte/sacroplsty, ct	0.00	0.00	0.00	NA	NA	0.00	XXX
72292	TC	C	Perq verte/sacroplsty, ct	0.00	0.00	0.00	NA	NA	0.00	XXX
72292	26	A	Perq verte/sacroplsty, ct	1.38	0.49	0.53	0.49	0.53	0.15	XXX
72295		A	X-ray of lower spine disk	0.83	1.75	2.82	NA	NA	0.04	XXX
72295	TC	A	X-ray of lower spine disk	0.00	1.41	2.54	NA	NA	0.01	XXX
72295	26	A	X-ray of lower spine disk	0.83	0.34	0.28	0.34	0.28	0.03	XXX
73000		A	X-ray exam of collar bone	0.16	0.55	0.56	NA	NA	0.02	XXX
73000	TC	A	X-ray exam of collar bone	0.00	0.49	0.50	NA	NA	0.01	XXX
73000	26	A	X-ray exam of collar bone	0.16	0.06	0.06	0.06	0.06	0.01	XXX
73010		A	X-ray exam of shoulder blade	0.17	0.59	0.58	NA	NA	0.03	XXX
73010	TC	A	X-ray exam of shoulder blade	0.00	0.52	0.52	NA	NA	0.01	XXX
73010	26	A	X-ray exam of shoulder blade	0.17	0.07	0.06	0.07	0.06	0.02	XXX
73020		A	X-ray exam of shoulder	0.15	0.44	0.46	NA	NA	0.02	XXX
73020	TC	A	X-ray exam of shoulder	0.00	0.38	0.41	NA	NA	0.01	XXX
73020	26	A	X-ray exam of shoulder	0.15	0.06	0.05	0.06	0.05	0.01	XXX
73030		A	X-ray exam of shoulder	0.18	0.56	0.59	NA	NA	0.03	XXX
73030	TC	A	X-ray exam of shoulder	0.00	0.49	0.52	NA	NA	0.01	XXX
73030	26	A	X-ray exam of shoulder	0.18	0.07	0.07	0.07	0.07	0.02	XXX
73040		A	Contrast x-ray of shoulder	0.54	2.07	2.24	NA	NA	0.04	XXX
73040	TC	A	Contrast x-ray of shoulder	0.00	1.89	2.04	NA	NA	0.01	XXX
73040	26	A	Contrast x-ray of shoulder	0.54	0.18	0.20	0.18	0.20	0.03	XXX

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73050		A	X-ray exam of shoulders	0.20	0.77	0.75	NA	NA	0.03	XXX
73050	TC	A	X-ray exam of shoulders	0.00	0.68	0.67	NA	NA	0.01	XXX
73050	26	A	X-ray exam of shoulders	0.20	0.09	0.08	0.09	0.08	0.02	XXX
73060		A	X-ray exam of humerus	0.17	0.54	0.58	NA	NA	0.02	XXX
73060	TC	A	X-ray exam of humerus	0.00	0.48	0.52	NA	NA	0.01	XXX
73060	26	A	X-ray exam of humerus	0.17	0.06	0.06	0.06	0.06	0.01	XXX
73070		A	X-ray exam of elbow	0.15	0.55	0.56	NA	NA	0.02	XXX
73070	TC	A	X-ray exam of elbow	0.00	0.49	0.51	NA	NA	0.01	XXX
73070	26	A	X-ray exam of elbow	0.15	0.06	0.05	0.06	0.05	0.01	XXX
73080		A	X-ray exam of elbow	0.17	0.71	0.73	NA	NA	0.02	XXX
73080	TC	A	X-ray exam of elbow	0.00	0.65	0.67	NA	NA	0.01	XXX
73080	26	A	X-ray exam of elbow	0.17	0.06	0.06	0.06	0.06	0.01	XXX
73085		A	Contrast x-ray of elbow	0.54	1.84	1.96	NA	NA	0.03	XXX
73085	TC	A	Contrast x-ray of elbow	0.00	1.64	1.77	NA	NA	0.01	XXX
73085	26	A	Contrast x-ray of elbow	0.54	0.20	0.19	0.20	0.19	0.02	XXX
73090		A	X-ray exam of forearm	0.16	0.52	0.55	NA	NA	0.02	XXX
73090	TC	A	X-ray exam of forearm	0.00	0.46	0.50	NA	NA	0.01	XXX
73090	26	A	X-ray exam of forearm	0.16	0.06	0.05	0.06	0.05	0.01	XXX
73092		A	X-ray exam of arm, infant	0.16	0.59	0.58	NA	NA	0.02	XXX
73092	TC	A	X-ray exam of arm, infant	0.00	0.53	0.53	NA	NA	0.01	XXX
73092	26	A	X-ray exam of arm, infant	0.16	0.06	0.05	0.06	0.05	0.01	XXX
73100		A	X-ray exam of wrist	0.16	0.62	0.60	NA	NA	0.03	XXX
73100	TC	A	X-ray exam of wrist	0.00	0.55	0.54	NA	NA	0.01	XXX
73100	26	A	X-ray exam of wrist	0.16	0.07	0.06	0.07	0.06	0.02	XXX
73110		A	X-ray exam of wrist	0.17	0.74	0.74	NA	NA	0.02	XXX
73110	TC	A	X-ray exam of wrist	0.00	0.68	0.68	NA	NA	0.01	XXX
73110	26	A	X-ray exam of wrist	0.17	0.06	0.06	0.06	0.06	0.01	XXX
73115		A	Contrast x-ray of wrist	0.54	2.20	2.18	NA	NA	0.04	XXX
73115	TC	A	Contrast x-ray of wrist	0.00	2.00	1.98	NA	NA	0.01	XXX
73115	26	A	Contrast x-ray of wrist	0.54	0.20	0.20	0.20	0.20	0.03	XXX
73120		A	X-ray exam of hand	0.16	0.52	0.54	NA	NA	0.02	XXX
73120	TC	A	X-ray exam of hand	0.00	0.46	0.49	NA	NA	0.01	XXX
73120	26	A	X-ray exam of hand	0.16	0.06	0.05	0.06	0.05	0.01	XXX
73130		A	X-ray exam of hand	0.17	0.62	0.64	NA	NA	0.02	XXX
73130	TC	A	X-ray exam of hand	0.00	0.56	0.58	NA	NA	0.01	XXX
73130	26	A	X-ray exam of hand	0.17	0.06	0.06	0.06	0.06	0.01	XXX

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73140		A	X-ray exam of finger(s)	0.13	0.68	0.64	NA	NA	0.02	XXX
73140	TC	A	X-ray exam of finger(s)	0.00	0.63	0.59	NA	NA	0.01	XXX
73140	26	A	X-ray exam of finger(s)	0.13	0.05	0.05	0.05	0.05	0.01	XXX
73200		A	Ct upper extremity w/o dye	1.09	3.54	5.54	NA	NA	0.06	XXX
73200	TC	A	Ct upper extremity w/o dye	0.00	3.21	5.15	NA	NA	0.01	XXX
73200	26	A	Ct upper extremity w/o dye	1.09	0.33	0.39	0.33	0.39	0.05	XXX
73201		A	Ct upper extremity w/dye	1.16	4.38	6.79	NA	NA	0.06	XXX
73201	TC	A	Ct upper extremity w/dye	0.00	4.03	6.37	NA	NA	0.01	XXX
73201	26	A	Ct upper extremity w/dye	1.16	0.35	0.42	0.35	0.42	0.05	XXX
73202		A	Ct uppr extremity w/o&w/dye	1.22	5.79	8.96	NA	NA	0.06	XXX
73202	TC	A	Ct uppr extremity w/o&w/dye	0.00	5.42	8.52	NA	NA	0.01	XXX
73202	26	A	Ct uppr extremity w/o&w/dye	1.22	0.37	0.44	0.37	0.44	0.05	XXX
73206		A	Ct angio upr extrm w/o&w/dye	1.81	9.29	10.74	NA	NA	0.07	XXX
73206	TC	A	Ct angio upr extrm w/o&w/dye	0.00	8.74	10.07	NA	NA	0.01	XXX
73206	26	A	Ct angio upr extrm w/o&w/dye	1.81	0.55	0.67	0.55	0.67	0.06	XXX
73218		A	Mri upper extremity w/o dye	1.35	7.50	12.40	NA	NA	0.06	XXX
73218	TC	A	Mri upper extremity w/o dye	0.00	7.07	11.93	NA	NA	0.01	XXX
73218	26	A	Mri upper extremity w/o dye	1.35	0.43	0.47	0.43	0.47	0.05	XXX
73219		A	Mri upper extremity w/dye	1.62	8.26	13.49	NA	NA	0.08	XXX
73219	TC	A	Mri upper extremity w/dye	0.00	7.75	12.91	NA	NA	0.01	XXX
73219	26	A	Mri upper extremity w/dye	1.62	0.51	0.58	0.51	0.58	0.07	XXX
73220		A	Mri uppr extremity w/o&w/dye	2.15	10.04	18.18	NA	NA	0.10	XXX
73220	TC	A	Mri uppr extremity w/o&w/dye	0.00	9.38	17.41	NA	NA	0.01	XXX
73220	26	A	Mri uppr extremity w/o&w/dye	2.15	0.66	0.77	0.66	0.77	0.09	XXX
73221		A	Mri joint upr extrem w/o dye	1.35	7.10	11.66	NA	NA	0.08	XXX
73221	TC	A	Mri joint upr extrem w/o dye	0.00	6.66	11.18	NA	NA	0.01	XXX
73221	26	A	Mri joint upr extrem w/o dye	1.35	0.44	0.48	0.44	0.48	0.07	XXX
73222		A	Mri joint upr extrem w/dye	1.62	7.64	12.70	NA	NA	0.08	XXX
73222	TC	A	Mri joint upr extrem w/dye	0.00	7.13	12.12	NA	NA	0.01	XXX
73222	26	A	Mri joint upr extrem w/dye	1.62	0.51	0.58	0.51	0.58	0.07	XXX
73223		A	Mri joint upr extr w/o&w/dye	2.15	9.38	17.23	NA	NA	0.10	XXX
73223	TC	A	Mri joint upr extr w/o&w/dye	0.00	8.71	16.47	NA	NA	0.01	XXX
73223	26	A	Mri joint upr extr w/o&w/dye	2.15	0.67	0.76	0.67	0.76	0.09	XXX
73225		N	Mr angio upr extr w/o&w/dye	1.73	15.62	15.48	NA	NA	0.06	XXX
73225	TC	N	Mr angio upr extr w/o&w/dye	0.00	14.99	14.86	NA	NA	0.01	XXX
73225	26	N	Mr angio upr extr w/o&w/dye	1.73	0.63	0.62	0.63	0.62	0.05	XXX

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73500		A	X-ray exam of hip	0.17	0.48	0.49	NA	NA	0.03	XXX
73500	TC	A	X-ray exam of hip	0.00	0.41	0.43	NA	NA	0.01	XXX
73500	26	A	X-ray exam of hip	0.17	0.07	0.06	0.07	0.06	0.02	XXX
73510		A	X-ray exam of hip	0.21	0.74	0.75	NA	NA	0.03	XXX
73510	TC	A	X-ray exam of hip	0.00	0.66	0.67	NA	NA	0.01	XXX
73510	26	A	X-ray exam of hip	0.21	0.08	0.08	0.08	0.08	0.02	XXX
73520		A	X-ray exam of hips	0.26	0.75	0.77	NA	NA	0.03	XXX
73520	TC	A	X-ray exam of hips	0.00	0.65	0.68	NA	NA	0.01	XXX
73520	26	A	X-ray exam of hips	0.26	0.10	0.09	0.10	0.09	0.02	XXX
73525		A	Contrast x-ray of hip	0.54	1.96	1.99	NA	NA	0.04	XXX
73525	TC	A	Contrast x-ray of hip	0.00	1.75	1.78	NA	NA	0.01	XXX
73525	26	A	Contrast x-ray of hip	0.54	0.21	0.21	0.21	0.21	0.03	XXX
73530		C	X-ray exam of hip	0.00	0.00	0.00	NA	NA	0.00	XXX
73530	TC	C	X-ray exam of hip	0.00	0.00	0.00	NA	NA	0.00	XXX
73530	26	A	X-ray exam of hip	0.29	0.09	0.11	0.09	0.11	0.02	XXX
73540		A	X-ray exam of pelvis & hips	0.20	0.88	0.80	NA	NA	0.03	XXX
73540	TC	A	X-ray exam of pelvis & hips	0.00	0.79	0.72	NA	NA	0.01	XXX
73540	26	A	X-ray exam of pelvis & hips	0.20	0.09	0.08	0.09	0.08	0.02	XXX
73542		A	X-ray exam, sacroiliac joint	0.59	1.56	1.49	NA	NA	0.03	XXX
73542	TC	A	X-ray exam, sacroiliac joint	0.00	1.31	1.31	NA	NA	0.01	XXX
73542	26	A	X-ray exam, sacroiliac joint	0.59	0.25	0.18	0.25	0.18	0.02	XXX
73550		A	X-ray exam of thigh	0.17	0.51	0.55	NA	NA	0.03	XXX
73550	TC	A	X-ray exam of thigh	0.00	0.45	0.49	NA	NA	0.01	XXX
73550	26	A	X-ray exam of thigh	0.17	0.06	0.06	0.06	0.06	0.02	XXX
73560		A	X-ray exam of knee, 1 or 2	0.17	0.58	0.58	NA	NA	0.03	XXX
73560	TC	A	X-ray exam of knee, 1 or 2	0.00	0.51	0.52	NA	NA	0.01	XXX
73560	26	A	X-ray exam of knee, 1 or 2	0.17	0.07	0.06	0.07	0.06	0.02	XXX
73562		A	X-ray exam of knee, 3	0.18	0.73	0.72	NA	NA	0.03	XXX
73562	TC	A	X-ray exam of knee, 3	0.00	0.66	0.65	NA	NA	0.01	XXX
73562	26	A	X-ray exam of knee, 3	0.18	0.07	0.07	0.07	0.07	0.02	XXX
73564		A	X-ray exam, knee, 4 or more	0.22	0.85	0.83	NA	NA	0.03	XXX
73564	TC	A	X-ray exam, knee, 4 or more	0.00	0.76	0.75	NA	NA	0.01	XXX
73564	26	A	X-ray exam, knee, 4 or more	0.22	0.09	0.08	0.09	0.08	0.02	XXX
73565		A	X-ray exam of knees	0.17	0.70	0.65	NA	NA	0.03	XXX
73565	TC	A	X-ray exam of knees	0.00	0.62	0.58	NA	NA	0.01	XXX
73565	26	A	X-ray exam of knees	0.17	0.08	0.07	0.08	0.07	0.02	XXX

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73580		A	Contrast x-ray of knee joint	0.54	2.86	2.70	NA	NA	0.05	XXX
73580	TC	A	Contrast x-ray of knee joint	0.00	2.61	2.48	NA	NA	0.01	XXX
73580	26	A	Contrast x-ray of knee joint	0.54	0.25	0.22	0.25	0.22	0.04	XXX
73590		A	X-ray exam of lower leg	0.17	0.50	0.54	NA	NA	0.02	XXX
73590	TC	A	X-ray exam of lower leg	0.00	0.44	0.48	NA	NA	0.01	XXX
73590	26	A	X-ray exam of lower leg	0.17	0.06	0.06	0.06	0.06	0.01	XXX
73592		A	X-ray exam of leg, infant	0.16	0.61	0.59	NA	NA	0.02	XXX
73592	TC	A	X-ray exam of leg, infant	0.00	0.55	0.54	NA	NA	0.01	XXX
73592	26	A	X-ray exam of leg, infant	0.16	0.06	0.05	0.06	0.05	0.01	XXX
73600		A	X-ray exam of ankle	0.16	0.55	0.55	NA	NA	0.02	XXX
73600	TC	A	X-ray exam of ankle	0.00	0.49	0.50	NA	NA	0.01	XXX
73600	26	A	X-ray exam of ankle	0.16	0.06	0.05	0.06	0.05	0.01	XXX
73610		A	X-ray exam of ankle	0.17	0.65	0.65	NA	NA	0.02	XXX
73610	TC	A	X-ray exam of ankle	0.00	0.59	0.59	NA	NA	0.01	XXX
73610	26	A	X-ray exam of ankle	0.17	0.06	0.06	0.06	0.06	0.01	XXX
73615		A	Contrast x-ray of ankle	0.54	2.11	2.08	NA	NA	0.04	XXX
73615	TC	A	Contrast x-ray of ankle	0.00	1.89	1.88	NA	NA	0.01	XXX
73615	26	A	Contrast x-ray of ankle	0.54	0.22	0.20	0.22	0.20	0.03	XXX
73620		A	X-ray exam of foot	0.16	0.53	0.53	NA	NA	0.02	XXX
73620	TC	A	X-ray exam of foot	0.00	0.48	0.48	NA	NA	0.01	XXX
73620	26	A	X-ray exam of foot	0.16	0.05	0.05	0.05	0.05	0.01	XXX
73630		A	X-ray exam of foot	0.17	0.63	0.64	NA	NA	0.02	XXX
73630	TC	A	X-ray exam of foot	0.00	0.58	0.58	NA	NA	0.01	XXX
73630	26	A	X-ray exam of foot	0.17	0.05	0.06	0.05	0.06	0.01	XXX
73650		A	X-ray exam of heel	0.16	0.55	0.54	NA	NA	0.02	XXX
73650	TC	A	X-ray exam of heel	0.00	0.49	0.49	NA	NA	0.01	XXX
73650	26	A	X-ray exam of heel	0.16	0.06	0.05	0.06	0.05	0.01	XXX
73660		A	X-ray exam of toe(s)	0.13	0.62	0.59	NA	NA	0.02	XXX
73660	TC	A	X-ray exam of toe(s)	0.00	0.57	0.55	NA	NA	0.01	XXX
73660	26	A	X-ray exam of toe(s)	0.13	0.05	0.04	0.05	0.04	0.01	XXX
73700		A	Ct lower extremity w/o dye	1.09	3.55	5.55	NA	NA	0.06	XXX
73700	TC	A	Ct lower extremity w/o dye	0.00	3.22	5.16	NA	NA	0.01	XXX
73700	26	A	Ct lower extremity w/o dye	1.09	0.33	0.39	0.33	0.39	0.05	XXX
73701		A	Ct lower extremity w/dye	1.16	4.44	6.85	NA	NA	0.06	XXX
73701	TC	A	Ct lower extremity w/dye	0.00	4.09	6.43	NA	NA	0.01	XXX
73701	26	A	Ct lower extremity w/dye	1.16	0.35	0.42	0.35	0.42	0.05	XXX

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73702		A	Ct lwr extremity w/o&w/dye	1.22	5.82	8.98	NA	NA	0.06	XXX
73702	TC	A	Ct lwr extremity w/o&w/dye	0.00	5.45	8.54	NA	NA	0.01	XXX
73702	26	A	Ct lwr extremity w/o&w/dye	1.22	0.37	0.44	0.37	0.44	0.05	XXX
73706		A	Ct angio lwr extr w/o&w/dye	1.90	10.43	11.83	NA	NA	0.09	XXX
73706	TC	A	Ct angio lwr extr w/o&w/dye	0.00	9.85	11.12	NA	NA	0.01	XXX
73706	26	A	Ct angio lwr extr w/o&w/dye	1.90	0.58	0.71	0.58	0.71	0.08	XXX
73718		A	Mri lower extremity w/o dye	1.35	7.38	12.17	NA	NA	0.07	XXX
73718	TC	A	Mri lower extremity w/o dye	0.00	6.96	11.69	NA	NA	0.01	XXX
73718	26	A	Mri lower extremity w/o dye	1.35	0.42	0.48	0.42	0.48	0.06	XXX
73719		A	Mri lower extremity w/dye	1.62	8.16	13.33	NA	NA	0.08	XXX
73719	TC	A	Mri lower extremity w/dye	0.00	7.67	12.76	NA	NA	0.01	XXX
73719	26	A	Mri lower extremity w/dye	1.62	0.49	0.57	0.49	0.57	0.07	XXX
73720		A	Mri lwr extremity w/o&w/dye	2.15	10.05	18.18	NA	NA	0.10	XXX
73720	TC	A	Mri lwr extremity w/o&w/dye	0.00	9.40	17.41	NA	NA	0.01	XXX
73720	26	A	Mri lwr extremity w/o&w/dye	2.15	0.65	0.77	0.65	0.77	0.09	XXX
73721		A	Mri jnt of lwr extre w/o dye	1.35	7.28	11.90	NA	NA	0.08	XXX
73721	TC	A	Mri jnt of lwr extre w/o dye	0.00	6.84	11.42	NA	NA	0.01	XXX
73721	26	A	Mri jnt of lwr extre w/o dye	1.35	0.44	0.48	0.44	0.48	0.07	XXX
73722		A	Mri joint of lwr extr w/dye	1.62	7.81	12.84	NA	NA	0.09	XXX
73722	TC	A	Mri joint of lwr extr w/dye	0.00	7.30	12.25	NA	NA	0.01	XXX
73722	26	A	Mri joint of lwr extr w/dye	1.62	0.51	0.59	0.51	0.59	0.08	XXX
73723		A	Mri joint lwr extr w/o&w/dye	2.15	9.36	17.19	NA	NA	0.10	XXX
73723	TC	A	Mri joint lwr extr w/o&w/dye	0.00	8.70	16.42	NA	NA	0.01	XXX
73723	26	A	Mri joint lwr extr w/o&w/dye	2.15	0.66	0.77	0.66	0.77	0.09	XXX
73725		R	Mr ang lwr ext w or w/o dye	1.82	13.10	14.14	NA	NA	0.08	XXX
73725	TC	R	Mr ang lwr ext w or w/o dye	0.00	12.55	13.48	NA	NA	0.01	XXX
73725	26	R	Mr ang lwr ext w or w/o dye	1.82	0.55	0.66	0.55	0.66	0.07	XXX
74000		A	X-ray exam of abdomen	0.18	0.41	0.48	NA	NA	0.02	XXX
74000	TC	A	X-ray exam of abdomen	0.00	0.35	0.42	NA	NA	0.01	XXX
74000	26	A	X-ray exam of abdomen	0.18	0.06	0.06	0.06	0.06	0.01	XXX
74010		A	X-ray exam of abdomen	0.23	0.70	0.75	NA	NA	0.02	XXX
74010	TC	A	X-ray exam of abdomen	0.00	0.63	0.67	NA	NA	0.01	XXX
74010	26	A	X-ray exam of abdomen	0.23	0.07	0.08	0.07	0.08	0.01	XXX
74020		A	X-ray exam of abdomen	0.27	0.71	0.78	NA	NA	0.02	XXX
74020	TC	A	X-ray exam of abdomen	0.00	0.63	0.68	NA	NA	0.01	XXX
74020	26	A	X-ray exam of abdomen	0.27	0.08	0.10	0.08	0.10	0.01	XXX

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74022		A	X-ray exam series, abdomen	0.32	0.86	0.94	NA	NA	0.02	XXX
74022	TC	A	X-ray exam series, abdomen	0.00	0.76	0.82	NA	NA	0.01	XXX
74022	26	A	X-ray exam series, abdomen	0.32	0.10	0.12	0.10	0.12	0.01	XXX
74150		A	Ct abdomen w/o dye	1.19	3.36	5.45	NA	NA	0.06	XXX
74150	TC	A	Ct abdomen w/o dye	0.00	3.00	5.02	NA	NA	0.01	XXX
74150	26	A	Ct abdomen w/o dye	1.19	0.36	0.43	0.36	0.43	0.05	XXX
74160		A	Ct abdomen w/dye	1.27	4.87	7.62	NA	NA	0.06	XXX
74160	TC	A	Ct abdomen w/dye	0.00	4.48	7.16	NA	NA	0.01	XXX
74160	26	A	Ct abdomen w/dye	1.27	0.39	0.46	0.39	0.46	0.05	XXX
74170		A	Ct abdomen w/o & w/dye	1.40	6.67	10.30	NA	NA	0.07	XXX
74170	TC	A	Ct abdomen w/o & w/dye	0.00	6.24	9.79	NA	NA	0.01	XXX
74170	26	A	Ct abdomen w/o & w/dye	1.40	0.43	0.51	0.43	0.51	0.06	XXX
74175		A	Ct angio abdom w/o & w/dye	1.90	10.61	12.05	NA	NA	0.10	XXX
74175	TC	A	Ct angio abdom w/o & w/dye	0.00	10.04	11.36	NA	NA	0.01	XXX
74175	26	A	Ct angio abdom w/o & w/dye	1.90	0.57	0.69	0.57	0.69	0.09	XXX
74181		A	Mri abdomen w/o dye	1.46	6.50	10.92	NA	NA	0.07	XXX
74181	TC	A	Mri abdomen w/o dye	0.00	6.06	10.40	NA	NA	0.01	XXX
74181	26	A	Mri abdomen w/o dye	1.46	0.44	0.52	0.44	0.52	0.06	XXX
74182		A	Mri abdomen w/dye	1.73	9.19	14.84	NA	NA	0.08	XXX
74182	TC	A	Mri abdomen w/dye	0.00	8.67	14.22	NA	NA	0.01	XXX
74182	26	A	Mri abdomen w/dye	1.73	0.52	0.62	0.52	0.62	0.07	XXX
74183		A	Mri abdomen w/o & w/dye	2.26	9.99	18.15	NA	NA	0.10	XXX
74183	TC	A	Mri abdomen w/o & w/dye	0.00	9.31	17.35	NA	NA	0.01	XXX
74183	26	A	Mri abdomen w/o & w/dye	2.26	0.68	0.80	0.68	0.80	0.09	XXX
74185		R	Mri angio, abdom w orw/o dye	1.80	13.00	14.09	NA	NA	0.08	XXX
74185	TC	R	Mri angio, abdom w orw/o dye	0.00	12.46	13.44	NA	NA	0.01	XXX
74185	26	R	Mri angio, abdom w orw/o dye	1.80	0.54	0.65	0.54	0.65	0.07	XXX
74190		C	X-ray exam of peritoneum	0.00	0.00	0.00	NA	NA	0.00	XXX
74190	TC	C	X-ray exam of peritoneum	0.00	0.00	0.00	NA	NA	0.00	XXX
74190	26	A	X-ray exam of peritoneum	0.48	0.14	0.17	0.14	0.17	0.03	XXX
74210		A	Contrst x-ray exam of throat	0.36	1.54	1.65	NA	NA	0.02	XXX
74210	TC	A	Contrst x-ray exam of throat	0.00	1.43	1.52	NA	NA	0.01	XXX
74210	26	A	Contrst x-ray exam of throat	0.36	0.11	0.13	0.11	0.13	0.01	XXX
74220		A	Contrast x-ray, esophagus	0.46	1.77	1.86	NA	NA	0.03	XXX
74220	TC	A	Contrast x-ray, esophagus	0.00	1.63	1.69	NA	NA	0.01	XXX
74220	26	A	Contrast x-ray, esophagus	0.46	0.14	0.17	0.14	0.17	0.02	XXX

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74230		A	Cine/vid x-ray, throat/esoph	0.53	1.70	1.82	NA	NA	0.03	XXX
74230	TC	A	Cine/vid x-ray, throat/esoph	0.00	1.54	1.63	NA	NA	0.01	XXX
74230	26	A	Cine/vid x-ray, throat/esoph	0.53	0.16	0.19	0.16	0.19	0.02	XXX
74235		C	Remove esophagus obstruction	0.00	0.00	0.00	NA	NA	0.00	XXX
74235	TC	C	Remove esophagus obstruction	0.00	0.00	0.00	NA	NA	0.00	XXX
74235	26	A	Remove esophagus obstruction	1.19	0.36	0.46	0.36	0.46	0.07	XXX
74240		A	X-ray exam, upper gi tract	0.69	2.03	2.15	NA	NA	0.04	XXX
74240	TC	A	X-ray exam, upper gi tract	0.00	1.82	1.90	NA	NA	0.01	XXX
74240	26	A	X-ray exam, upper gi tract	0.69	0.21	0.25	0.21	0.25	0.03	XXX
74241		A	X-ray exam, upper gi tract	0.69	2.26	2.35	NA	NA	0.03	XXX
74241	TC	A	X-ray exam, upper gi tract	0.00	2.05	2.11	NA	NA	0.01	XXX
74241	26	A	X-ray exam, upper gi tract	0.69	0.21	0.24	0.21	0.24	0.02	XXX
74245		A	X-ray exam, upper gi tract	0.91	3.43	3.64	NA	NA	0.05	XXX
74245	TC	A	X-ray exam, upper gi tract	0.00	3.16	3.31	NA	NA	0.01	XXX
74245	26	A	X-ray exam, upper gi tract	0.91	0.27	0.33	0.27	0.33	0.04	XXX
74246		A	Contrst x-ray uppr gi tract	0.69	2.43	2.56	NA	NA	0.04	XXX
74246	TC	A	Contrst x-ray uppr gi tract	0.00	2.22	2.31	NA	NA	0.01	XXX
74246	26	A	Contrst x-ray uppr gi tract	0.69	0.21	0.25	0.21	0.25	0.03	XXX
74247		A	Contrst x-ray uppr gi tract	0.69	2.80	2.90	NA	NA	0.04	XXX
74247	TC	A	Contrst x-ray uppr gi tract	0.00	2.59	2.65	NA	NA	0.01	XXX
74247	26	A	Contrst x-ray uppr gi tract	0.69	0.21	0.25	0.21	0.25	0.03	XXX
74249		A	Contrst x-ray uppr gi tract	0.91	3.79	3.98	NA	NA	0.05	XXX
74249	TC	A	Contrst x-ray uppr gi tract	0.00	3.51	3.65	NA	NA	0.01	XXX
74249	26	A	Contrst x-ray uppr gi tract	0.91	0.28	0.33	0.28	0.33	0.04	XXX
74250		A	X-ray exam of small bowel	0.47	2.16	2.24	NA	NA	0.03	XXX
74250	TC	A	X-ray exam of small bowel	0.00	2.02	2.07	NA	NA	0.01	XXX
74250	26	A	X-ray exam of small bowel	0.47	0.14	0.17	0.14	0.17	0.02	XXX
74251		A	X-ray exam of small bowel	0.69	8.79	8.18	NA	NA	0.04	XXX
74251	TC	A	X-ray exam of small bowel	0.00	8.58	7.93	NA	NA	0.01	XXX
74251	26	A	X-ray exam of small bowel	0.69	0.21	0.25	0.21	0.25	0.03	XXX
74260		A	X-ray exam of small bowel	0.50	7.33	6.87	NA	NA	0.03	XXX
74260	TC	A	X-ray exam of small bowel	0.00	7.18	6.69	NA	NA	0.01	XXX
74260	26	A	X-ray exam of small bowel	0.50	0.15	0.18	0.15	0.18	0.02	XXX
74261		A	Ct colonography, w/o dye	2.28	8.90	8.90	NA	NA	0.10	XXX
74261	TC	A	Ct colonography, w/o dye	0.00	8.21	8.21	NA	NA	0.01	XXX
74261	26	A	Ct colonography, w/o dye	2.28	0.69	0.69	0.69	0.69	0.09	XXX

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74262		A	Ct colonography, w/dye	2.50	10.06	10.06	NA	NA	0.11	XXX
74262	TC	A	Ct colonography, w/dye	0.00	9.30	9.30	NA	NA	0.01	XXX
74262	26	A	Ct colonography, w/dye	2.50	0.76	0.76	0.76	0.76	0.10	XXX
74263		N	Ct colonography, screen	2.28	17.04	17.04	NA	NA	0.10	XXX
74263	TC	N	Ct colonography, screen	0.00	16.21	16.21	NA	NA	0.01	XXX
74263	26	N	Ct colonography, screen	2.28	0.83	0.83	0.83	0.83	0.09	XXX
74270		A	Contrast x-ray exam of colon	0.69	3.12	3.19	NA	NA	0.04	XXX
74270	TC	A	Contrast x-ray exam of colon	0.00	2.91	2.94	NA	NA	0.01	XXX
74270	26	A	Contrast x-ray exam of colon	0.69	0.21	0.25	0.21	0.25	0.03	XXX
74280		A	Contrast x-ray exam of colon	0.99	4.32	4.40	NA	NA	0.05	XXX
74280	TC	A	Contrast x-ray exam of colon	0.00	4.02	4.04	NA	NA	0.01	XXX
74280	26	A	Contrast x-ray exam of colon	0.99	0.30	0.36	0.30	0.36	0.04	XXX
74283		A	Contrast x-ray exam of colon	2.02	3.12	3.42	NA	NA	0.05	XXX
74283	TC	A	Contrast x-ray exam of colon	0.00	2.49	2.70	NA	NA	0.01	XXX
74283	26	A	Contrast x-ray exam of colon	2.02	0.63	0.72	0.63	0.72	0.04	XXX
74290		A	Contrast x-ray, gallbladder	0.32	1.41	1.42	NA	NA	0.02	XXX
74290	TC	A	Contrast x-ray, gallbladder	0.00	1.31	1.30	NA	NA	0.01	XXX
74290	26	A	Contrast x-ray, gallbladder	0.32	0.10	0.12	0.10	0.12	0.01	XXX
74291		A	Contrast x-rays, gallbladder	0.20	1.47	1.35	NA	NA	0.02	XXX
74291	TC	A	Contrast x-rays, gallbladder	0.00	1.40	1.28	NA	NA	0.01	XXX
74291	26	A	Contrast x-rays, gallbladder	0.20	0.07	0.07	0.07	0.07	0.01	XXX
74300		C	X-ray bile ducts/pancreas	0.00	0.00	0.00	NA	NA	0.00	XXX
74300	TC	C	X-ray bile ducts/pancreas	0.00	0.00	0.00	NA	NA	0.00	XXX
74300	26	A	X-ray bile ducts/pancreas	0.36	0.11	0.13	0.11	0.13	0.02	XXX
74301		C	X-rays at surgery add-on	0.00	0.00	0.00	NA	NA	0.00	ZZZ
74301	TC	C	X-rays at surgery add-on	0.00	0.00	0.00	NA	NA	0.00	ZZZ
74301	26	A	X-rays at surgery add-on	0.21	0.07	0.08	0.07	0.08	0.02	ZZZ
74305		C	X-ray bile ducts/pancreas	0.00	0.00	0.00	NA	NA	0.00	XXX
74305	TC	C	X-ray bile ducts/pancreas	0.00	0.00	0.00	NA	NA	0.00	XXX
74305	26	A	X-ray bile ducts/pancreas	0.42	0.13	0.15	0.13	0.15	0.03	XXX
74320		A	Contrast x-ray of bile ducts	0.54	1.89	2.34	NA	NA	0.03	XXX
74320	TC	A	Contrast x-ray of bile ducts	0.00	1.73	2.14	NA	NA	0.01	XXX
74320	26	A	Contrast x-ray of bile ducts	0.54	0.16	0.20	0.16	0.20	0.02	XXX
74327		A	X-ray bile stone removal	0.70	2.61	2.75	NA	NA	0.10	XXX
74327	TC	A	X-ray bile stone removal	0.00	2.40	2.49	NA	NA	0.01	XXX
74327	26	A	X-ray bile stone removal	0.70	0.21	0.26	0.21	0.26	0.09	XXX

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74328		C	X-ray bile duct endoscopy	0.00	0.00	0.00	NA	NA	0.00	XXX
74328	TC	C	X-ray bile duct endoscopy	0.00	0.00	0.00	NA	NA	0.00	XXX
74328	26	A	X-ray bile duct endoscopy	0.70	0.23	0.26	0.23	0.26	0.04	XXX
74329		C	X-ray for pancreas endoscopy	0.00	0.00	0.00	NA	NA	0.00	XXX
74329	TC	C	X-ray for pancreas endoscopy	0.00	0.00	0.00	NA	NA	0.00	XXX
74329	26	A	X-ray for pancreas endoscopy	0.70	0.23	0.26	0.23	0.26	0.04	XXX
74330		C	X-ray bile/panc endoscopy	0.00	0.00	0.00	NA	NA	0.00	XXX
74330	TC	C	X-ray bile/panc endoscopy	0.00	0.00	0.00	NA	NA	0.00	XXX
74330	26	A	X-ray bile/panc endoscopy	0.90	0.29	0.33	0.29	0.33	0.05	XXX
74340		C	X-ray guide for GI tube	0.00	0.00	0.00	NA	NA	0.00	XXX
74340	TC	C	X-ray guide for GI tube	0.00	0.00	0.00	NA	NA	0.00	XXX
74340	26	A	X-ray guide for GI tube	0.54	0.17	0.20	0.17	0.20	0.03	XXX
74355		C	X-ray guide, intestinal tube	0.00	0.00	0.00	NA	NA	0.00	XXX
74355	TC	C	X-ray guide, intestinal tube	0.00	0.00	0.00	NA	NA	0.00	XXX
74355	26	A	X-ray guide, intestinal tube	0.76	0.24	0.28	0.24	0.28	0.05	XXX
74360		C	X-ray guide, GI dilation	0.00	0.00	0.00	NA	NA	0.00	XXX
74360	TC	C	X-ray guide, GI dilation	0.00	0.00	0.00	NA	NA	0.00	XXX
74360	26	A	X-ray guide, GI dilation	0.54	0.22	0.23	0.22	0.23	0.03	XXX
74363		C	X-ray, bile duct dilation	0.00	0.00	0.00	NA	NA	0.00	XXX
74363	TC	C	X-ray, bile duct dilation	0.00	0.00	0.00	NA	NA	0.00	XXX
74363	26	A	X-ray, bile duct dilation	0.88	0.26	0.32	0.26	0.32	0.06	XXX
74400		A	Contrst x-ray, urinary tract	0.49	2.22	2.38	NA	NA	0.03	XXX
74400	TC	A	Contrst x-ray, urinary tract	0.00	2.07	2.21	NA	NA	0.01	XXX
74400	26	A	Contrst x-ray, urinary tract	0.49	0.15	0.17	0.15	0.17	0.02	XXX
74410		A	Contrst x-ray, urinary tract	0.49	2.23	2.50	NA	NA	0.03	XXX
74410	TC	A	Contrst x-ray, urinary tract	0.00	2.08	2.32	NA	NA	0.01	XXX
74410	26	A	Contrst x-ray, urinary tract	0.49	0.15	0.18	0.15	0.18	0.02	XXX
74415		A	Contrst x-ray, urinary tract	0.49	2.80	2.99	NA	NA	0.03	XXX
74415	TC	A	Contrst x-ray, urinary tract	0.00	2.65	2.82	NA	NA	0.01	XXX
74415	26	A	Contrst x-ray, urinary tract	0.49	0.15	0.17	0.15	0.17	0.02	XXX
74420		C	Contrst x-ray, urinary tract	0.00	0.00	0.00	NA	NA	0.00	XXX
74420	TC	C	Contrst x-ray, urinary tract	0.00	0.00	0.00	NA	NA	0.00	XXX
74420	26	A	Contrst x-ray, urinary tract	0.36	0.11	0.14	0.11	0.14	0.02	XXX
74425		C	Contrst x-ray, urinary tract	0.00	0.00	0.00	NA	NA	0.00	XXX
74425	TC	C	Contrst x-ray, urinary tract	0.00	0.00	0.00	NA	NA	0.00	XXX
74425	26	A	Contrst x-ray, urinary tract	0.36	0.11	0.13	0.11	0.13	0.02	XXX

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74430		A	Contrast x-ray, bladder	0.32	1.66	1.76	NA	NA	0.02	XXX
74430	TC	A	Contrast x-ray, bladder	0.00	1.56	1.64	NA	NA	0.01	XXX
74430	26	A	Contrast x-ray, bladder	0.32	0.10	0.12	0.10	0.12	0.01	XXX
74440		A	X-ray, male genital tract	0.38	1.72	1.85	NA	NA	0.03	XXX
74440	TC	A	X-ray, male genital tract	0.00	1.59	1.71	NA	NA	0.01	XXX
74440	26	A	X-ray, male genital tract	0.38	0.13	0.14	0.13	0.14	0.02	XXX
74445		C	X-ray exam of penis	0.00	0.00	0.00	NA	NA	0.00	XXX
74445	TC	C	X-ray exam of penis	0.00	0.00	0.00	NA	NA	0.00	XXX
74445	26	A	X-ray exam of penis	1.14	0.38	0.44	0.38	0.44	0.07	XXX
74450		C	X-ray, urethra/bladder	0.00	0.00	0.00	NA	NA	0.00	XXX
74450	TC	C	X-ray, urethra/bladder	0.00	0.00	0.00	NA	NA	0.00	XXX
74450	26	A	X-ray, urethra/bladder	0.33	0.10	0.13	0.10	0.13	0.02	XXX
74455		A	X-ray, urethra/bladder	0.33	1.78	2.02	NA	NA	0.02	XXX
74455	TC	A	X-ray, urethra/bladder	0.00	1.67	1.89	NA	NA	0.01	XXX
74455	26	A	X-ray, urethra/bladder	0.33	0.11	0.13	0.11	0.13	0.01	XXX
74470		C	X-ray exam of kidney lesion	0.00	0.00	0.00	NA	NA	0.00	XXX
74470	TC	C	X-ray exam of kidney lesion	0.00	0.00	0.00	NA	NA	0.00	XXX
74470	26	A	X-ray exam of kidney lesion	0.54	0.16	0.20	0.16	0.20	0.03	XXX
74475		A	X-ray control, cath insert	0.54	1.87	2.50	NA	NA	0.03	XXX
74475	TC	A	X-ray control, cath insert	0.00	1.71	2.30	NA	NA	0.01	XXX
74475	26	A	X-ray control, cath insert	0.54	0.16	0.20	0.16	0.20	0.02	XXX
74480		A	X-ray control, cath insert	0.54	1.87	2.51	NA	NA	0.03	XXX
74480	TC	A	X-ray control, cath insert	0.00	1.71	2.31	NA	NA	0.01	XXX
74480	26	A	X-ray control, cath insert	0.54	0.16	0.20	0.16	0.20	0.02	XXX
74485		A	X-ray guide, GU dilation	0.54	1.92	2.42	NA	NA	0.03	XXX
74485	TC	A	X-ray guide, GU dilation	0.00	1.75	2.22	NA	NA	0.01	XXX
74485	26	A	X-ray guide, GU dilation	0.54	0.17	0.20	0.17	0.20	0.02	XXX
74710		A	X-ray measurement of pelvis	0.34	0.56	0.75	NA	NA	0.02	XXX
74710	TC	A	X-ray measurement of pelvis	0.00	0.46	0.62	NA	NA	0.01	XXX
74710	26	A	X-ray measurement of pelvis	0.34	0.10	0.13	0.10	0.13	0.01	XXX
74740		A	X-ray, female genital tract	0.38	1.55	1.67	NA	NA	0.02	XXX
74740	TC	A	X-ray, female genital tract	0.00	1.43	1.53	NA	NA	0.01	XXX
74740	26	A	X-ray, female genital tract	0.38	0.12	0.14	0.12	0.14	0.01	XXX
74742		C	X-ray, fallopian tube	0.00	0.00	0.00	NA	NA	0.00	XXX
74742	TC	C	X-ray, fallopian tube	0.00	0.00	0.00	NA	NA	0.00	XXX
74742	26	A	X-ray, fallopian tube	0.61	0.19	0.22	0.19	0.22	0.04	XXX

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74775		C	X-ray exam of perineum	0.00	0.00	0.00	NA	NA	0.00	XXX
74775	TC	C	X-ray exam of perineum	0.00	0.00	0.00	NA	NA	0.00	XXX
74775	26	A	X-ray exam of perineum	0.62	0.19	0.22	0.19	0.22	0.04	XXX
75557		A	Cardiac mri for morph	2.35	5.77	9.87	NA	NA	0.08	XXX
75557	TC	A	Cardiac mri for morph	0.00	5.04	8.92	NA	NA	0.01	XXX
75557	26	A	Cardiac mri for morph	2.35	0.73	0.95	0.73	0.95	0.07	XXX
75559		A	Cardiac mri w/stress img	2.95	8.64	14.99	NA	NA	0.10	XXX
75559	TC	A	Cardiac mri w/stress img	0.00	7.71	13.73	NA	NA	0.01	XXX
75559	26	A	Cardiac mri w/stress img	2.95	0.93	1.26	0.93	1.26	0.09	XXX
75561		A	Cardiac mri for morph w/dye	2.60	8.14	13.96	NA	NA	0.09	XXX
75561	TC	A	Cardiac mri for morph w/dye	0.00	7.32	12.92	NA	NA	0.01	XXX
75561	26	A	Cardiac mri for morph w/dye	2.60	0.82	1.04	0.82	1.04	0.08	XXX
75563		A	Card mri w/stress img & dye	3.00	9.80	17.40	NA	NA	0.09	XXX
75563	TC	A	Card mri w/stress img & dye	0.00	8.85	16.06	NA	NA	0.01	XXX
75563	26	A	Card mri w/stress img & dye	3.00	0.95	1.34	0.95	1.34	0.08	XXX
75565		A	Card mri vel flw map add-on	0.25	2.26	2.26	NA	NA	0.02	ZZZ
75565	TC	A	Card mri vel flw map add-on	0.00	2.17	2.17	NA	NA	0.01	ZZZ
75565	26	A	Card mri vel flw map add-on	0.25	0.09	0.09	0.09	0.09	0.01	ZZZ
75571		A	Ct hrt w/o dye w/ca test	0.58	1.91	1.91	NA	NA	0.02	XXX
75571	TC	A	Ct hrt w/o dye w/ca test	0.00	1.73	1.73	NA	NA	0.01	XXX
75571	26	A	Ct hrt w/o dye w/ca test	0.58	0.18	0.18	0.18	0.18	0.01	XXX
75572		A	Ct hrt w/3d image	1.75	6.63	6.63	NA	NA	0.05	XXX
75572	TC	A	Ct hrt w/3d image	0.00	6.07	6.07	NA	NA	0.01	XXX
75572	26	A	Ct hrt w/3d image	1.75	0.56	0.56	0.56	0.56	0.04	XXX
75573		A	Ct hrt w/3d image, congen	2.55	9.58	9.58	NA	NA	0.07	XXX
75573	TC	A	Ct hrt w/3d image, congen	0.00	8.81	8.81	NA	NA	0.01	XXX
75573	26	A	Ct hrt w/3d image, congen	2.55	0.77	0.77	0.77	0.77	0.06	XXX
75574		A	Ct angio hrt w/3d image	2.40	16.36	16.36	NA	NA	0.07	XXX
75574	TC	A	Ct angio hrt w/3d image	0.00	15.60	15.60	NA	NA	0.01	XXX
75574	26	A	Ct angio hrt w/3d image	2.40	0.76	0.76	0.76	0.76	0.06	XXX
75600		A	Contrast x-ray exam of aorta	0.49	4.72	7.13	NA	NA	0.03	XXX
75600	TC	A	Contrast x-ray exam of aorta	0.00	4.56	6.91	NA	NA	0.01	XXX
75600	26	A	Contrast x-ray exam of aorta	0.49	0.16	0.22	0.16	0.22	0.02	XXX
75605		A	Contrast x-ray exam of aorta	1.14	2.72	5.14	NA	NA	0.06	XXX
75605	TC	A	Contrast x-ray exam of aorta	0.00	2.36	4.68	NA	NA	0.01	XXX
75605	26	A	Contrast x-ray exam of aorta	1.14	0.36	0.46	0.36	0.46	0.05	XXX

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75625		A	Contrast x-ray exam of aorta	1.14	2.80	5.08	NA	NA	0.08	XXX
75625	TC	A	Contrast x-ray exam of aorta	0.00	2.45	4.66	NA	NA	0.01	XXX
75625	26	A	Contrast x-ray exam of aorta	1.14	0.35	0.42	0.35	0.42	0.07	XXX
75630		A	X-ray aorta, leg arteries	1.79	3.00	5.48	NA	NA	0.08	XXX
75630	TC	A	X-ray aorta, leg arteries	0.00	2.44	4.80	NA	NA	0.01	XXX
75630	26	A	X-ray aorta, leg arteries	1.79	0.56	0.68	0.56	0.68	0.07	XXX
75635		A	Ct angio abdominal arteries	2.40	10.84	13.24	NA	NA	0.11	XXX
75635	TC	A	Ct angio abdominal arteries	0.00	10.11	12.33	NA	NA	0.02	XXX
75635	26	A	Ct angio abdominal arteries	2.40	0.73	0.91	0.73	0.91	0.09	XXX
75650		A	Artery x-rays, head & neck	1.49	2.92	5.24	NA	NA	0.08	XXX
75650	TC	A	Artery x-rays, head & neck	0.00	2.46	4.68	NA	NA	0.01	XXX
75650	26	A	Artery x-rays, head & neck	1.49	0.46	0.56	0.46	0.56	0.07	XXX
75658		A	Artery x-rays, arm	1.31	3.49	5.45	NA	NA	0.07	XXX
75658	TC	A	Artery x-rays, arm	0.00	3.09	5.00	NA	NA	0.01	XXX
75658	26	A	Artery x-rays, arm	1.31	0.40	0.45	0.40	0.45	0.06	XXX
75660		A	Artery x-rays, head & neck	1.31	3.43	5.56	NA	NA	0.04	XXX
75660	TC	A	Artery x-rays, head & neck	0.00	3.00	5.06	NA	NA	0.01	XXX
75660	26	A	Artery x-rays, head & neck	1.31	0.43	0.50	0.43	0.50	0.03	XXX
75662		A	Artery x-rays, head & neck	1.66	4.07	6.34	NA	NA	0.07	XXX
75662	TC	A	Artery x-rays, head & neck	0.00	3.52	5.68	NA	NA	0.02	XXX
75662	26	A	Artery x-rays, head & neck	1.66	0.55	0.66	0.55	0.66	0.05	XXX
75665		A	Artery x-rays, head & neck	1.31	3.65	5.75	NA	NA	0.09	XXX
75665	TC	A	Artery x-rays, head & neck	0.00	3.22	5.26	NA	NA	0.01	XXX
75665	26	A	Artery x-rays, head & neck	1.31	0.43	0.49	0.43	0.49	0.08	XXX
75671		A	Artery x-rays, head & neck	1.66	4.34	6.50	NA	NA	0.09	XXX
75671	TC	A	Artery x-rays, head & neck	0.00	3.81	5.87	NA	NA	0.02	XXX
75671	26	A	Artery x-rays, head & neck	1.66	0.53	0.63	0.53	0.63	0.07	XXX
75676		A	Artery x-rays, neck	1.31	3.36	5.54	NA	NA	0.09	XXX
75676	TC	A	Artery x-rays, neck	0.00	2.94	5.05	NA	NA	0.01	XXX
75676	26	A	Artery x-rays, neck	1.31	0.42	0.49	0.42	0.49	0.08	XXX
75680		A	Artery x-rays, neck	1.66	3.82	6.09	NA	NA	0.08	XXX
75680	TC	A	Artery x-rays, neck	0.00	3.29	5.45	NA	NA	0.01	XXX
75680	26	A	Artery x-rays, neck	1.66	0.53	0.64	0.53	0.64	0.07	XXX
75685		A	Artery x-rays, spine	1.31	3.40	5.56	NA	NA	0.07	XXX
75685	TC	A	Artery x-rays, spine	0.00	2.97	5.06	NA	NA	0.01	XXX
75685	26	A	Artery x-rays, spine	1.31	0.43	0.50	0.43	0.50	0.06	XXX

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75705		A	Artery x-rays, spine	2.18	3.76	5.87	NA	NA	0.06	XXX
75705	TC	A	Artery x-rays, spine	0.00	3.05	5.05	NA	NA	0.01	XXX
75705	26	A	Artery x-rays, spine	2.18	0.71	0.82	0.71	0.82	0.05	XXX
75710		A	Artery x-rays, arm/leg	1.14	3.35	5.53	NA	NA	0.05	XXX
75710	TC	A	Artery x-rays, arm/leg	0.00	2.99	5.11	NA	NA	0.01	XXX
75710	26	A	Artery x-rays, arm/leg	1.14	0.36	0.42	0.36	0.42	0.04	XXX
75716		A	Artery x-rays, arms/legs	1.31	4.03	6.26	NA	NA	0.09	XXX
75716	TC	A	Artery x-rays, arms/legs	0.00	3.63	5.78	NA	NA	0.02	XXX
75716	26	A	Artery x-rays, arms/legs	1.31	0.40	0.48	0.40	0.48	0.07	XXX
75722		A	Artery x-rays, kidney	1.14	3.01	5.39	NA	NA	0.06	XXX
75722	TC	A	Artery x-rays, kidney	0.00	2.66	4.94	NA	NA	0.01	XXX
75722	26	A	Artery x-rays, kidney	1.14	0.35	0.45	0.35	0.45	0.05	XXX
75724		A	Artery x-rays, kidneys	1.49	3.57	6.23	NA	NA	0.06	XXX
75724	TC	A	Artery x-rays, kidneys	0.00	3.09	5.57	NA	NA	0.02	XXX
75724	26	A	Artery x-rays, kidneys	1.49	0.48	0.66	0.48	0.66	0.04	XXX
75726		A	Artery x-rays, abdomen	1.14	3.23	5.45	NA	NA	0.07	XXX
75726	TC	A	Artery x-rays, abdomen	0.00	2.89	5.03	NA	NA	0.01	XXX
75726	26	A	Artery x-rays, abdomen	1.14	0.34	0.42	0.34	0.42	0.06	XXX
75731		A	Artery x-rays, adrenal gland	1.14	2.99	5.59	NA	NA	0.04	XXX
75731	TC	A	Artery x-rays, adrenal gland	0.00	2.62	5.10	NA	NA	0.01	XXX
75731	26	A	Artery x-rays, adrenal gland	1.14	0.37	0.49	0.37	0.49	0.03	XXX
75733		A	Artery x-rays, adrenals	1.31	3.78	6.47	NA	NA	0.05	XXX
75733	TC	A	Artery x-rays, adrenals	0.00	3.35	5.88	NA	NA	0.02	XXX
75733	26	A	Artery x-rays, adrenals	1.31	0.43	0.59	0.43	0.59	0.03	XXX
75736		A	Artery x-rays, pelvis	1.14	3.19	5.48	NA	NA	0.05	XXX
75736	TC	A	Artery x-rays, pelvis	0.00	2.84	5.05	NA	NA	0.01	XXX
75736	26	A	Artery x-rays, pelvis	1.14	0.35	0.43	0.35	0.43	0.04	XXX
75741		A	Artery x-rays, lung	1.31	2.73	5.00	NA	NA	0.07	XXX
75741	TC	A	Artery x-rays, lung	0.00	2.34	4.51	NA	NA	0.01	XXX
75741	26	A	Artery x-rays, lung	1.31	0.39	0.49	0.39	0.49	0.06	XXX
75743		A	Artery x-rays, lungs	1.66	3.10	5.36	NA	NA	0.08	XXX
75743	TC	A	Artery x-rays, lungs	0.00	2.59	4.73	NA	NA	0.01	XXX
75743	26	A	Artery x-rays, lungs	1.66	0.51	0.63	0.51	0.63	0.07	XXX
75746		A	Artery x-rays, lung	1.14	3.04	5.27	NA	NA	0.06	XXX
75746	TC	A	Artery x-rays, lung	0.00	2.69	4.85	NA	NA	0.01	XXX
75746	26	A	Artery x-rays, lung	1.14	0.35	0.42	0.35	0.42	0.05	XXX

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75756		A	Artery x-rays, chest	1.14	3.20	5.67	NA	NA	0.17	XXX
75756	TC	A	Artery x-rays, chest	0.00	2.85	5.16	NA	NA	0.01	XXX
75756	26	A	Artery x-rays, chest	1.14	0.35	0.51	0.35	0.51	0.16	XXX
75774		A	Artery x-ray, each vessel	0.36	2.12	4.36	NA	NA	0.03	ZZZ
75774	TC	A	Artery x-ray, each vessel	0.00	2.01	4.23	NA	NA	0.01	ZZZ
75774	26	A	Artery x-ray, each vessel	0.36	0.11	0.13	0.11	0.13	0.02	ZZZ
75791		A	Av dialysis shunt imaging	1.71	6.65	6.65	NA	NA	0.08	XXX
75791	TC	A	Av dialysis shunt imaging	0.00	6.12	6.12	NA	NA	0.01	XXX
75791	26	A	Av dialysis shunt imaging	1.71	0.53	0.53	0.53	0.53	0.07	XXX
75801		C	Lymph vessel x-ray, arm/leg	0.00	0.00	0.00	NA	NA	0.00	XXX
75801	TC	C	Lymph vessel x-ray, arm/leg	0.00	0.00	0.00	NA	NA	0.00	XXX
75801	26	A	Lymph vessel x-ray, arm/leg	0.81	0.30	0.27	0.30	0.27	0.13	XXX
75803		C	Lymph vessel x-ray,arms/legs	0.00	0.00	0.00	NA	NA	0.00	XXX
75803	TC	C	Lymph vessel x-ray,arms/legs	0.00	0.00	0.00	NA	NA	0.00	XXX
75803	26	A	Lymph vessel x-ray,arms/legs	1.17	0.35	0.43	0.35	0.43	0.07	XXX
75805		C	Lymph vessel x-ray, trunk	0.00	0.00	0.00	NA	NA	0.00	XXX
75805	TC	C	Lymph vessel x-ray, trunk	0.00	0.00	0.00	NA	NA	0.00	XXX
75805	26	A	Lymph vessel x-ray, trunk	0.81	0.25	0.30	0.25	0.30	0.05	XXX
75807		C	Lymph vessel x-ray, trunk	0.00	0.00	0.00	NA	NA	0.00	XXX
75807	TC	C	Lymph vessel x-ray, trunk	0.00	0.00	0.00	NA	NA	0.00	XXX
75807	26	A	Lymph vessel x-ray, trunk	1.17	0.36	0.43	0.36	0.43	0.07	XXX
75809		A	Nonvascular shunt, x-ray	0.47	2.02	1.92	NA	NA	0.03	XXX
75809	TC	A	Nonvascular shunt, x-ray	0.00	1.87	1.75	NA	NA	0.01	XXX
75809	26	A	Nonvascular shunt, x-ray	0.47	0.15	0.17	0.15	0.17	0.02	XXX
75810		C	Vein x-ray, spleen/liver	0.00	0.00	0.00	NA	NA	0.00	XXX
75810	TC	C	Vein x-ray, spleen/liver	0.00	0.00	0.00	NA	NA	0.00	XXX
75810	26	A	Vein x-ray, spleen/liver	1.14	0.34	0.43	0.34	0.43	0.07	XXX
75820		A	Vein x-ray, arm/leg	0.70	2.46	2.52	NA	NA	0.04	XXX
75820	TC	A	Vein x-ray, arm/leg	0.00	2.24	2.25	NA	NA	0.01	XXX
75820	26	A	Vein x-ray, arm/leg	0.70	0.22	0.27	0.22	0.27	0.03	XXX
75822		A	Vein x-ray, arms/legs	1.06	2.83	2.87	NA	NA	0.06	XXX
75822	TC	A	Vein x-ray, arms/legs	0.00	2.51	2.49	NA	NA	0.01	XXX
75822	26	A	Vein x-ray, arms/legs	1.06	0.32	0.38	0.32	0.38	0.05	XXX
75825		A	Vein x-ray, trunk	1.14	2.63	4.83	NA	NA	0.07	XXX
75825	TC	A	Vein x-ray, trunk	0.00	2.29	4.43	NA	NA	0.01	XXX
75825	26	A	Vein x-ray, trunk	1.14	0.34	0.40	0.34	0.40	0.06	XXX

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75827		A	Vein x-ray, chest	1.14	2.79	4.86	NA	NA	0.06	XXX
75827	TC	A	Vein x-ray, chest	0.00	2.44	4.48	NA	NA	0.01	XXX
75827	26	A	Vein x-ray, chest	1.14	0.35	0.38	0.35	0.38	0.05	XXX
75831		A	Vein x-ray, kidney	1.14	2.76	4.92	NA	NA	0.19	XXX
75831	TC	A	Vein x-ray, kidney	0.00	2.42	4.52	NA	NA	0.01	XXX
75831	26	A	Vein x-ray, kidney	1.14	0.34	0.40	0.34	0.40	0.18	XXX
75833		A	Vein x-ray, kidneys	1.49	3.28	5.41	NA	NA	0.07	XXX
75833	TC	A	Vein x-ray, kidneys	0.00	2.85	4.90	NA	NA	0.01	XXX
75833	26	A	Vein x-ray, kidneys	1.49	0.43	0.51	0.43	0.51	0.06	XXX
75840		A	Vein x-ray, adrenal gland	1.14	2.59	4.83	NA	NA	0.19	XXX
75840	TC	A	Vein x-ray, adrenal gland	0.00	2.28	4.45	NA	NA	0.01	XXX
75840	26	A	Vein x-ray, adrenal gland	1.14	0.31	0.38	0.31	0.38	0.18	XXX
75842		A	Vein x-ray, adrenal glands	1.49	3.22	5.43	NA	NA	0.07	XXX
75842	TC	A	Vein x-ray, adrenal glands	0.00	2.76	4.89	NA	NA	0.01	XXX
75842	26	A	Vein x-ray, adrenal glands	1.49	0.46	0.54	0.46	0.54	0.06	XXX
75860		A	Vein x-ray, neck	1.14	2.69	5.03	NA	NA	0.07	XXX
75860	TC	A	Vein x-ray, neck	0.00	2.33	4.58	NA	NA	0.01	XXX
75860	26	A	Vein x-ray, neck	1.14	0.36	0.45	0.36	0.45	0.06	XXX
75870		A	Vein x-ray, skull	1.14	2.88	5.03	NA	NA	0.06	XXX
75870	TC	A	Vein x-ray, skull	0.00	2.50	4.61	NA	NA	0.01	XXX
75870	26	A	Vein x-ray, skull	1.14	0.38	0.42	0.38	0.42	0.05	XXX
75872		A	Vein x-ray, skull	1.14	5.83	6.23	NA	NA	0.06	XXX
75872	TC	A	Vein x-ray, skull	0.00	5.30	5.75	NA	NA	0.01	XXX
75872	26	A	Vein x-ray, skull	1.14	0.53	0.48	0.53	0.48	0.05	XXX
75880		A	Vein x-ray, eye socket	0.70	2.56	2.57	NA	NA	0.04	XXX
75880	TC	A	Vein x-ray, eye socket	0.00	2.34	2.33	NA	NA	0.01	XXX
75880	26	A	Vein x-ray, eye socket	0.70	0.22	0.24	0.22	0.24	0.03	XXX
75885		A	Vein x-ray, liver	1.44	2.78	5.05	NA	NA	0.07	XXX
75885	TC	A	Vein x-ray, liver	0.00	2.35	4.52	NA	NA	0.01	XXX
75885	26	A	Vein x-ray, liver	1.44	0.43	0.53	0.43	0.53	0.06	XXX
75887		A	Vein x-ray, liver	1.44	2.93	5.13	NA	NA	0.05	XXX
75887	TC	A	Vein x-ray, liver	0.00	2.47	4.59	NA	NA	0.01	XXX
75887	26	A	Vein x-ray, liver	1.44	0.46	0.54	0.46	0.54	0.04	XXX
75889		A	Vein x-ray, liver	1.14	2.70	4.93	NA	NA	0.06	XXX
75889	TC	A	Vein x-ray, liver	0.00	2.36	4.51	NA	NA	0.01	XXX
75889	26	A	Vein x-ray, liver	1.14	0.34	0.42	0.34	0.42	0.05	XXX

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75891		A	Vein x-ray, liver	1.14	2.70	4.93	NA	NA	0.06	XXX
75891	TC	A	Vein x-ray, liver	0.00	2.36	4.51	NA	NA	0.01	XXX
75891	26	A	Vein x-ray, liver	1.14	0.34	0.42	0.34	0.42	0.05	XXX
75893		A	Venous sampling by catheter	0.54	2.46	4.68	NA	NA	0.02	XXX
75893	TC	A	Venous sampling by catheter	0.00	2.30	4.49	NA	NA	0.01	XXX
75893	26	A	Venous sampling by catheter	0.54	0.16	0.19	0.16	0.19	0.01	XXX
75894		C	X-rays, transcath therapy	0.00	0.00	0.00	NA	NA	0.00	XXX
75894	TC	C	X-rays, transcath therapy	0.00	0.00	0.00	NA	NA	0.00	XXX
75894	26	A	X-rays, transcath therapy	1.31	0.40	0.47	0.40	0.47	0.12	XXX
75896		C	X-rays, transcath therapy	0.00	0.00	0.00	NA	NA	0.00	XXX
75896	TC	C	X-rays, transcath therapy	0.00	0.00	0.00	NA	NA	0.00	XXX
75896	26	A	X-rays, transcath therapy	1.31	0.41	0.50	0.41	0.50	0.12	XXX
75898		C	Follow-up angiography	0.00	0.00	0.00	NA	NA	0.00	XXX
75898	TC	C	Follow-up angiography	0.00	0.00	0.00	NA	NA	0.00	XXX
75898	26	A	Follow-up angiography	1.65	0.51	0.63	0.51	0.63	0.15	XXX
75900		C	Intravascular cath exchange	0.00	0.00	0.00	NA	NA	0.00	XXX
75900	TC	C	Intravascular cath exchange	0.00	0.00	0.00	NA	NA	0.00	XXX
75900	26	A	Intravascular cath exchange	0.49	0.15	0.17	0.15	0.17	0.04	XXX
75901		A	Remove cva device obstruct	0.49	3.79	3.60	NA	NA	0.03	XXX
75901	TC	A	Remove cva device obstruct	0.00	3.64	3.43	NA	NA	0.01	XXX
75901	26	A	Remove cva device obstruct	0.49	0.15	0.17	0.15	0.17	0.02	XXX
75902		A	Remove cva lumen obstruct	0.39	1.51	1.59	NA	NA	0.04	XXX
75902	TC	A	Remove cva lumen obstruct	0.00	1.39	1.45	NA	NA	0.01	XXX
75902	26	A	Remove cva lumen obstruct	0.39	0.12	0.14	0.12	0.14	0.03	XXX
75940		C	X-ray placement, vein filter	0.00	0.00	0.00	NA	NA	0.00	XXX
75940	TC	C	X-ray placement, vein filter	0.00	0.00	0.00	NA	NA	0.00	XXX
75940	26	A	X-ray placement, vein filter	0.54	0.16	0.19	0.16	0.19	0.05	XXX
75945		C	Intravascular us	0.00	0.00	0.00	NA	NA	0.00	XXX
75945	TC	C	Intravascular us	0.00	0.00	0.00	NA	NA	0.00	XXX
75945	26	A	Intravascular us	0.40	0.12	0.15	0.12	0.15	0.04	XXX
75946		C	Intravascular us add-on	0.00	0.00	0.00	NA	NA	0.00	ZZZ
75946	TC	C	Intravascular us add-on	0.00	0.00	0.00	NA	NA	0.00	ZZZ
75946	26	A	Intravascular us add-on	0.40	0.12	0.13	0.12	0.13	0.05	ZZZ
75952		C	Endovasc repair abdom aorta	0.00	0.00	0.00	NA	NA	0.00	XXX
75952	TC	C	Endovasc repair abdom aorta	0.00	0.00	0.00	NA	NA	0.00	XXX
75952	26	A	Endovasc repair abdom aorta	4.49	1.35	1.42	1.35	1.42	0.63	XXX

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75953		C	Abdom aneurysm endovas rpr	0.00	0.00	0.00	NA	NA	0.00	XXX
75953	TC	C	Abdom aneurysm endovas rpr	0.00	0.00	0.00	NA	NA	0.00	XXX
75953	26	A	Abdom aneurysm endovas rpr	1.36	0.41	0.43	0.41	0.43	0.20	XXX
75954		C	Iliac aneurysm endovas rpr	0.00	0.00	0.00	NA	NA	0.00	XXX
75954	TC	C	Iliac aneurysm endovas rpr	0.00	0.00	0.00	NA	NA	0.00	XXX
75954	26	A	Iliac aneurysm endovas rpr	2.25	0.68	0.71	0.68	0.71	0.30	XXX
75956		C	Xray, endovasc thor ao repr	0.00	0.00	0.00	NA	NA	0.00	XXX
75956	TC	C	Xray, endovasc thor ao repr	0.00	0.00	0.00	NA	NA	0.00	XXX
75956	26	A	Xray, endovasc thor ao repr	7.00	2.05	2.23	2.05	2.23	1.06	XXX
75957		C	Xray, endovasc thor ao repr	0.00	0.00	0.00	NA	NA	0.00	XXX
75957	TC	C	Xray, endovasc thor ao repr	0.00	0.00	0.00	NA	NA	0.00	XXX
75957	26	A	Xray, endovasc thor ao repr	6.00	1.76	1.91	1.76	1.91	0.89	XXX
75958		C	Xray, place prox ext thor ao	0.00	0.00	0.00	NA	NA	0.00	XXX
75958	TC	C	Xray, place prox ext thor ao	0.00	0.00	0.00	NA	NA	0.00	XXX
75958	26	A	Xray, place prox ext thor ao	4.00	1.16	1.23	1.16	1.23	0.60	XXX
75959		C	Xray, place dist ext thor ao	0.00	0.00	0.00	NA	NA	0.00	XXX
75959	TC	C	Xray, place dist ext thor ao	0.00	0.00	0.00	NA	NA	0.00	XXX
75959	26	A	Xray, place dist ext thor ao	3.50	0.95	1.08	0.95	1.08	0.61	XXX
75960		A	Transcath iv stent rs&i	0.82	2.25	4.98	NA	NA	0.05	XXX
75960	TC	A	Transcath iv stent rs&i	0.00	2.00	4.67	NA	NA	0.01	XXX
75960	26	A	Transcath iv stent rs&i	0.82	0.25	0.31	0.25	0.31	0.04	XXX
75961		A	Retrieval, broken catheter	4.24	4.04	6.02	NA	NA	0.21	XXX
75961	TC	A	Retrieval, broken catheter	0.00	2.77	4.49	NA	NA	0.01	XXX
75961	26	A	Retrieval, broken catheter	4.24	1.27	1.53	1.27	1.53	0.20	XXX
75962		A	Repair arterial blockage	0.54	2.97	5.73	NA	NA	0.03	XXX
75962	TC	A	Repair arterial blockage	0.00	2.80	5.54	NA	NA	0.01	XXX
75962	26	A	Repair arterial blockage	0.54	0.17	0.19	0.17	0.19	0.02	XXX
75964		A	Repair artery blockage, each	0.36	2.02	3.45	NA	NA	0.04	ZZZ
75964	TC	A	Repair artery blockage, each	0.00	1.91	3.32	NA	NA	0.01	ZZZ
75964	26	A	Repair artery blockage, each	0.36	0.11	0.13	0.11	0.13	0.03	ZZZ
75966		A	Repair arterial blockage	1.31	3.16	6.19	NA	NA	0.06	XXX
75966	TC	A	Repair arterial blockage	0.00	2.75	5.67	NA	NA	0.01	XXX
75966	26	A	Repair arterial blockage	1.31	0.41	0.52	0.41	0.52	0.05	XXX
75968		A	Repair artery blockage, each	0.36	1.87	3.42	NA	NA	0.02	ZZZ
75968	TC	A	Repair artery blockage, each	0.00	1.76	3.28	NA	NA	0.01	ZZZ
75968	26	A	Repair artery blockage, each	0.36	0.11	0.14	0.11	0.14	0.01	ZZZ

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75970		C	Vascular biopsy	0.00	0.00	0.00	NA	NA	0.00	XXX
75970	TC	C	Vascular biopsy	0.00	0.00	0.00	NA	NA	0.00	XXX
75970	26	A	Vascular biopsy	0.83	0.25	0.31	0.25	0.31	0.05	XXX
75978		A	Repair venous blockage	0.54	3.09	5.67	NA	NA	0.03	XXX
75978	TC	A	Repair venous blockage	0.00	2.92	5.48	NA	NA	0.01	XXX
75978	26	A	Repair venous blockage	0.54	0.17	0.19	0.17	0.19	0.02	XXX
75980		C	Contrast xray exam bile duct	0.00	0.00	0.00	NA	NA	0.00	XXX
75980	TC	C	Contrast xray exam bile duct	0.00	0.00	0.00	NA	NA	0.00	XXX
75980	26	A	Contrast xray exam bile duct	1.44	0.43	0.53	0.43	0.53	0.09	XXX
75982		C	Contrast xray exam bile duct	0.00	0.00	0.00	NA	NA	0.00	XXX
75982	TC	C	Contrast xray exam bile duct	0.00	0.00	0.00	NA	NA	0.00	XXX
75982	26	A	Contrast xray exam bile duct	1.44	0.43	0.53	0.43	0.53	0.09	XXX
75984		A	Xray control catheter change	0.72	2.07	2.28	NA	NA	0.04	XXX
75984	TC	A	Xray control catheter change	0.00	1.85	2.01	NA	NA	0.01	XXX
75984	26	A	Xray control catheter change	0.72	0.22	0.27	0.22	0.27	0.03	XXX
75989		A	Abscess drainage under x-ray	1.19	1.99	2.47	NA	NA	0.05	XXX
75989	TC	A	Abscess drainage under x-ray	0.00	1.63	2.04	NA	NA	0.01	XXX
75989	26	A	Abscess drainage under x-ray	1.19	0.36	0.43	0.36	0.43	0.04	XXX
75992		C	Atherectomy, x-ray exam	0.00	0.00	0.00	NA	NA	0.00	XXX
75992	TC	C	Atherectomy, x-ray exam	0.00	0.00	0.00	NA	NA	0.00	XXX
75992	26	A	Atherectomy, x-ray exam	0.54	0.17	0.21	0.17	0.21	0.05	XXX
75993		C	Atherectomy, x-ray exam	0.00	0.00	0.00	NA	NA	0.00	ZZZ
75993	TC	C	Atherectomy, x-ray exam	0.00	0.00	0.00	NA	NA	0.00	ZZZ
75993	26	A	Atherectomy, x-ray exam	0.36	0.11	0.14	0.11	0.14	0.03	ZZZ
75994		C	Atherectomy, x-ray exam	0.00	0.00	0.00	NA	NA	0.00	XXX
75994	TC	C	Atherectomy, x-ray exam	0.00	0.00	0.00	NA	NA	0.00	XXX
75994	26	A	Atherectomy, x-ray exam	1.31	0.31	0.35	0.31	0.35	0.08	XXX
75995		C	Atherectomy, x-ray exam	0.00	0.00	0.00	NA	NA	0.00	XXX
75995	TC	C	Atherectomy, x-ray exam	0.00	0.00	0.00	NA	NA	0.00	XXX
75995	26	A	Atherectomy, x-ray exam	1.31	0.43	0.47	0.43	0.47	0.06	XXX
75996		C	Atherectomy, x-ray exam	0.00	0.00	0.00	NA	NA	0.00	ZZZ
75996	TC	C	Atherectomy, x-ray exam	0.00	0.00	0.00	NA	NA	0.00	ZZZ
75996	26	A	Atherectomy, x-ray exam	0.36	0.10	0.12	0.10	0.12	0.06	ZZZ
76000		A	Fluoroscope examination	0.17	2.64	2.49	NA	NA	0.02	XXX
76000	TC	A	Fluoroscope examination	0.00	2.58	2.43	NA	NA	0.01	XXX
76000	26	A	Fluoroscope examination	0.17	0.06	0.06	0.06	0.06	0.01	XXX

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76001		C	Fluoroscope exam, extensive	0.00	0.00	0.00	NA	NA	0.00	XXX
76001	TC	C	Fluoroscope exam, extensive	0.00	0.00	0.00	NA	NA	0.00	XXX
76001	26	A	Fluoroscope exam, extensive	0.67	0.24	0.25	0.24	0.25	0.06	XXX
76010		A	X-ray, nose to rectum	0.18	0.46	0.55	NA	NA	0.02	XXX
76010	TC	A	X-ray, nose to rectum	0.00	0.41	0.48	NA	NA	0.01	XXX
76010	26	A	X-ray, nose to rectum	0.18	0.05	0.07	0.05	0.07	0.01	XXX
76080		A	X-ray exam of fistula	0.54	0.96	1.11	NA	NA	0.03	XXX
76080	TC	A	X-ray exam of fistula	0.00	0.80	0.91	NA	NA	0.01	XXX
76080	26	A	X-ray exam of fistula	0.54	0.16	0.20	0.16	0.20	0.02	XXX
76098		A	X-ray exam, breast specimen	0.16	0.28	0.35	NA	NA	0.02	XXX
76098	TC	A	X-ray exam, breast specimen	0.00	0.23	0.29	NA	NA	0.01	XXX
76098	26	A	X-ray exam, breast specimen	0.16	0.05	0.06	0.05	0.06	0.01	XXX
76100		A	X-ray exam of body section	0.58	1.98	2.79	NA	NA	0.05	XXX
76100	TC	A	X-ray exam of body section	0.00	1.73	2.57	NA	NA	0.01	XXX
76100	26	A	X-ray exam of body section	0.58	0.25	0.22	0.25	0.22	0.04	XXX
76101		A	Complex body section x-ray	0.58	3.09	4.14	NA	NA	0.07	XXX
76101	TC	A	Complex body section x-ray	0.00	2.76	3.90	NA	NA	0.01	XXX
76101	26	A	Complex body section x-ray	0.58	0.33	0.24	0.33	0.24	0.06	XXX
76102		A	Complex body section x-rays	0.58	4.33	5.76	NA	NA	0.08	XXX
76102	TC	A	Complex body section x-rays	0.00	3.99	5.53	NA	NA	0.01	XXX
76102	26	A	Complex body section x-rays	0.58	0.34	0.23	0.34	0.23	0.07	XXX
76120		A	Cine/video x-rays	0.38	1.49	1.61	NA	NA	0.03	XXX
76120	TC	A	Cine/video x-rays	0.00	1.36	1.48	NA	NA	0.01	XXX
76120	26	A	Cine/video x-rays	0.38	0.13	0.13	0.13	0.13	0.02	XXX
76125		C	Cine/video x-rays add-on	0.00	0.00	0.00	NA	NA	0.00	ZZZ
76125	TC	C	Cine/video x-rays add-on	0.00	0.00	0.00	NA	NA	0.00	ZZZ
76125	26	A	Cine/video x-rays add-on	0.27	0.09	0.11	0.09	0.11	0.02	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	0.55	0.51	NA	NA	0.01	XXX
76350		C	Special x-ray contrast study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76376		A	3d render w/o postprocess	0.20	1.22	1.77	NA	NA	0.02	XXX
76376	TC	A	3d render w/o postprocess	0.00	1.16	1.69	NA	NA	0.01	XXX
76376	26	A	3d render w/o postprocess	0.20	0.06	0.08	0.06	0.08	0.01	XXX
76377		A	3d rendering w/postprocess	0.79	1.19	1.81	NA	NA	0.04	XXX
76377	TC	A	3d rendering w/postprocess	0.00	0.95	1.53	NA	NA	0.01	XXX
76377	26	A	3d rendering w/postprocess	0.79	0.24	0.28	0.24	0.28	0.03	XXX

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76380		A	CAT scan follow-up study	0.98	4.18	4.47	NA	NA	0.04	XXX
76380	TC	A	CAT scan follow-up study	0.00	3.87	4.12	NA	NA	0.01	XXX
76380	26	A	CAT scan follow-up study	0.98	0.31	0.35	0.31	0.35	0.03	XXX
76390		N	Mr spectroscopy	1.40	10.09	10.74	NA	NA	0.05	XXX
76390	TC	N	Mr spectroscopy	0.00	9.58	10.25	NA	NA	0.01	XXX
76390	26	N	Mr spectroscopy	1.40	0.51	0.49	0.51	0.49	0.04	XXX
76496		C	Fluoroscopic procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
76496	TC	C	Fluoroscopic procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
76496	26	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	NA	NA	0.00	XXX
76497	TC	C	Ct procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
76497	26	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	NA	NA	0.00	XXX
76498	TC	C	Mri procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
76498	26	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	NA	NA	0.00	XXX
76499	TC	C	Radiographic procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
76499	26	C	Radiographic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76506		A	Echo exam of head	0.63	2.47	2.48	NA	NA	0.04	XXX
76506	TC	A	Echo exam of head	0.00	2.26	2.25	NA	NA	0.01	XXX
76506	26	A	Echo exam of head	0.63	0.21	0.23	0.21	0.23	0.03	XXX
76510		A	Ophth us, b & quant a	1.55	2.76	2.55	NA	NA	0.20	XXX
76510	TC	A	Ophth us, b & quant a	0.00	1.85	1.84	NA	NA	0.01	XXX
76510	26	A	Ophth us, b & quant a	1.55	0.91	0.71	0.91	0.71	0.19	XXX
76511		A	Ophth us, quant a only	0.94	1.63	1.65	NA	NA	0.02	XXX
76511	TC	A	Ophth us, quant a only	0.00	1.11	1.24	NA	NA	0.01	XXX
76511	26	A	Ophth us, quant a only	0.94	0.52	0.41	0.52	0.41	0.01	XXX
76512		A	Ophth us, b w/non-quant a	0.94	1.44	1.47	NA	NA	0.04	XXX
76512	TC	A	Ophth us, b w/non-quant a	0.00	0.90	1.04	NA	NA	0.01	XXX
76512	26	A	Ophth us, b w/non-quant a	0.94	0.54	0.43	0.54	0.43	0.03	XXX
76513		A	Echo exam of eye, water bath	0.66	1.67	1.59	NA	NA	0.02	XXX
76513	TC	A	Echo exam of eye, water bath	0.00	1.35	1.33	NA	NA	0.01	XXX
76513	26	A	Echo exam of eye, water bath	0.66	0.32	0.26	0.32	0.26	0.01	XXX
76514		A	Echo exam of eye, thickness	0.17	0.21	0.18	NA	NA	0.02	XXX
76514	TC	A	Echo exam of eye, thickness	0.00	0.12	0.10	NA	NA	0.01	XXX
76514	26	A	Echo exam of eye, thickness	0.17	0.09	0.08	0.09	0.08	0.01	XXX

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76516		A	Echo exam of eye	0.54	1.37	1.29	NA	NA	0.02	XXX
76516	TC	A	Echo exam of eye	0.00	1.07	1.05	NA	NA	0.01	XXX
76516	26	A	Echo exam of eye	0.54	0.30	0.24	0.30	0.24	0.01	XXX
76519		A	Echo exam of eye	0.54	1.52	1.42	NA	NA	0.03	XXX
76519	TC	A	Echo exam of eye	0.00	1.20	1.17	NA	NA	0.01	XXX
76519	26	A	Echo exam of eye	0.54	0.32	0.25	0.32	0.25	0.02	XXX
76529		A	Echo exam of eye	0.57	1.39	1.27	NA	NA	0.03	XXX
76529	TC	A	Echo exam of eye	0.00	1.05	1.02	NA	NA	0.01	XXX
76529	26	A	Echo exam of eye	0.57	0.34	0.25	0.34	0.25	0.02	XXX
76536		A	Us exam of head and neck	0.56	2.42	2.42	NA	NA	0.03	XXX
76536	TC	A	Us exam of head and neck	0.00	2.24	2.23	NA	NA	0.01	XXX
76536	26	A	Us exam of head and neck	0.56	0.18	0.19	0.18	0.19	0.02	XXX
76604		A	Us exam, chest	0.55	1.60	1.72	NA	NA	0.03	XXX
76604	TC	A	Us exam, chest	0.00	1.43	1.53	NA	NA	0.01	XXX
76604	26	A	Us exam, chest	0.55	0.17	0.19	0.17	0.19	0.02	XXX
76645		A	Us exam, breast(s)	0.54	1.85	1.90	NA	NA	0.04	XXX
76645	TC	A	Us exam, breast(s)	0.00	1.68	1.71	NA	NA	0.01	XXX
76645	26	A	Us exam, breast(s)	0.54	0.17	0.19	0.17	0.19	0.03	XXX
76700		A	Us exam, abdom, complete	0.81	2.66	2.82	NA	NA	0.04	XXX
76700	TC	A	Us exam, abdom, complete	0.00	2.41	2.53	NA	NA	0.01	XXX
76700	26	A	Us exam, abdom, complete	0.81	0.25	0.29	0.25	0.29	0.03	XXX
76705		A	Echo exam of abdomen	0.59	2.04	2.16	NA	NA	0.03	XXX
76705	TC	A	Echo exam of abdomen	0.00	1.86	1.95	NA	NA	0.01	XXX
76705	26	A	Echo exam of abdomen	0.59	0.18	0.21	0.18	0.21	0.02	XXX
76770		A	Us exam abdo back wall, comp	0.74	2.52	2.71	NA	NA	0.04	XXX
76770	TC	A	Us exam abdo back wall, comp	0.00	2.29	2.45	NA	NA	0.01	XXX
76770	26	A	Us exam abdo back wall, comp	0.74	0.23	0.26	0.23	0.26	0.03	XXX
76775		A	Us exam abdo back wall, lim	0.58	2.05	2.34	NA	NA	0.03	XXX
76775	TC	A	Us exam abdo back wall, lim	0.00	1.87	2.12	NA	NA	0.01	XXX
76775	26	A	Us exam abdo back wall, lim	0.58	0.18	0.22	0.18	0.22	0.02	XXX
76776		A	Us exam k transpl w/doppler	0.76	2.96	3.12	NA	NA	0.04	XXX
76776	TC	A	Us exam k transpl w/doppler	0.00	2.73	2.85	NA	NA	0.01	XXX
76776	26	A	Us exam k transpl w/doppler	0.76	0.23	0.27	0.23	0.27	0.03	XXX
76800		A	Us exam, spinal canal	1.13	2.35	2.22	NA	NA	0.04	XXX
76800	TC	A	Us exam, spinal canal	0.00	1.95	1.87	NA	NA	0.01	XXX
76800	26	A	Us exam, spinal canal	1.13	0.40	0.35	0.40	0.35	0.03	XXX

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76801		A	Ob us < 14 wks, single fetus	0.99	2.20	2.44	NA	NA	0.03	XXX
76801	TC	A	Ob us < 14 wks, single fetus	0.00	1.87	2.09	NA	NA	0.01	XXX
76801	26	A	Ob us < 14 wks, single fetus	0.99	0.33	0.35	0.33	0.35	0.02	XXX
76802		A	Ob us < 14 wks, addl fetus	0.83	0.91	1.05	NA	NA	0.03	ZZZ
76802	TC	A	Ob us < 14 wks, addl fetus	0.00	0.62	0.76	NA	NA	0.01	ZZZ
76802	26	A	Ob us < 14 wks, addl fetus	0.83	0.29	0.29	0.29	0.29	0.02	ZZZ
76805		A	Ob us >/= 14 wks, sngl fetus	0.99	2.72	2.89	NA	NA	0.03	XXX
76805	TC	A	Ob us >/= 14 wks, sngl fetus	0.00	2.38	2.54	NA	NA	0.01	XXX
76805	26	A	Ob us >/= 14 wks, sngl fetus	0.99	0.34	0.35	0.34	0.35	0.02	XXX
76810		A	Ob us >/= 14 wks, addl fetus	0.98	1.53	1.59	NA	NA	0.03	ZZZ
76810	TC	A	Ob us >/= 14 wks, addl fetus	0.00	1.18	1.25	NA	NA	0.01	ZZZ
76810	26	A	Ob us >/= 14 wks, addl fetus	0.98	0.35	0.34	0.35	0.34	0.02	ZZZ
76811		A	Ob us, detailed, sngl fetus	1.90	2.90	3.27	NA	NA	0.05	XXX
76811	TC	A	Ob us, detailed, sngl fetus	0.00	2.18	2.62	NA	NA	0.01	XXX
76811	26	A	Ob us, detailed, sngl fetus	1.90	0.72	0.65	0.72	0.65	0.04	XXX
76812		A	Ob us, detailed, addl fetus	1.78	3.67	3.49	NA	NA	0.05	ZZZ
76812	TC	A	Ob us, detailed, addl fetus	0.00	2.99	2.88	NA	NA	0.01	ZZZ
76812	26	A	Ob us, detailed, addl fetus	1.78	0.68	0.61	0.68	0.61	0.04	ZZZ
76813		A	Ob us nuchal meas, 1 gest	1.18	2.05	2.17	NA	NA	0.04	XXX
76813	TC	A	Ob us nuchal meas, 1 gest	0.00	1.60	1.78	NA	NA	0.01	XXX
76813	26	A	Ob us nuchal meas, 1 gest	1.18	0.45	0.39	0.45	0.39	0.03	XXX
76814		A	Ob us nuchal meas, add-on	0.99	1.13	1.16	NA	NA	0.03	XXX
76814	TC	A	Ob us nuchal meas, add-on	0.00	0.75	0.83	NA	NA	0.01	XXX
76814	26	A	Ob us nuchal meas, add-on	0.99	0.38	0.33	0.38	0.33	0.02	XXX
76815		A	Ob us, limited, fetus(s)	0.65	1.61	1.74	NA	NA	0.02	XXX
76815	TC	A	Ob us, limited, fetus(s)	0.00	1.39	1.52	NA	NA	0.01	XXX
76815	26	A	Ob us, limited, fetus(s)	0.65	0.22	0.22	0.22	0.22	0.01	XXX
76816		A	Ob us, follow-up, per fetus	0.85	2.16	2.16	NA	NA	0.03	XXX
76816	TC	A	Ob us, follow-up, per fetus	0.00	1.84	1.87	NA	NA	0.01	XXX
76816	26	A	Ob us, follow-up, per fetus	0.85	0.32	0.29	0.32	0.29	0.02	XXX
76817		A	Transvaginal us, obstetric	0.75	1.81	1.95	NA	NA	0.03	XXX
76817	TC	A	Transvaginal us, obstetric	0.00	1.55	1.69	NA	NA	0.01	XXX
76817	26	A	Transvaginal us, obstetric	0.75	0.26	0.26	0.26	0.26	0.02	XXX
76818		A	Fetal biophys profile w/nst	1.05	2.05	2.15	NA	NA	0.03	XXX
76818	TC	A	Fetal biophys profile w/nst	0.00	1.66	1.79	NA	NA	0.01	XXX
76818	26	A	Fetal biophys profile w/nst	1.05	0.39	0.36	0.39	0.36	0.02	XXX

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76819		A	Fetal biophys profil w/o nst	0.77	1.49	1.66	NA	NA	0.03	XXX
76819	TC	A	Fetal biophys profil w/o nst	0.00	1.21	1.39	NA	NA	0.01	XXX
76819	26	A	Fetal biophys profil w/o nst	0.77	0.28	0.27	0.28	0.27	0.02	XXX
76820		A	Umbilical artery echo	0.50	0.56	0.80	NA	NA	0.02	XXX
76820	TC	A	Umbilical artery echo	0.00	0.37	0.63	NA	NA	0.01	XXX
76820	26	A	Umbilical artery echo	0.50	0.19	0.17	0.19	0.17	0.01	XXX
76821		A	Middle cerebral artery echo	0.70	1.71	1.84	NA	NA	0.03	XXX
76821	TC	A	Middle cerebral artery echo	0.00	1.44	1.60	NA	NA	0.01	XXX
76821	26	A	Middle cerebral artery echo	0.70	0.27	0.24	0.27	0.24	0.02	XXX
76825		A	Echo exam of fetal heart	1.67	3.92	3.95	NA	NA	0.04	XXX
76825	TC	A	Echo exam of fetal heart	0.00	3.31	3.38	NA	NA	0.01	XXX
76825	26	A	Echo exam of fetal heart	1.67	0.61	0.57	0.61	0.57	0.03	XXX
76826		A	Echo exam of fetal heart	0.83	2.47	2.34	NA	NA	0.03	XXX
76826	TC	A	Echo exam of fetal heart	0.00	2.16	2.06	NA	NA	0.01	XXX
76826	26	A	Echo exam of fetal heart	0.83	0.31	0.28	0.31	0.28	0.02	XXX
76827		A	Echo exam of fetal heart	0.58	0.99	1.23	NA	NA	0.02	XXX
76827	TC	A	Echo exam of fetal heart	0.00	0.78	1.03	NA	NA	0.01	XXX
76827	26	A	Echo exam of fetal heart	0.58	0.21	0.20	0.21	0.20	0.01	XXX
76828		A	Echo exam of fetal heart	0.56	0.62	0.77	NA	NA	0.02	XXX
76828	TC	A	Echo exam of fetal heart	0.00	0.41	0.58	NA	NA	0.01	XXX
76828	26	A	Echo exam of fetal heart	0.56	0.21	0.19	0.21	0.19	0.01	XXX
76830		A	Transvaginal us, non-ob	0.69	2.43	2.51	NA	NA	0.03	XXX
76830	TC	A	Transvaginal us, non-ob	0.00	2.20	2.27	NA	NA	0.01	XXX
76830	26	A	Transvaginal us, non-ob	0.69	0.23	0.24	0.23	0.24	0.02	XXX
76831		A	Echo exam, uterus	0.72	2.45	2.49	NA	NA	0.03	XXX
76831	TC	A	Echo exam, uterus	0.00	2.18	2.25	NA	NA	0.01	XXX
76831	26	A	Echo exam, uterus	0.72	0.27	0.24	0.27	0.24	0.02	XXX
76856		A	Us exam, pelvic, complete	0.69	2.40	2.52	NA	NA	0.03	XXX
76856	TC	A	Us exam, pelvic, complete	0.00	2.18	2.27	NA	NA	0.01	XXX
76856	26	A	Us exam, pelvic, complete	0.69	0.22	0.25	0.22	0.25	0.02	XXX
76857		A	Us exam, pelvic, limited	0.38	1.98	2.27	NA	NA	0.03	XXX
76857	TC	A	Us exam, pelvic, limited	0.00	1.86	2.12	NA	NA	0.01	XXX
76857	26	A	Us exam, pelvic, limited	0.38	0.12	0.15	0.12	0.15	0.02	XXX
76870		A	Us exam, scrotum	0.64	2.41	2.53	NA	NA	0.04	XXX
76870	TC	A	Us exam, scrotum	0.00	2.21	2.30	NA	NA	0.01	XXX
76870	26	A	Us exam, scrotum	0.64	0.20	0.23	0.20	0.23	0.03	XXX

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76872		A	Us, transrectal	0.69	2.60	3.02	NA	NA	0.04	XXX
76872	TC	A	Us, transrectal	0.00	2.37	2.75	NA	NA	0.01	XXX
76872	26	A	Us, transrectal	0.69	0.23	0.27	0.23	0.27	0.03	XXX
76873		A	Echograp trans r, pros study	1.55	3.01	3.17	NA	NA	0.07	XXX
76873	TC	A	Echograp trans r, pros study	0.00	2.42	2.59	NA	NA	0.01	XXX
76873	26	A	Echograp trans r, pros study	1.55	0.59	0.58	0.59	0.58	0.06	XXX
76880		A	Us exam, extremity	0.59	2.96	2.85	NA	NA	0.03	XXX
76880	TC	A	Us exam, extremity	0.00	2.78	2.66	NA	NA	0.01	XXX
76880	26	A	Us exam, extremity	0.59	0.18	0.19	0.18	0.19	0.02	XXX
76885		A	Us exam infant hips, dynamic	0.74	2.89	2.92	NA	NA	0.04	XXX
76885	TC	A	Us exam infant hips, dynamic	0.00	2.66	2.66	NA	NA	0.01	XXX
76885	26	A	Us exam infant hips, dynamic	0.74	0.23	0.26	0.23	0.26	0.03	XXX
76886		A	Us exam infant hips, static	0.62	2.52	2.19	NA	NA	0.02	XXX
76886	TC	A	Us exam infant hips, static	0.00	2.28	1.97	NA	NA	0.01	XXX
76886	26	A	Us exam infant hips, static	0.62	0.24	0.22	0.24	0.22	0.01	XXX
76930		A	Echo guide, cardiocentesis	0.67	1.38	1.82	NA	NA	0.02	XXX
76930	TC	A	Echo guide, cardiocentesis	0.00	1.16	1.52	NA	NA	0.01	XXX
76930	26	A	Echo guide, cardiocentesis	0.67	0.22	0.30	0.22	0.30	0.01	XXX
76932		C	Echo guide for heart biopsy	0.00	0.00	0.00	NA	NA	0.00	XXX
76932	TC	C	Echo guide for heart biopsy	0.00	0.00	0.00	NA	NA	0.00	XXX
76932	26	A	Echo guide for heart biopsy	0.67	0.22	0.30	0.22	0.30	0.03	XXX
76936		A	Echo guide for artery repair	1.99	5.32	6.11	NA	NA	0.18	XXX
76936	TC	A	Echo guide for artery repair	0.00	4.71	5.40	NA	NA	0.01	XXX
76936	26	A	Echo guide for artery repair	1.99	0.61	0.71	0.61	0.71	0.17	XXX
76937		A	Us guide, vascular access	0.30	0.57	0.60	NA	NA	0.03	ZZZ
76937	TC	A	Us guide, vascular access	0.00	0.48	0.49	NA	NA	0.01	ZZZ
76937	26	A	Us guide, vascular access	0.30	0.09	0.11	0.09	0.11	0.02	ZZZ
76940		C	Us guide, tissue ablation	0.00	0.00	0.00	NA	NA	0.00	XXX
76940	TC	C	Us guide, tissue ablation	0.00	0.00	0.00	NA	NA	0.00	XXX
76940	26	A	Us guide, tissue ablation	2.00	0.67	0.69	0.67	0.69	0.21	XXX
76941		C	Echo guide for transfusion	0.00	0.00	0.00	NA	NA	0.00	XXX
76941	TC	C	Echo guide for transfusion	0.00	0.00	0.00	NA	NA	0.00	XXX
76941	26	A	Echo guide for transfusion	1.34	0.52	0.47	0.52	0.47	0.08	XXX
76942		A	Echo guide for biopsy	0.67	4.14	4.32	NA	NA	0.04	XXX
76942	TC	A	Echo guide for biopsy	0.00	3.93	4.08	NA	NA	0.01	XXX
76942	26	A	Echo guide for biopsy	0.67	0.21	0.24	0.21	0.24	0.03	XXX

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76945		C	Echo guide, villus sampling	0.00	0.00	0.00	NA	NA	0.00	XXX
76945	TC	C	Echo guide, villus sampling	0.00	0.00	0.00	NA	NA	0.00	XXX
76945	26	A	Echo guide, villus sampling	0.67	0.26	0.23	0.26	0.23	0.03	XXX
76946		A	Echo guide for amniocentesis	0.38	0.44	0.69	NA	NA	0.02	XXX
76946	TC	A	Echo guide for amniocentesis	0.00	0.30	0.56	NA	NA	0.01	XXX
76946	26	A	Echo guide for amniocentesis	0.38	0.14	0.13	0.14	0.13	0.01	XXX
76948		A	Echo guide, ova aspiration	0.38	0.52	0.70	NA	NA	0.03	XXX
76948	TC	A	Echo guide, ova aspiration	0.00	0.38	0.57	NA	NA	0.01	XXX
76948	26	A	Echo guide, ova aspiration	0.38	0.14	0.13	0.14	0.13	0.02	XXX
76950		A	Echo guidance radiotherapy	0.58	1.16	1.27	NA	NA	0.03	XXX
76950	TC	A	Echo guidance radiotherapy	0.00	0.92	1.06	NA	NA	0.01	XXX
76950	26	A	Echo guidance radiotherapy	0.58	0.24	0.21	0.24	0.21	0.02	XXX
76965		A	Echo guidance radiotherapy	1.34	1.05	2.11	NA	NA	0.07	XXX
76965	TC	A	Echo guidance radiotherapy	0.00	0.56	1.60	NA	NA	0.01	XXX
76965	26	A	Echo guidance radiotherapy	1.34	0.49	0.51	0.49	0.51	0.06	XXX
76970		A	Ultrasound exam follow-up	0.40	2.21	1.94	NA	NA	0.04	XXX
76970	TC	A	Ultrasound exam follow-up	0.00	2.06	1.81	NA	NA	0.01	XXX
76970	26	A	Ultrasound exam follow-up	0.40	0.15	0.13	0.15	0.13	0.03	XXX
76975		C	GI endoscopic ultrasound	0.00	0.00	0.00	NA	NA	0.00	XXX
76975	TC	C	GI endoscopic ultrasound	0.00	0.00	0.00	NA	NA	0.00	XXX
76975	26	A	GI endoscopic ultrasound	0.81	0.31	0.32	0.31	0.32	0.06	XXX
76977		A	Us bone density measure	0.05	0.12	0.25	NA	NA	0.02	XXX
76977	TC	A	Us bone density measure	0.00	0.10	0.23	NA	NA	0.01	XXX
76977	26	A	Us bone density measure	0.05	0.02	0.02	0.02	0.02	0.01	XXX
76998		C	Us guide, intraop	0.00	0.00	0.00	NA	NA	0.00	XXX
76998	TC	C	Us guide, intraop	0.00	0.00	0.00	NA	NA	0.00	XXX
76998	26	A	Us guide, intraop	1.20	0.40	0.40	0.40	0.40	0.19	XXX
76999		C	Echo examination procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
76999	TC	C	Echo examination procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
76999	26	C	Echo examination procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77001		A	Fluoroguide for vein device	0.38	2.55	2.47	NA	NA	0.03	ZZZ
77001	TC	A	Fluoroguide for vein device	0.00	2.43	2.33	NA	NA	0.01	ZZZ
77001	26	A	Fluoroguide for vein device	0.38	0.12	0.14	0.12	0.14	0.02	ZZZ
77002		A	Needle localization by xray	0.54	1.36	1.36	NA	NA	0.03	XXX
77002	TC	A	Needle localization by xray	0.00	1.15	1.17	NA	NA	0.01	XXX
77002	26	A	Needle localization by xray	0.54	0.21	0.19	0.21	0.19	0.02	XXX

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77003		A	Fluoroguide for spine inject	0.60	1.02	0.97	NA	NA	0.03	XXX
77003	TC	A	Fluoroguide for spine inject	0.00	0.79	0.80	NA	NA	0.01	XXX
77003	26	A	Fluoroguide for spine inject	0.60	0.23	0.17	0.23	0.17	0.02	XXX
77011		A	Ct scan for localization	1.21	18.35	17.62	NA	NA	0.04	XXX
77011	TC	A	Ct scan for localization	0.00	17.90	17.18	NA	NA	0.01	XXX
77011	26	A	Ct scan for localization	1.21	0.45	0.44	0.45	0.44	0.03	XXX
77012		A	Ct scan for needle biopsy	1.16	2.05	3.51	NA	NA	0.04	XXX
77012	TC	A	Ct scan for needle biopsy	0.00	1.70	3.09	NA	NA	0.01	XXX
77012	26	A	Ct scan for needle biopsy	1.16	0.35	0.42	0.35	0.42	0.03	XXX
77013		C	Ct guide for tissue ablation	0.00	0.00	0.00	NA	NA	0.00	XXX
77013	TC	C	Ct guide for tissue ablation	0.00	0.00	0.00	NA	NA	0.00	XXX
77013	26	A	Ct guide for tissue ablation	3.99	1.19	1.46	1.19	1.46	0.27	XXX
77014		A	Ct scan for therapy guide	0.85	4.08	4.14	NA	NA	0.04	XXX
77014	TC	A	Ct scan for therapy guide	0.00	3.72	3.83	NA	NA	0.01	XXX
77014	26	A	Ct scan for therapy guide	0.85	0.36	0.31	0.36	0.31	0.03	XXX
77021		A	Mr guidance for needle place	1.50	8.33	9.94	NA	NA	0.10	XXX
77021	TC	A	Mr guidance for needle place	0.00	7.87	9.40	NA	NA	0.01	XXX
77021	26	A	Mr guidance for needle place	1.50	0.46	0.54	0.46	0.54	0.09	XXX
77022		C	Mri for tissue ablation	0.00	0.00	0.00	NA	NA	0.00	XXX
77022	TC	C	Mri for tissue ablation	0.00	0.00	0.00	NA	NA	0.00	XXX
77022	26	A	Mri for tissue ablation	4.24	1.28	1.46	1.28	1.46	0.28	XXX
77031		A	Stereotact guide for brst bx	1.59	1.69	2.98	NA	NA	0.10	XXX
77031	TC	A	Stereotact guide for brst bx	0.00	1.19	2.42	NA	NA	0.01	XXX
77031	26	A	Stereotact guide for brst bx	1.59	0.50	0.56	0.50	0.56	0.09	XXX
77032		A	Guidance for needle, breast	0.56	0.73	0.95	NA	NA	0.03	XXX
77032	TC	A	Guidance for needle, breast	0.00	0.56	0.75	NA	NA	0.01	XXX
77032	26	A	Guidance for needle, breast	0.56	0.17	0.20	0.17	0.20	0.02	XXX
77051		A	Computer dx mammogram add-on	0.06	0.17	0.24	NA	NA	0.02	ZZZ
77051	TC	A	Computer dx mammogram add-on	0.00	0.15	0.22	NA	NA	0.01	ZZZ
77051	26	A	Computer dx mammogram add-on	0.06	0.02	0.02	0.02	0.02	0.01	ZZZ
77052		A	Comp screen mammogram add-on	0.06	0.17	0.24	NA	NA	0.02	ZZZ
77052	TC	A	Comp screen mammogram add-on	0.00	0.15	0.22	NA	NA	0.01	ZZZ

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77052	26	A	Comp screen mammogram add-on	0.06	0.02	0.02	0.02	0.02	0.01	ZZZ
77053		A	X-ray of mammary duct	0.36	1.06	1.50	NA	NA	0.02	XXX
77053	TC	A	X-ray of mammary duct	0.00	0.95	1.37	NA	NA	0.01	XXX
77053	26	A	X-ray of mammary duct	0.36	0.11	0.13	0.11	0.13	0.01	XXX
77054		A	X-ray of mammary ducts	0.45	1.45	2.05	NA	NA	0.03	XXX
77054	TC	A	X-ray of mammary ducts	0.00	1.31	1.89	NA	NA	0.01	XXX
77054	26	A	X-ray of mammary ducts	0.45	0.14	0.16	0.14	0.16	0.02	XXX
77055		A	Mammogram, one breast	0.70	1.41	1.54	NA	NA	0.04	XXX
77055	TC	A	Mammogram, one breast	0.00	1.20	1.29	NA	NA	0.01	XXX
77055	26	A	Mammogram, one breast	0.70	0.21	0.25	0.21	0.25	0.03	XXX
77056		A	Mammogram, both breasts	0.87	1.85	1.99	NA	NA	0.05	XXX
77056	TC	A	Mammogram, both breasts	0.00	1.59	1.68	NA	NA	0.01	XXX
77056	26	A	Mammogram, both breasts	0.87	0.26	0.31	0.26	0.31	0.04	XXX
77057		A	Mammogram, screening	0.70	1.25	1.43	NA	NA	0.04	XXX
77057	TC	A	Mammogram, screening	0.00	1.04	1.18	NA	NA	0.01	XXX
77057	26	A	Mammogram, screening	0.70	0.21	0.25	0.21	0.25	0.03	XXX
77058		A	Mri, one breast	1.63	11.29	18.60	NA	NA	0.08	XXX
77058	TC	A	Mri, one breast	0.00	10.80	18.02	NA	NA	0.01	XXX
77058	26	A	Mri, one breast	1.63	0.49	0.58	0.49	0.58	0.07	XXX
77059		A	Mri, both breasts	1.63	11.18	19.70	NA	NA	0.08	XXX
77059	TC	A	Mri, both breasts	0.00	10.69	19.12	NA	NA	0.01	XXX
77059	26	A	Mri, both breasts	1.63	0.49	0.58	0.49	0.58	0.07	XXX
77071		A	X-ray stress view	0.41	0.85	0.69	0.85	0.69	0.05	XXX
77072		A	X-rays for bone age	0.19	0.37	0.42	NA	NA	0.02	XXX
77072	TC	A	X-rays for bone age	0.00	0.31	0.35	NA	NA	0.01	XXX
77072	26	A	X-rays for bone age	0.19	0.06	0.07	0.06	0.07	0.01	XXX
77073		A	X-rays, bone length studies	0.27	0.68	0.71	NA	NA	0.04	XXX
77073	TC	A	X-rays, bone length studies	0.00	0.57	0.61	NA	NA	0.01	XXX
77073	26	A	X-rays, bone length studies	0.27	0.11	0.10	0.11	0.10	0.03	XXX
77074		A	X-rays, bone survey, limited	0.45	1.24	1.35	NA	NA	0.03	XXX
77074	TC	A	X-rays, bone survey, limited	0.00	1.10	1.19	NA	NA	0.01	XXX
77074	26	A	X-rays, bone survey, limited	0.45	0.14	0.16	0.14	0.16	0.02	XXX
77075		A	X-rays, bone survey complete	0.54	1.98	2.10	NA	NA	0.03	XXX
77075	TC	A	X-rays, bone survey complete	0.00	1.81	1.91	NA	NA	0.01	XXX
77075	26	A	X-rays, bone survey complete	0.54	0.17	0.19	0.17	0.19	0.02	XXX

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77076		A	X-rays, bone survey, infant	0.70	1.85	1.82	NA	NA	0.04	XXX
77076	TC	A	X-rays, bone survey, infant	0.00	1.64	1.60	NA	NA	0.01	XXX
77076	26	A	X-rays, bone survey, infant	0.70	0.21	0.22	0.21	0.22	0.03	XXX
77077		A	Joint survey, single view	0.31	0.68	0.78	NA	NA	0.04	XXX
77077	TC	A	Joint survey, single view	0.00	0.56	0.66	NA	NA	0.01	XXX
77077	26	A	Joint survey, single view	0.31	0.12	0.12	0.12	0.12	0.03	XXX
77078		A	Ct bone density, axial	0.25	2.44	3.89	NA	NA	0.02	XXX
77078	TC	A	Ct bone density, axial	0.00	2.36	3.80	NA	NA	0.01	XXX
77078	26	A	Ct bone density, axial	0.25	0.08	0.09	0.08	0.09	0.01	XXX
77079		A	Ct bone density, peripheral	0.22	0.78	1.20	NA	NA	0.02	XXX
77079	TC	A	Ct bone density, peripheral	0.00	0.70	1.13	NA	NA	0.01	XXX
77079	26	A	Ct bone density, peripheral	0.22	0.08	0.07	0.08	0.07	0.01	XXX
77080		A	Dxa bone density, axial	0.20	1.02	1.48	NA	NA	0.02	XXX
77080	TC	A	Dxa bone density, axial	0.00	0.95	1.41	NA	NA	0.01	XXX
77080	26	A	Dxa bone density, axial	0.20	0.07	0.07	0.07	0.07	0.01	XXX
77081		A	Dxa bone density/peripheral	0.22	0.46	0.54	NA	NA	0.02	XXX
77081	TC	A	Dxa bone density/peripheral	0.00	0.38	0.47	NA	NA	0.01	XXX
77081	26	A	Dxa bone density/peripheral	0.22	0.08	0.07	0.08	0.07	0.01	XXX
77082		A	Dxa bone density, vert fx	0.17	0.50	0.57	NA	NA	0.02	XXX
77082	TC	A	Dxa bone density, vert fx	0.00	0.44	0.52	NA	NA	0.01	XXX
77082	26	A	Dxa bone density, vert fx	0.17	0.06	0.05	0.06	0.05	0.01	XXX
77083		A	Radiographic absorptiometry	0.20	0.40	0.46	NA	NA	0.02	XXX
77083	TC	A	Radiographic absorptiometry	0.00	0.33	0.40	NA	NA	0.01	XXX
77083	26	A	Radiographic absorptiometry	0.20	0.07	0.06	0.07	0.06	0.01	XXX
77084		A	Magnetic image, bone marrow	1.60	7.75	12.46	NA	NA	0.08	XXX
77084	TC	A	Magnetic image, bone marrow	0.00	7.25	11.88	NA	NA	0.01	XXX
77084	26	A	Magnetic image, bone marrow	1.60	0.50	0.58	0.50	0.58	0.07	XXX
77261		A	Radiation therapy planning	1.39	0.61	0.54	0.61	0.54	0.07	XXX
77262		A	Radiation therapy planning	2.11	0.90	0.79	0.90	0.79	0.13	XXX
77263		A	Radiation therapy planning	3.14	1.34	1.17	1.34	1.17	0.19	XXX
77280		A	Set radiation therapy field	0.70	4.10	4.23	NA	NA	0.03	XXX
77280	TC	A	Set radiation therapy field	0.00	3.80	3.97	NA	NA	0.01	XXX
77280	26	A	Set radiation therapy field	0.70	0.30	0.26	0.30	0.26	0.02	XXX
77285		A	Set radiation therapy field	1.05	7.40	7.52	NA	NA	0.05	XXX
77285	TC	A	Set radiation therapy field	0.00	6.96	7.13	NA	NA	0.01	XXX
77285	26	A	Set radiation therapy field	1.05	0.44	0.39	0.44	0.39	0.04	XXX

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77290		A	Set radiation therapy field	1.56	12.36	11.99	NA	NA	0.06	XXX
77290	TC	A	Set radiation therapy field	0.00	11.69	11.42	NA	NA	0.01	XXX
77290	26	A	Set radiation therapy field	1.56	0.67	0.57	0.67	0.57	0.05	XXX
77295		A	Set radiation therapy field	4.56	7.32	11.68	NA	NA	0.21	XXX
77295	TC	A	Set radiation therapy field	0.00	5.38	10.01	NA	NA	0.03	XXX
77295	26	A	Set radiation therapy field	4.56	1.94	1.67	1.94	1.67	0.18	XXX
77299		C	Radiation therapy planning	0.00	0.00	0.00	NA	NA	0.00	XXX
77299	TC	C	Radiation therapy planning	0.00	0.00	0.00	NA	NA	0.00	XXX
77299	26	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	1.15	1.25	NA	NA	0.03	XXX
77300	TC	A	Radiation therapy dose plan	0.00	0.89	1.02	NA	NA	0.01	XXX
77300	26	A	Radiation therapy dose plan	0.62	0.26	0.23	0.26	0.23	0.02	XXX
77301		A	Radiotherapy dose plan, imrt	7.99	52.95	51.44	NA	NA	0.46	XXX
77301	TC	A	Radiotherapy dose plan, imrt	0.00	49.56	48.51	NA	NA	0.16	XXX
77301	26	A	Radiotherapy dose plan, imrt	7.99	3.39	2.93	3.39	2.93	0.30	XXX
77305		A	Teletx isodose plan simple	0.70	0.90	1.14	NA	NA	0.03	XXX
77305	TC	A	Teletx isodose plan simple	0.00	0.60	0.88	NA	NA	0.01	XXX
77305	26	A	Teletx isodose plan simple	0.70	0.30	0.26	0.30	0.26	0.02	XXX
77310		A	Teletx isodose plan intermed	1.05	1.27	1.55	NA	NA	0.05	XXX
77310	TC	A	Teletx isodose plan intermed	0.00	0.82	1.16	NA	NA	0.01	XXX
77310	26	A	Teletx isodose plan intermed	1.05	0.45	0.39	0.45	0.39	0.04	XXX
77315		A	Teletx isodose plan complex	1.56	2.09	2.32	NA	NA	0.06	XXX
77315	TC	A	Teletx isodose plan complex	0.00	1.42	1.75	NA	NA	0.01	XXX
77315	26	A	Teletx isodose plan complex	1.56	0.67	0.57	0.67	0.57	0.05	XXX
77321		A	Special teletx port plan	0.95	1.48	2.06	NA	NA	0.04	XXX
77321	TC	A	Special teletx port plan	0.00	1.08	1.71	NA	NA	0.01	XXX
77321	26	A	Special teletx port plan	0.95	0.40	0.35	0.40	0.35	0.03	XXX
77326		A	Brachytx isodose calc simp	0.93	2.83	2.89	NA	NA	0.05	XXX
77326	TC	A	Brachytx isodose calc simp	0.00	2.43	2.55	NA	NA	0.02	XXX
77326	26	A	Brachytx isodose calc simp	0.93	0.40	0.34	0.40	0.34	0.03	XXX
77327		A	Brachytx isodose calc interm	1.39	3.89	4.03	NA	NA	0.07	XXX
77327	TC	A	Brachytx isodose calc interm	0.00	3.30	3.52	NA	NA	0.02	XXX
77327	26	A	Brachytx isodose calc interm	1.39	0.59	0.51	0.59	0.51	0.05	XXX
77328		A	Brachytx isodose plan compl	2.09	5.00	5.29	NA	NA	0.10	XXX
77328	TC	A	Brachytx isodose plan compl	0.00	4.11	4.52	NA	NA	0.03	XXX
77328	26	A	Brachytx isodose plan compl	2.09	0.89	0.77	0.89	0.77	0.07	XXX

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77331		A	Special radiation dosimetry	0.87	0.84	0.82	NA	NA	0.04	XXX
77331	TC	A	Special radiation dosimetry	0.00	0.47	0.50	NA	NA	0.01	XXX
77331	26	A	Special radiation dosimetry	0.87	0.37	0.32	0.37	0.32	0.03	XXX
77332		A	Radiation treatment aid(s)	0.54	1.47	1.53	NA	NA	0.03	XXX
77332	TC	A	Radiation treatment aid(s)	0.00	1.24	1.33	NA	NA	0.01	XXX
77332	26	A	Radiation treatment aid(s)	0.54	0.23	0.20	0.23	0.20	0.02	XXX
77333		A	Radiation treatment aid(s)	0.84	0.58	0.86	NA	NA	0.04	XXX
77333	TC	A	Radiation treatment aid(s)	0.00	0.22	0.55	NA	NA	0.01	XXX
77333	26	A	Radiation treatment aid(s)	0.84	0.36	0.31	0.36	0.31	0.03	XXX
77334		A	Radiation treatment aid(s)	1.24	2.62	2.89	NA	NA	0.05	XXX
77334	TC	A	Radiation treatment aid(s)	0.00	2.09	2.44	NA	NA	0.01	XXX
77334	26	A	Radiation treatment aid(s)	1.24	0.53	0.45	0.53	0.45	0.04	XXX
77336		A	Radiation physics consult	0.00	1.03	1.47	NA	NA	0.01	XXX
77338		A	Design mlc device for imrt	4.29	8.77	8.77	NA	NA	0.20	XXX
77338	TC	A	Design mlc device for imrt	0.00	6.94	6.94	NA	NA	0.03	XXX
77338	26	A	Design mlc device for imrt	4.29	1.83	1.83	1.83	1.83	0.17	XXX
77370		A	Radiation physics consult	0.00	2.75	3.05	NA	NA	0.03	XXX
77371		C	Srs, multisource	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77372		A	Srs, linear based	0.00	20.73	22.23	NA	NA	0.04	XXX
77373		A	Sbrt delivery	0.00	38.58	41.29	NA	NA	0.05	XXX
77399		C	External radiation dosimetry	0.00	0.00	0.00	NA	NA	0.00	XXX
77399	TC	C	External radiation dosimetry	0.00	0.00	0.00	NA	NA	0.00	XXX
77399	26	C	External radiation dosimetry	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77401		A	Radiation treatment delivery	0.00	0.42	0.71	NA	NA	0.01	XXX
77402		A	Radiation treatment delivery	0.00	3.81	3.75	NA	NA	0.01	XXX
77403		A	Radiation treatment delivery	0.00	3.39	3.30	NA	NA	0.01	XXX
77404		A	Radiation treatment delivery	0.00	3.81	3.65	NA	NA	0.01	XXX
77406		A	Radiation treatment delivery	0.00	3.87	3.69	NA	NA	0.01	XXX
77407		A	Radiation treatment delivery	0.00	6.76	6.10	NA	NA	0.01	XXX
77408		A	Radiation treatment delivery	0.00	4.68	4.47	NA	NA	0.01	XXX
77409		A	Radiation treatment delivery	0.00	5.22	4.95	NA	NA	0.01	XXX
77411		A	Radiation treatment delivery	0.00	5.22	4.92	NA	NA	0.01	XXX
77412		A	Radiation treatment delivery	0.00	6.16	5.80	NA	NA	0.01	XXX
77413		A	Radiation treatment delivery	0.00	6.20	5.84	NA	NA	0.01	XXX
77414		A	Radiation treatment delivery	0.00	6.98	6.52	NA	NA	0.01	XXX
77416		A	Radiation treatment delivery	0.00	7.01	6.55	NA	NA	0.01	XXX

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77417		A	Radiology port film(s)	0.00	0.33	0.40	NA	NA	0.01	XXX
77418		A	Radiation tx delivery, imrt	0.00	11.93	13.84	NA	NA	0.01	XXX
77421		A	Stereoscopic x-ray guidance	0.39	2.22	2.56	NA	NA	0.02	XXX
77421	TC	A	Stereoscopic x-ray guidance	0.00	2.05	2.42	NA	NA	0.01	XXX
77421	26	A	Stereoscopic x-ray guidance	0.39	0.17	0.14	0.17	0.14	0.01	XXX
77422		A	Neutron beam tx, simple	0.00	6.13	5.54	NA	NA	0.01	XXX
77423		A	Neutron beam tx, complex	0.00	6.77	6.31	NA	NA	0.01	XXX
77427		A	Radiation tx management, x5	3.70	1.73	1.47	1.73	1.47	0.22	XXX
77431		A	Radiation therapy management	1.81	0.93	0.82	0.93	0.82	0.10	XXX
77432		A	Stereotactic radiation trmt	7.92	3.40	2.98	3.40	2.98	0.48	XXX
77435		A	Sbrt management	13.00	5.83	5.10	NA	NA	0.79	XXX
77470		A	Special radiation treatment	2.09	2.01	3.87	NA	NA	0.08	XXX
77470	TC	A	Special radiation treatment	0.00	1.12	3.10	NA	NA	0.01	XXX
77470	26	A	Special radiation treatment	2.09	0.89	0.77	0.89	0.77	0.07	XXX
77499		C	Radiation therapy management	0.00	0.00	0.00	NA	NA	0.00	XXX
77499	TC	C	Radiation therapy management	0.00	0.00	0.00	NA	NA	0.00	XXX
77499	26	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	9.45	8.80	NA	NA	0.07	XXX
77600	TC	R	Hyperthermia treatment	0.00	8.78	8.23	NA	NA	0.02	XXX
77600	26	R	Hyperthermia treatment	1.56	0.67	0.57	0.67	0.57	0.05	XXX
77605		R	Hyperthermia treatment	2.09	25.77	18.56	NA	NA	0.30	XXX
77605	TC	R	Hyperthermia treatment	0.00	25.00	17.91	NA	NA	0.02	XXX
77605	26	R	Hyperthermia treatment	2.09	0.77	0.65	0.77	0.65	0.28	XXX
77610		R	Hyperthermia treatment	1.56	15.42	15.52	NA	NA	0.07	XXX
77610	TC	R	Hyperthermia treatment	0.00	14.75	14.99	NA	NA	0.02	XXX
77610	26	R	Hyperthermia treatment	1.56	0.67	0.53	0.67	0.53	0.05	XXX
77615		R	Hyperthermia treatment	2.09	23.82	22.55	NA	NA	0.12	XXX
77615	TC	R	Hyperthermia treatment	0.00	22.92	21.79	NA	NA	0.05	XXX
77615	26	R	Hyperthermia treatment	2.09	0.90	0.76	0.90	0.76	0.07	XXX
77620		R	Hyperthermia treatment	1.56	12.22	9.82	NA	NA	0.06	XXX
77620	TC	R	Hyperthermia treatment	0.00	11.64	9.32	NA	NA	0.03	XXX
77620	26	R	Hyperthermia treatment	1.56	0.58	0.50	0.58	0.50	0.03	XXX

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77750		A	Infuse radioactive materials	5.00	4.77	4.36	NA	NA	0.21	090
77750	TC	A	Infuse radioactive materials	0.00	2.64	2.54	NA	NA	0.02	090
77750	26	A	Infuse radioactive materials	5.00	2.13	1.82	2.13	1.82	0.19	090
77761		A	Apply intrcav radiat simple	3.85	6.15	5.82	NA	NA	0.18	090
77761	TC	A	Apply intrcav radiat simple	0.00	4.58	4.46	NA	NA	0.03	090
77761	26	A	Apply intrcav radiat simple	3.85	1.57	1.36	1.57	1.36	0.15	090
77762		A	Apply intrcav radiat interm	5.76	7.66	7.33	NA	NA	0.26	090
77762	TC	A	Apply intrcav radiat interm	0.00	5.24	5.23	NA	NA	0.04	090
77762	26	A	Apply intrcav radiat interm	5.76	2.42	2.10	2.42	2.10	0.22	090
77763		A	Apply intrcav radiat compl	8.66	10.38	9.90	NA	NA	0.37	090
77763	TC	A	Apply intrcav radiat compl	0.00	6.79	6.76	NA	NA	0.05	090
77763	26	A	Apply intrcav radiat compl	8.66	3.59	3.14	3.59	3.14	0.32	090
77776		A	Apply interstit radiat simpl	4.70	6.59	6.43	NA	NA	0.27	090
77776	TC	A	Apply interstit radiat simpl	0.00	4.81	4.79	NA	NA	0.04	090
77776	26	A	Apply interstit radiat simpl	4.70	1.78	1.64	1.78	1.64	0.23	090
77777		A	Apply interstit radiat inter	7.52	7.90	7.96	NA	NA	0.40	090
77777	TC	A	Apply interstit radiat inter	0.00	4.96	5.18	NA	NA	0.04	090
77777	26	A	Apply interstit radiat inter	7.52	2.94	2.78	2.94	2.78	0.36	090
77778		A	Apply interstit radiat compl	11.32	11.62	11.09	NA	NA	0.50	090
77778	TC	A	Apply interstit radiat compl	0.00	6.87	6.96	NA	NA	0.06	090
77778	26	A	Apply interstit radiat compl	11.32	4.75	4.13	4.75	4.13	0.44	090
77785		A	Hdr brachytx, 1 channel	1.42	5.06	3.98	NA	NA	0.07	XXX
77785	TC	A	Hdr brachytx, 1 channel	0.00	4.46	3.45	NA	NA	0.02	XXX
77785	26	A	Hdr brachytx, 1 channel	1.42	0.60	0.53	0.60	0.53	0.05	XXX
77786		A	Hdr brachytx, 2-12 channel	3.25	11.28	11.81	NA	NA	0.16	XXX
77786	TC	A	Hdr brachytx, 2-12 channel	0.00	9.89	10.67	NA	NA	0.04	XXX
77786	26	A	Hdr brachytx, 2-12 channel	3.25	1.39	1.14	1.39	1.14	0.12	XXX
77787		A	Hdr brachytx over 12 chan	4.89	19.92	18.30	NA	NA	0.25	XXX
77787	TC	A	Hdr brachytx over 12 chan	0.00	17.82	16.47	NA	NA	0.06	XXX
77787	26	A	Hdr brachytx over 12 chan	4.89	2.10	1.83	2.10	1.83	0.19	XXX
77789		A	Apply surface radiation	1.14	1.96	1.77	NA	NA	0.05	000
77789	TC	A	Apply surface radiation	0.00	1.45	1.34	NA	NA	0.01	000
77789	26	A	Apply surface radiation	1.14	0.51	0.43	0.51	0.43	0.04	000
77790		A	Radiation handling	1.05	1.46	1.36	NA	NA	0.04	XXX
77790	TC	A	Radiation handling	0.00	1.02	0.97	NA	NA	0.01	XXX
77790	26	A	Radiation handling	1.05	0.44	0.39	0.44	0.39	0.03	XXX

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77799		C	Radium/radioisotope therapy	0.00	0.00	0.00	NA	NA	0.00	XXX
77799	TC	C	Radium/radioisotope therapy	0.00	0.00	0.00	NA	NA	0.00	XXX
77799	26	C	Radium/radioisotope therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78000		A	Thyroid, single uptake	0.19	1.48	1.63	NA	NA	0.02	XXX
78000	TC	A	Thyroid, single uptake	0.00	1.43	1.56	NA	NA	0.01	XXX
78000	26	A	Thyroid, single uptake	0.19	0.05	0.07	0.05	0.07	0.01	XXX
78001		A	Thyroid, multiple uptakes	0.26	1.91	2.07	NA	NA	0.03	XXX
78001	TC	A	Thyroid, multiple uptakes	0.00	1.84	1.97	NA	NA	0.02	XXX
78001	26	A	Thyroid, multiple uptakes	0.26	0.07	0.10	0.07	0.10	0.01	XXX
78003		A	Thyroid suppress/stimul	0,33	1.61	1.71	NA	NA	0.02	XXX
78003	TC	A	Thyroid suppress/stimul	0.00	1.51	1.59	NA	NA	0.01	XXX
78003	26	A	Thyroid suppress/stimul	0.33	0.10	0.12	0.10	0.12	0.01	XXX
78006		A	Thyroid imaging with uptake	0.49	5.28	5.36	NA	NA	0.04	XXX
78006	TC	A	Thyroid imaging with uptake	0.00	5.14	5.19	NA	NA	0.02	XXX
78006	26	A	Thyroid imaging with uptake	0.49	0.14	0.17	0.14	0.17	0.02	XXX
78007		A	Thyroid image, mult uptakes	0.50	5.61	3.68	NA	NA	0.04	XXX
78007	TC	A	Thyroid image, mult uptakes	0.00	5.47	3.50	NA	NA	0.02	XXX
78007	26	A	Thyroid image, mult uptakes	0.50	0.14	0.18	0.14	0.18	0.02	XXX
78010		A	Thyroid imaging	0.39	3.56	3.65	NA	NA	0.03	XXX
78010	TC	A	Thyroid imaging	0.00	3.45	3.52	NA	NA	0.02	XXX
78010	26	A	Thyroid imaging	0.39	0.11	0.13	0.11	0.13	0.01	XXX
78011		A	Thyroid imaging with flow	0.45	3.79	4.08	NA	NA	0.04	XXX
78011	TC	A	Thyroid imaging with flow	0.00	3.66	3.92	NA	NA	0.02	XXX
78011	26	A	Thyroid imaging with flow	0.45	0.13	0.16	0.13	0.16	0.02	XXX
78015		A	Thyroid met imaging	0.67	4.46	4.74	NA	NA	0.05	XXX
78015	TC	A	Thyroid met imaging	0.00	4.29	4.51	NA	NA	0.02	XXX
78015	26	A	Thyroid met imaging	0.67	0.17	0.23	0.17	0.23	0.03	XXX
78016		A	Thyroid met imaging/studies	0.82	5.94	7.16	NA	NA	0.04	XXX
78016	TC	A	Thyroid met imaging/studies	0.00	5.83	6.90	NA	NA	0.02	XXX
78016	26	A	Thyroid met imaging/studies	0.82	0.11	0.26	0.11	0.26	0.02	XXX
78018		A	Thyroid met imaging, body	0.86	6.59	7.29	NA	NA	0.05	XXX
78018	TC	A	Thyroid met imaging, body	0.00	6.37	6.99	NA	NA	0.02	XXX
78018	26	A	Thyroid met imaging, body	0.86	0.22	0.30	0.22	0.30	0.03	XXX
78020		A	Thyroid met uptake	0.60	1.39	1.69	NA	NA	0.03	ZZZ
78020	TC	A	Thyroid met uptake	0.00	1.25	1.48	NA	NA	0.01	ZZZ
78020	26	A	Thyroid met uptake	0.60	0.14	0.21	0.14	0.21	0.02	ZZZ

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78070		A	Parathyroid nuclear imaging	0.82	2.84	3.58	NA	NA	0.05	XXX
78070	TC	A	Parathyroid nuclear imaging	0.00	2.61	3.29	NA	NA	0.02	XXX
78070	26	A	Parathyroid nuclear imaging	0.82	0.23	0.29	0.23	0.29	0.03	XXX
78075		A	Adrenal nuclear imaging	0.74	9.38	10.03	NA	NA	0.06	XXX
78075	TC	A	Adrenal nuclear imaging	0.00	9.20	9.77	NA	NA	0.03	XXX
78075	26	A	Adrenal nuclear imaging	0.74	0.18	0.26	0.18	0.26	0.03	XXX
78099		C	Endocrine nuclear procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
78099	TC	C	Endocrine nuclear procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
78099	26	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	3.41	3.68	NA	NA	0.04	XXX
78102	TC	A	Bone marrow imaging, ltd	0.00	3.27	3.49	NA	NA	0.02	XXX
78102	26	A	Bone marrow imaging, ltd	0.55	0.14	0.19	0.14	0.19	0.02	XXX
78103		A	Bone marrow imaging, mult	0.75	4.47	4.90	NA	NA	0.05	XXX
78103	TC	A	Bone marrow imaging, mult	0.00	4.28	4.64	NA	NA	0.02	XXX
78103	26	A	Bone marrow imaging, mult	0.75	0.19	0.26	0.19	0.26	0.03	XXX
78104		A	Bone marrow imaging, body	0.80	5.07	5.64	NA	NA	0.05	XXX
78104	TC	A	Bone marrow imaging, body	0.00	4.86	5.35	NA	NA	0.02	XXX
78104	26	A	Bone marrow imaging, body	0.80	0.21	0.29	0.21	0.29	0.03	XXX
78110		A	Plasma volume, single	0.19	1.83	1.87	NA	NA	0.03	XXX
78110	TC	A	Plasma volume, single	0.00	1.77	1.80	NA	NA	0.02	XXX
78110	26	A	Plasma volume, single	0.19	0.06	0.07	0.06	0.07	0.01	XXX
78111		A	Plasma volume, multiple	0.22	1.50	2.16	NA	NA	0.03	XXX
78111	TC	A	Plasma volume, multiple	0.00	1.46	2.08	NA	NA	0.02	XXX
78111	26	A	Plasma volume, multiple	0.22	0.04	0.08	0.04	0.08	0.01	XXX
78120		A	Red cell mass, single	0.23	1.66	1.98	NA	NA	0.03	XXX
78120	TC	A	Red cell mass, single	0.00	1.60	1.90	NA	NA	0.02	XXX
78120	26	A	Red cell mass, single	0.23	0.06	0.08	0.06	0.08	0.01	XXX
78121		A	Red cell mass, multiple	0.32	1.39	2.21	NA	NA	0.03	XXX
78121	TC	A	Red cell mass, multiple	0.00	1.35	2.11	NA	NA	0.02	XXX
78121	26	A	Red cell mass, multiple	0.32	0.04	0.10	0.04	0.10	0.01	XXX
78122		A	Blood volume	0.45	1.70	2.65	NA	NA	0.03	XXX
78122	TC	A	Blood volume	0.00	1.60	2.50	NA	NA	0.02	XXX
78122	26	A	Blood volume	0.45	0.10	0.15	0.10	0.15	0.01	XXX
78130		A	Red cell survival study	0.61	2.98	3.36	NA	NA	0.06	XXX
78130	TC	A	Red cell survival study	0.00	2.79	3.14	NA	NA	0.03	XXX
78130	26	A	Red cell survival study	0.61	0.19	0.22	0.19	0.22	0.03	XXX

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78135		A	Red cell survival kinetics	0.64	7.68	7.90	NA	NA	0.05	XXX
78135	TC	A	Red cell survival kinetics	0.00	7.48	7.67	NA	NA	0.02	XXX
78135	26	A	Red cell survival kinetics	0.64	0.20	0.23	0.20	0.23	0.03	XXX
78140		A	Red cell sequestration	0.61	2.40	3.08	NA	NA	0.05	XXX
78140	TC	A	Red cell sequestration	0.00	2.22	2.86	NA	NA	0.02	XXX
78140	26	A	Red cell sequestration	0.61	0.18	0.22	0.18	0.22	0.03	XXX
78185		A	Spleen imaging	0.40	4.45	4.58	NA	NA	0.03	XXX
78185	TC	A	Spleen imaging	0.00	4.34	4.44	NA	NA	0.02	XXX
78185	26	A	Spleen imaging	0.40	0.11	0.14	0.11	0.14	0.01	XXX
78190		A	Platelet survival, kinetics	1.09	8.97	8.78	NA	NA	0.05	XXX
78190	TC	A	Platelet survival, kinetics	0.00	8.57	8.40	NA	NA	0.02	XXX
78190	26	A	Platelet survival, kinetics	1.09	0.40	0.38	0.40	0.38	0.03	XXX
78191		A	Platelet survival	0.61	2.96	4.17	NA	NA	0.06	XXX
78191	TC	A	Platelet survival	0.00	2.77	3.96	NA	NA	0.03	XXX
78191	26	A	Platelet survival	0.61	0.19	0.21	0.19	0.21	0.03	XXX
78195		A	Lymph system imaging	1.20	7.40	7.68	NA	NA	0.07	XXX
78195	TC	A	Lymph system imaging	0.00	7.07	7.25	NA	NA	0.02	XXX
78195	26	A	Lymph system imaging	1.20	0.33	0.43	0.33	0.43	0.05	XXX
78199		C	Blood/lymph nuclear exam	0.00	0.00	0.00	NA	NA	0.00	XXX
78199	TC	C	Blood/lymph nuclear exam	0.00	0.00	0.00	NA	NA	0.00	XXX
78199	26	C	Blood/lymph nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78201		A	Liver imaging	0.44	4.18	4.19	NA	NA	0.05	XXX
78201	TC	A	Liver imaging	0.00	4.06	4.04	NA	NA	0.02	XXX
78201	26	A	Liver imaging	0.44	0.12	0.15	0.12	0.15	0.03	XXX
78202		A	Liver imaging with flow	0.51	4.25	4.70	NA	NA	0.03	XXX
78202	TC	A	Liver imaging with flow	0.00	4.13	4.53	NA	NA	0.02	XXX
78202	26	A	Liver imaging with flow	0.51	0.12	0.17	0.12	0.17	0.01	XXX
78205		A	Liver imaging (3D)	0.71	4.38	5.28	NA	NA	0.05	XXX
78205	TC	A	Liver imaging (3D)	0.00	4.19	5.03	NA	NA	0.02	XXX
78205	26	A	Liver imaging (3D)	0.71	0.19	0.25	0.19	0.25	0.03	XXX
78206		A	Liver image (3d) with flow	0.96	7.42	7.95	NA	NA	0.05	XXX
78206	TC	A	Liver image (3d) with flow	0.00	7.15	7.61	NA	NA	0.02	XXX
78206	26	A	Liver image (3d) with flow	0.96	0.27	0.34	0.27	0.34	0.03	XXX
78215		A	Liver and spleen imaging	0.49	4.07	4.36	NA	NA	0.04	XXX
78215	TC	A	Liver and spleen imaging	0.00	3.93	4.19	NA	NA	0.02	XXX
78215	26	A	Liver and spleen imaging	0.49	0.14	0.17	0.14	0.17	0.02	XXX

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78216		A	Liver & spleen image/flow	0.57	2.32	2.91	NA	NA	0.04	XXX
78216	TC	A	Liver & spleen image/flow	0.00	2.16	2.71	NA	NA	0.02	XXX
78216	26	A	Liver & spleen image/flow	0.57	0.16	0.20	0.16	0.20	0.02	XXX
78220		A	Liver function study	0.49	2.52	3.13	NA	NA	0.03	XXX
78220	TC	A	Liver function study	0.00	2.38	2.96	NA	NA	0.02	XXX
78220	26	A	Liver function study	0.49	0.14	0.17	0.14	0.17	0.01	XXX
78223		A	Hepatobiliary imaging	0.84	7.28	7.42	NA	NA	0.05	XXX
78223	TC	A	Hepatobiliary imaging	0.00	7.04	7.12	NA	NA	0.02	XXX
78223	26	A	Hepatobiliary imaging	0.84	0.24	0.30	0.24	0.30	0.03	XXX
78230		A	Salivary gland imaging	0.45	3.58	3.71	NA	NA	0.04	XXX
78230	TC	A	Salivary gland imaging	0.00	3.44	3.55	NA	NA	0.02	XXX
78230	26	A	Salivary gland imaging	0.45	0.14	0.16	0.14	0.16	0.02	XXX
78231		A	Serial salivary imaging	0.52	2.38	2.85	NA	NA	0.03	XXX
78231	TC	A	Serial salivary imaging	0.00	2.22	2.67	NA	NA	0.02	XXX
78231	26	A	Serial salivary imaging	0.52	0.16	0.18	0.16	0.18	0.01	XXX
78232		A	Salivary gland function exam	0.47	1.79	2.79	NA	NA	0.04	XXX
78232	TC	A	Salivary gland function exam	0.00	1.73	2.64	NA	NA	0.02	XXX
78232	26	A	Salivary gland function exam	0.47	0.06	0.15	0.06	0.15	0.02	XXX
78258		A	Esophageal motility study	0.74	5.08	5.12	NA	NA	0.04	XXX
78258	TC	A	Esophageal motility study	0.00	4.84	4.84	NA	NA	0.02	XXX
78258	26	A	Esophageal motility study	0.74	0.24	0.28	0.24	0.28	0.02	XXX
78261		A	Gastric mucosa imaging	0.69	5.26	5.63	NA	NA	0.05	XXX
78261	TC	A	Gastric mucosa imaging	0.00	5.05	5.38	NA	NA	0.02	XXX
78261	26	A	Gastric mucosa imaging	0.69	0.21	0.25	0.21	0.25	0.03	XXX
78262		A	Gastroesophageal reflux exam	0.68	5.19	5.55	NA	NA	0.03	XXX
78262	TC	A	Gastroesophageal reflux exam	0.00	5.00	5.32	NA	NA	0.02	XXX
78262	26	A	Gastroesophageal reflux exam	0.68	0.19	0.23	0.19	0.23	0.01	XXX
78264		A	Gastric emptying study	0.78	6.07	6.45	NA	NA	0.05	XXX
78264	TC	A	Gastric emptying study	0.00	5.85	6.17	NA	NA	0.02	XXX
78264	26	A	Gastric emptying study	0.78	0.22	0.28	0.22	0.28	0.03	XXX
78267		X	Breath tst attain/anal c-14	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78268		X	Breath test analysis, c-14	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78270		A	Vit B-12 absorption exam	0.20	1.68	1.85	NA	NA	0.02	XXX
78270	TC	A	Vit B-12 absorption exam	0.00	1.62	1.78	NA	NA	0.01	XXX
78270	26	A	Vit B-12 absorption exam	0.20	0.06	0.07	0.06	0.07	0.01	XXX
78271		A	Vit b-12 absrp exam, int fac	0.20	1.98	1.94	NA	NA	0.02	XXX

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78271	TC	A	Vit b-12 absrp exam, int fac	0.00	1.91	1.88	NA	NA	0.01	XXX
78271	26	A	Vit b-12 absrp exam, int fac	0.20	0.07	0.06	0.07	0.06	0.01	XXX
78272		A	Vit B-12 absorp, combined	0.27	1.82	2.05	NA	NA	0.03	XXX
78272	TC	A	Vit B-12 absorp, combined	0.00	1.74	1.97	NA	NA	0.02	XXX
78272	26	A	Vit B-12 absorp, combined	0.27	0.08	0.08	0.08	0.08	0.01	XXX
78278		A	Acute GI blood loss imaging	0.99	7.32	7.73	NA	NA	0.06	XXX
78278	TC	A	Acute GI blood loss imaging	0.00	7.04	7.38	NA	NA	0.02	XXX
78278	26	A	Acute GI blood loss imaging	0.99	0.28	0.35	0.28	0.35	0.04	XXX
78282		C	GI protein loss exam	0.00	0.00	0.00	NA	NA	0.00	XXX
78282	TC	C	GI protein loss exam	0.00	0.00	0.00	NA	NA	0.00	XXX
78282	26	A	GI protein loss exam	0.38	0.11	0.14	0.11	0.14	0.02	XXX
78290		A	Meckels divert exam	0.68	7.24	7.29	NA	NA	0.05	XXX
78290	TC	A	Meckels divert exam	0.00	7.05	7.04	NA	NA	0.02	XXX
78290	26	A	Meckels divert exam	0.68	0.19	0.25	0.19	0.25	0.03	XXX
78291		A	Leveen/shunt patency exam	0.88	5.24	5.49	NA	NA	0.06	XXX
78291	TC	A	Leveen/shunt patency exam	0.00	5.00	5.18	NA	NA	0.02	XXX
78291	26	A	Leveen/shunt patency exam	0.88	0.24	0.31	0.24	0.31	0.04	XXX
78299		C	GI nuclear procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
78299	TC	C	GI nuclear procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
78299	26	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	3.64	3.83	NA	NA	0.04	XXX
78300	TC	A	Bone imaging, limited area	0.00	3.45	3.61	NA	NA	0.02	XXX
78300	26	A	Bone imaging, limited area	0.62	0.19	0.22	0.19	0.22	0.02	XXX
78305		A	Bone imaging, multiple areas	0.83	4.74	5.06	NA	NA	0.05	XXX
78305	TC	A	Bone imaging, multiple areas	0.00	4.50	4.77	NA	NA	0.02	XXX
78305	26	A	Bone imaging, multiple areas	0.83	0.24	0.29	0.24	0.29	0.03	XXX
78306		A	Bone imaging, whole body	0.86	5.13	5.62	NA	NA	0.05	XXX
78306	TC	A	Bone imaging, whole body	0.00	4.88	5.31	NA	NA	0.02	XXX
78306	26	A	Bone imaging, whole body	0.86	0.25	0.31	0.25	0.31	0.03	XXX
78315		A	Bone imaging, 3 phase	1.02	7.29	7.71	NA	NA	0.06	XXX
78315	TC	A	Bone imaging, 3 phase	0.00	7.00	7.35	NA	NA	0.02	XXX
78315	26	A	Bone imaging, 3 phase	1.02	0.29	0.36	0.29	0.36	0.04	XXX
78320		A	Bone imaging (3D)	1.04	4.45	5.39	NA	NA	0.06	XXX
78320	TC	A	Bone imaging (3D)	0.00	4.17	5.02	NA	NA	0.02	XXX
78320	26	A	Bone imaging (3D)	1.04	0.28	0.37	0.28	0.37	0.04	XXX
78350		N	Bone mineral, single photon	0.22	0.57	0.64	NA	NA	0.02	XXX

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78350	TC	N	Bone mineral, single photon	0.00	0.49	0.57	NA	NA	0.01	XXX
78350	26	N	Bone mineral, single photon	0.22	0.08	0.07	0.08	0.07	0.01	XXX
78351		N	Bone mineral, dual photon	0.30	0.11	0.11	0.11	0.11	0.01	XXX
78399		C	Musculoskeletal nuclear exam	0.00	0.00	0.00	NA	NA	0.00	XXX
78399	TC	C	Musculoskeletal nuclear exam	0.00	0.00	0.00	NA	NA	0.00	XXX
78399	26	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	NA	NA	0.00	XXX
78414	TC	C	Non-imaging heart function	0.00	0.00	0.00	NA	NA	0.00	XXX
78414	26	A	Non-imaging heart function	0.45	0.17	0.14	0.17	0.14	0.02	XXX
78428		A	Cardiac shunt imaging	0.78	3.89	4.33	NA	NA	0.04	XXX
78428	TC	A	Cardiac shunt imaging	0.00	3.68	4.02	NA	NA	0.02	XXX
78428	26	A	Cardiac shunt imaging	0.78	0.21	0.31	0.21	0.31	0.02	XXX
78445		A	Vascular flow imaging	0.49	3.61	3.86	NA	NA	0.03	XXX
78445	TC	A	Vascular flow imaging	0.00	3.49	3.69	NA	NA	0.02	XXX
78445	26	A	Vascular flow imaging	0.49	0.12	0.17	0.12	0.17	0.01	XXX
78451		A	Ht muscle image spect, sing	1.38	7.24	7.24	NA	NA	0.06	XXX
78451	TC	A	Ht muscle image spect, sing	0.00	6.82	6.82	NA	NA	0.02	XXX
78451	26	A	Ht muscle image spect, sing	1.38	0.42	0.42	0.42	0.42	0.04	XXX
78452		A	Ht muscle image spect, mult	1.62	10.50	10.50	NA	NA	0.07	XXX
78452	TC	A	Ht muscle image spect, mult	0.00	9.98	9.98	NA	NA	0.03	XXX
78452	26	A	Ht muscle image spect, mult	1.62	0.52	0.52	0.52	0.52	0.04	XXX
78453		A	Ht muscle image,planar,sing	1.00	6.42	6.42	NA	NA	0.06	XXX
78453	TC	A	Ht muscle image,planar,sing	0.00	6.11	6.11	NA	NA	0.02	XXX
78453	26	A	Ht muscle image,planar,sing	1.00	0.31	0.31	0.31	0.31	0.04	XXX
78454		A	Ht musc image, planar, mult	1.34	9.20	9.20	NA	NA	0.07	XXX
78454	TC	A	Ht musc image, planar, mult	0.00	8.80	8.80	NA	NA	0.03	XXX
78454	26	A	Ht musc image, planar, mult	1.34	0.40	0.40	0.40	0.40	0.04	XXX
78456		A	Acute venous thrombus image	1.00	7.00	7.98	NA	NA	0.04	XXX
78456	TC	A	Acute venous thrombus image	0.00	6.67	7.55	NA	NA	0.02	XXX
78456	26	A	Acute venous thrombus image	1.00	0.33	0.43	0.33	0.43	0.02	XXX
78457		A	Venous thrombosis imaging	0.77	3.98	4.21	NA	NA	0.05	XXX
78457	TC	A	Venous thrombosis imaging	0.00	3.75	3.94	NA	NA	0.02	XXX
78457	26	A	Venous thrombosis imaging	0.77	0.23	0.27	0.23	0.27	0.03	XXX
78458		A	Ven thrombosis images, bilat	0.90	3.53	4.36	NA	NA	0.06	XXX
78458	TC	A	Ven thrombosis images, bilat	0.00	3.34	4.05	NA	NA	0.02	XXX
78458	26	A	Ven thrombosis images, bilat	0.90	0.19	0.31	0.19	0.31	0.04	XXX

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78459		C	Heart muscle imaging (PET)	0.00	0.00	0.00	NA	NA	0.00	XXX
78459	TC	C	Heart muscle imaging (PET)	0.00	0.00	0.00	NA	NA	0.00	XXX
78459	26	A	Heart muscle imaging (PET)	1.50	0.36	0.59	0.36	0.59	0.07	XXX
78466		A	Heart infarct image	0.69	3.49	3.97	NA	NA	0.04	XXX
78466	TC	A	Heart infarct image	0.00	3.28	3.70	NA	NA	0.02	XXX
78466	26	A	Heart infarct image	0.69	0.21	0.27	0.21	0.27	0.02	XXX
78468		A	Heart infarct image (ef)	0.80	4.14	5.00	NA	NA	0.04	XXX
78468	TC	A	Heart infarct image (ef)	0.00	3.88	4.65	NA	NA	0.02	XXX
78468	26	A	Heart infarct image (ef)	0.80	0.26	0.35	0.26	0.35	0.02	XXX
78469		A	Heart infarct image (3D)	0.92	4.93	5.70	NA	NA	0.04	XXX
78469	TC	A	Heart infarct image (3D)	0.00	4.62	5.32	NA	NA	0.02	XXX
78469	26	A	Heart infarct image (3D)	0.92	0.31	0.38	0.31	0.38	0.02	XXX
78472		A	Gated heart, planar, single	0.98	4.66	5.67	NA	NA	0.05	XXX
78472	TC	A	Gated heart, planar, single	0.00	4.37	5.28	NA	NA	0.02	XXX
78472	26	A	Gated heart, planar, single	0.98	0.29	0.39	0.29	0.39	0.03	XXX
78473		A	Gated heart, multiple	1.47	5.82	7.50	NA	NA	0.06	XXX
78473	TC	A	Gated heart, multiple	0.00	5.37	6.89	NA	NA	0.02	XXX
78473	26	A	Gated heart, multiple	1.47	0.45	0.61	0.45	0.61	0.04	XXX
78481		A	Heart first pass, single	0.98	3.55	4.74	NA	NA	0.03	XXX
78481	TC	A	Heart first pass, single	0.00	3.23	4.30	NA	NA	0.01	XXX
78481	26	A	Heart first pass, single	0.98	0.32	0.44	0.32	0.44	0.02	XXX
78483		A	Heart first pass, multiple	1.47	4.68	6.54	NA	NA	0.06	XXX
78483	TC	A	Heart first pass, multiple	0.00	4.21	5.86	NA	NA	0.02	XXX
78483	26	A	Heart first pass, multiple	1.47	0.47	0.68	0.47	0.68	0.04	XXX
78491		C	Heart image (pet), single	0.00	0.00	0.00	NA	NA	0.00	XXX
78491	TC	C	Heart image (pet), single	0.00	0.00	0.00	NA	NA	0.00	XXX
78491	26	A	Heart image (pet), single	1.50	0.41	0.62	0.41	0.62	0.07	XXX
78492		C	Heart image (pet), multiple	0.00	0.00	0.00	NA	NA	0.00	XXX
78492	TC	C	Heart image (pet), multiple	0.00	0.00	0.00	NA	NA	0.00	XXX
78492	26	A	Heart image (pet), multiple	1.87	0.54	0.80	0.54	0.80	0.09	XXX
78494		A	Heart image, spect	1.19	4.68	6.00	NA	NA	0.05	XXX
78494	TC	A	Heart image, spect	0.00	4.29	5.51	NA	NA	0.02	XXX
78494	26	A	Heart image, spect	1.19	0.39	0.49	0.39	0.49	0.03	XXX
78496		A	Heart first pass add-on	0.50	0.62	2.03	NA	NA	0.02	ZZZ
78496	TC	A	Heart first pass add-on	0.00	0.46	1.82	NA	NA	0.01	ZZZ
78496	26	A	Heart first pass add-on	0.50	0.16	0.21	0.16	0.21	0.01	ZZZ

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78499		C	Cardiovascular nuclear exam	0.00	0.00	0.00	NA	NA	0.00	XXX
78499	TC	C	Cardiovascular nuclear exam	0.00	0.00	0.00	NA	NA	0.00	XXX
78499	26	C	Cardiovascular nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78580		A	Lung perfusion imaging	0.74	4.26	4.69	NA	NA	0.04	XXX
78580	TC	A	Lung perfusion imaging	0.00	4.05	4.42	NA	NA	0.02	XXX
78580	26	A	Lung perfusion imaging	0.74	0.21	0.27	0.21	0.27	0.02	XXX
78584		A	Lung V/Q image single breath	0.99	2.51	3.03	NA	NA	0.06	XXX
78584	TC	A	Lung V/Q image single breath	0.00	2.22	2.67	NA	NA	0.02	XXX
78584	26	A	Lung V/Q image single breath	0.99	0.29	0.36	0.29	0.36	0.04	XXX
78585		A	Lung V/Q imaging	1.09	7.31	7.91	NA	NA	0.06	XXX
78585	TC	A	Lung V/Q imaging	0.00	7.01	7.52	NA	NA	0.02	XXX
78585	26	A	Lung V/Q imaging	1.09	0.30	0.39	0.30	0.39	0.04	XXX
78586		A	Aerosol lung image, single	0.40	3.58	3.78	NA	NA	0.03	XXX
78586	TC	A	Aerosol lung image, single	0.00	3.46	3.64	NA	NA	0.02	XXX
78586	26	A	Aerosol lung image, single	0.40	0.12	0.14	0.12	0.14	0.01	XXX
78587		A	Aerosol lung image, multiple	0.49	4.48	4.79	NA	NA	0.04	XXX
78587	TC	A	Aerosol lung image, multiple	0.00	4.35	4.61	NA	NA	0.02	XXX
78587	26	A	Aerosol lung image, multiple	0.49	0.13	0.18	0.13	0.18	0.02	XXX
78588		A	Perfusion lung image	1.09	7.38	7.47	NA	NA	0.06	XXX
78588	TC	A	Perfusion lung image	0.00	7.07	7.08	NA	NA	0.02	XXX
78588	26	A	Perfusion lung image	1.09	0.31	0.39	0.31	0.39	0.04	XXX
78591		A	Vent image, 1 breath, 1 proj	0.40	3.57	3.82	NA	NA	0.03	XXX
78591	TC	A	Vent image, 1 breath, 1 proj	0.00	3.45	3.68	NA	NA	0.02	XXX
78591	26	A	Vent image, 1 breath, 1 proj	0.40	0.12	0.14	0.12	0.14	0.01	XXX
78593		A	Vent image, 1 proj, gas	0.49	4.09	4.46	NA	NA	0.04	XXX
78593	TC	A	Vent image, 1 proj, gas	0.00	3.95	4.29	NA	NA	0.02	XXX
78593	26	A	Vent image, 1 proj, gas	0.49	0.14	0.17	0.14	0.17	0.02	XXX
78594		A	Vent image, mult proj, gas	0.53	4.33	5.12	NA	NA	0.04	XXX
78594	TC	A	Vent image, mult proj, gas	0.00	4.20	4.93	NA	NA	0.02	XXX
78594	26	A	Vent image, mult proj, gas	0.53	0.13	0.19	0.13	0.19	0.02	XXX
78596		A	Lung differential function	1.27	7.51	8.30	NA	NA	0.05	XXX
78596	TC	A	Lung differential function	0.00	7.16	7.88	NA	NA	0.02	XXX
78596	26	A	Lung differential function	1.27	0.35	0.42	0.35	0.42	0.03	XXX
78599		C	Respiratory nuclear exam	0.00	0.00	0.00	NA	NA	0.00	XXX
78599	TC	C	Respiratory nuclear exam	0.00	0.00	0.00	NA	NA	0.00	XXX
78599	26	C	Respiratory nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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CPT[1]/ HCPCS	Mod	Status	Description	Physician Work RVUs[2,3,4]	Fully Implemented Non-Facility PE RVUs[2,4]	Year 2010 Transitional Non-Facility PE RVUs[2,4]	Fully Implemented Facility PE RVUs[2,4]	Year 2010 Transitional Facility PE RVUs[2,4]	Mal-Practice RVUs[2,4]	Global
78600		A	Brain image < 4 views	0.44	3.83	4.11	NA	NA	0.03	XXX
78600	TC	A	Brain image < 4 views	0.00	3.70	3.95	NA	NA	0.02	XXX
78600	26	A	Brain image < 4 views	0.44	0.13	0.16	0.13	0.16	0.01	XXX
78601		A	Brain image w/flow < 4 views	0.51	4.50	4.88	NA	NA	0.04	XXX
78601	TC	A	Brain image w/flow < 4 views	0.00	4.36	4.70	NA	NA	0.02	XXX
78601	26	A	Brain image w/flow < 4 views	0.51	0.14	0.18	0.14	0.18	0.02	XXX
78605		A	Brain image 4+ views	0.53	4.09	4.49	NA	NA	0.04	XXX
78605	TC	A	Brain image 4+ views	0.00	3.94	4.29	NA	NA	0.02	XXX
78605	26	A	Brain image 4+ views	0.53	0.15	0.20	0.15	0.20	0.02	XXX
78606		A	Brain image w/flow 4 + views	0.64	7.49	7.49	NA	NA	0.03	XXX
78606	TC	A	Brain image w/flow 4 + views	0.00	7.30	7.26	NA	NA	0.02	XXX
78606	26	A	Brain image w/flow 4 + views	0.64	0.19	0.23	0.19	0.23	0.01	XXX
78607		A	Brain imaging (3D)	1.23	7.19	8.11	NA	NA	0.06	XXX
78607	TC	A	Brain imaging (3D)	0.00	6.88	7.68	NA	NA	0.02	XXX
78607	26	A	Brain imaging (3D)	1.23	0.31	0.43	0.31	0.43	0.04	XXX
78608		C	Brain imaging (PET)	0.00	0.00	0.00	NA	NA	0.00	XXX
78608	TC	C	Brain imaging (PET)	0.00	0.00	0.00	NA	NA	0.00	XXX
78608	26	A	Brain imaging (PET)	1.50	0.39	0.53	0.39	0.53	0.08	XXX
78609		N	Brain imaging (PET)	1.50	0.55	0.51	NA	NA	0.07	XXX
78609	TC	N	Brain imaging (PET)	0.00	0.00	0.00	NA	NA	0.00	XXX
78609	26	N	Brain imaging (PET)	1.50	0.55	0.51	0.55	0.51	0.07	XXX
78610		A	Brain flow imaging only	0.30	3.74	4.25	NA	NA	0.03	XXX
78610	TC	A	Brain flow imaging only	0.00	3.66	4.13	NA	NA	0.02	XXX
78610	26	A	Brain flow imaging only	0.30	0.08	0.12	0.08	0.12	0.01	XXX
78630		A	Cerebrospinal fluid scan	0.68	7.39	7.79	NA	NA	0.04	XXX
78630	TC	A	Cerebrospinal fluid scan	0.00	7.20	7.54	NA	NA	0.02	XXX
78630	26	A	Cerebrospinal fluid scan	0.68	0.19	0.25	0.19	0.25	0.02	XXX
78635		A	CSF ventriculography	0.61	7.40	7.32	NA	NA	0.03	XXX
78635	TC	A	CSF ventriculography	0.00	7.22	7.09	NA	NA	0.02	XXX
78635	26	A	CSF ventriculography	0.61	0.18	0.23	0.18	0.23	0.01	XXX
78645		A	CSF shunt evaluation	0.57	7.09	7.33	NA	NA	0.04	XXX
78645	TC	A	CSF shunt evaluation	0.00	6.94	7.12	NA	NA	0.02	XXX
78645	26	A	CSF shunt evaluation	0.57	0.15	0.21	0.15	0.21	0.02	XXX
78647		A	Cerebrospinal fluid scan	0.90	5.76	7.54	NA	NA	0.06	XXX
78647	TC	A	Cerebrospinal fluid scan	0.00	5.65	7.26	NA	NA	0.02	XXX
78647	26	A	Cerebrospinal fluid scan	0.90	0.11	0.28	0.11	0.28	0.04	XXX

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78650		A	CSF leakage imaging	0.61	7.16	7.63	NA	NA	0.05	XXX
78650	TC	A	CSF leakage imaging	0.00	7.00	7.42	NA	NA	0.02	XXX
78650	26	A	CSF leakage imaging	0.61	0.16	0.21	0.16	0.21	0.03	XXX
78660		A	Nuclear exam of tear flow	0.53	3.74	3.81	NA	NA	0.04	XXX
78660	TC	A	Nuclear exam of tear flow	0.00	3.57	3.62	NA	NA	0.02	XXX
78660	26	A	Nuclear exam of tear flow	0.53	0.17	0.19	0.17	0.19	0.02	XXX
78699		C	Nervous system nuclear exam	0.00	0.00	0.00	NA	NA	0.00	XXX
78699	TC	C	Nervous system nuclear exam	0.00	0.00	0.00	NA	NA	0.00	XXX
78699	26	C	Nervous system nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78700		A	Kidney imaging, morphol	0.45	3.60	4.00	NA	NA	0.04	XXX
78700	TC	A	Kidney imaging, morphol	0.00	3.47	3.84	NA	NA	0.02	XXX
78700	26	A	Kidney imaging, morphol	0.45	0.13	0.16	0.13	0.16	0.02	XXX
78701		A	Kidney imaging with flow	0.49	4.57	4.90	NA	NA	0.04	XXX
78701	TC	A	Kidney imaging with flow	0.00	4.43	4.73	NA	NA	0.02	XXX
78701	26	A	Kidney imaging with flow	0.49	0.14	0.17	0.14	0.17	0.02	XXX
78707		A	K flow/funct image w/o drug	0.96	4.58	5.20	NA	NA	0.05	XXX
78707	TC	A	K flow/funct image w/o drug	0.00	4.32	4.86	NA	NA	0.02	XXX
78707	26	A	K flow/funct image w/o drug	0.96	0.26	0.34	0.26	0.34	0.03	XXX
78708		A	K flow/funct image w/drug	1.21	2.79	3.64	NA	NA	0.06	XXX
78708	TC	A	K flow/funct image w/drug	0.00	2.46	3.21	NA	NA	0.02	XXX
78708	26	A	K flow/funct image w/drug	1.21	0.33	0.43	0.33	0.43	0.04	XXX
78709		A	K flow/funct image, multiple	1.41	7.47	7.91	NA	NA	0.07	XXX
78709	TC	A	K flow/funct image, multiple	0.00	7.08	7.41	NA	NA	0.02	XXX
78709	26	A	K flow/funct image, multiple	1.41	0.39	0.50	0.39	0.50	0.05	XXX
78710		A	Kidney imaging (3D)	0.66	4.10	5.21	NA	NA	0.03	XXX
78710	TC	A	Kidney imaging (3D)	0.00	3.95	4.98	NA	NA	0.02	XXX
78710	26	A	Kidney imaging (3D)	0.66	0.15	0.23	0.15	0.23	0.01	XXX
78725		A	Kidney function study	0.38	2.11	2.23	NA	NA	0.03	XXX
78725	TC	A	Kidney function study	0.00	1.99	2.10	NA	NA	0.02	XXX
78725	26	A	Kidney function study	0.38	0.12	0.13	0.12	0.13	0.01	XXX
78730		A	Urinary bladder retention	0.15	1.48	1.78	NA	NA	0.02	ZZZ
78730	TC	A	Urinary bladder retention	0.00	1.43	1.71	NA	NA	0.01	ZZZ
78730	26	A	Urinary bladder retention	0.15	0.05	0.07	0.05	0.07	0.01	ZZZ
78740		A	Ureteral reflux study	0.57	4.86	4.92	NA	NA	0.04	XXX
78740	TC	A	Ureteral reflux study	0.00	4.68	4.71	NA	NA	0.02	XXX
78740	26	A	Ureteral reflux study	0.57	0.18	0.21	0.18	0.21	0.02	XXX

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78761		A	Testicular imaging w/flow	0.71	4.33	4.66	NA	NA	0.05	XXX
78761	TC	A	Testicular imaging w/flow	0.00	4.11	4.40	NA	NA	0.02	XXX
78761	26	A	Testicular imaging w/flow	0.71	0.22	0.26	0.22	0.26	0.03	XXX
78799		C	Genitourinary nuclear exam	0.00	0.00	0.00	NA	NA	0.00	XXX
78799	TC	C	Genitourinary nuclear exam	0.00	0.00	0.00	NA	NA	0.00	XXX
78799	26	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	3.88	4.13	NA	NA	0.05	XXX
78800	TC	A	Tumor imaging, limited area	0.00	3.68	3.90	NA	NA	0.02	XXX
78800	26	A	Tumor imaging, limited area	0.66	0.20	0.23	0.20	0.23	0.03	XXX
78801		A	Tumor imaging, mult areas	0.79	5.16	5.60	NA	NA	0.05	XXX
78801	TC	A	Tumor imaging, mult areas	0.00	4.93	5.32	NA	NA	0.02	XXX
78801	26	A	Tumor imaging, mult areas	0.79	0.23	0.28	0.23	0.28	0.03	XXX
78802		A	Tumor imaging, whole body	0.86	6.78	7.48	NA	NA	0.05	XXX
78802	TC	A	Tumor imaging, whole body	0.00	6.55	7.18	NA	NA	0.02	XXX
78802	26	A	Tumor imaging, whole body	0.86	0.23	0.30	0.23	0.30	0.03	XXX
78803		A	Tumor imaging (3D)	1.09	7.02	8.01	NA	NA	0.06	XXX
78803	TC	A	Tumor imaging (3D)	0.00	6.75	7.63	NA	NA	0.02	XXX
78803	26	A	Tumor imaging (3D)	1.09	0.27	0.38	0.27	0.38	0.04	XXX
78804		A	Tumor imaging, whole body	1.07	12.49	13.81	NA	NA	0.08	XXX
78804	TC	A	Tumor imaging, whole body	0.00	12.20	13.42	NA	NA	0.04	XXX
78804	26	A	Tumor imaging, whole body	1.07	0.29	0.39	0.29	0.39	0.04	XXX
78805		A	Abscess imaging, ltd area	0.73	3.56	4.01	NA	NA	0.05	XXX
78805	TC	A	Abscess imaging, ltd area	0.00	3.36	3.75	NA	NA	0.02	XXX
78805	26	A	Abscess imaging, ltd area	0.73	0.20	0.26	0.20	0.26	0.03	XXX
78806		A	Abscess imaging, whole body	0.86	7.00	7.82	NA	NA	0.05	XXX
78806	TC	A	Abscess imaging, whole body	0.00	6.77	7.52	NA	NA	0.02	XXX
78806	26	A	Abscess imaging, whole body	0.86	0.23	0.30	0.23	0.30	0.03	XXX
78807		A	Nuclear localization/abscess	1.09	6.94	8.00	NA	NA	0.05	XXX
78807	TC	A	Nuclear localization/abscess	0.00	6.68	7.62	NA	NA	0.02	XXX
78807	26	A	Nuclear localization/abscess	1.09	0.26	0.38	0.26	0.38	0.03	XXX
78808		A	Iv inj ra drug dx study	0.18	0.87	0.99	NA	NA	0.02	XXX
78811		C	Pet image, ltd area	0.00	0.00	0.00	NA	NA	0.00	XXX
78811	TC	C	Pet image, ltd area	0.00	0.00	0.00	NA	NA	0.00	XXX
78811	26	A	Pet image, ltd area	1.54	0.44	0.55	0.44	0.55	0.13	XXX
78812		C	Pet image, skull-thigh	0.00	0.00	0.00	NA	NA	0.00	XXX
78812	TC	C	Pet image, skull-thigh	0.00	0.00	0.00	NA	NA	0.00	XXX

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78812	26	A	Pet image, skull-thigh	1.93	0.54	0.69	0.54	0.69	0.12	XXX
78813		C	Pet image, full body	0.00	0.00	0.00	NA	NA	0.00	XXX
78813	TC	C	Pet image, full body	0.00	0.00	0.00	NA	NA	0.00	XXX
78813	26	A	Pet image, full body	2.00	0.55	0.72	0.55	0.72	0.13	XXX
78814		C	Pet image w/ct, lmtd	0.00	0.00	0.00	NA	NA	0.00	XXX
78814	TC	C	Pet image w/ct, lmtd	0.00	0.00	0.00	NA	NA	0.00	XXX
78814	26	A	Pet image w/ct, lmtd	2.20	0.60	0.78	0.60	0.78	0.15	XXX
78815		C	Pet image w/ct, skull-thigh	0.00	0.00	0.00	NA	NA	0.00	XXX
78815	TC	C	Pet image w/ct, skull-thigh	0.00	0.00	0.00	NA	NA	0.00	XXX
78815	26	A	Pet image w/ct, skull-thigh	2.44	0.67	0.87	0.67	0.87	0.16	XXX
78816		C	Pet image w/ct, full body	0.00	0.00	0.00	NA	NA	0.00	XXX
78816	TC	C	Pet image w/ct, full body	0.00	0.00	0.00	NA	NA	0.00	XXX
78816	26	A	Pet image w/ct, full body	2.50	0.66	0.89	0.66	0.89	0.16	XXX
78999		C	Nuclear diagnostic exam	0.00	0.00	0.00	NA	NA	0.00	XXX
78999	TC	C	Nuclear diagnostic exam	0.00	0.00	0.00	NA	NA	0.00	XXX
78999	26	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	1.61	2.11	NA	NA	0.06	XXX
79005	TC	A	Nuclear rx, oral admin	0.00	1.07	1.49	NA	NA	0.01	XXX
79005	26	A	Nuclear rx, oral admin	1.80	0.54	0.62	0.54	0.62	0.05	XXX
79101		A	Nuclear rx, iv admin	1.96	1.86	2.46	NA	NA	0.06	XXX
79101	TC	A	Nuclear rx, iv admin	0.00	1.12	1.62	NA	NA	0.01	XXX
79101	26	A	Nuclear rx, iv admin	1.96	0.74	0.84	0.74	0.84	0.05	XXX
79200		A	Nuclear rx, intracav admin	1.99	2.03	2.53	NA	NA	0.09	XXX
79200	TC	A	Nuclear rx, intracav admin	0.00	1.41	1.80	NA	NA	0.01	XXX
79200	26	A	Nuclear rx, intracav admin	1.99	0.62	0.73	0.62	0.73	0.08	XXX
79300		C	Nuclr rx, interstit colloid	0.00	0.00	0.00	NA	NA	0.00	XXX
79300	TC	C	Nuclr rx, interstit colloid	0.00	0.00	0.00	NA	NA	0.00	XXX
79300	26	A	Nuclr rx, interstit colloid	1.60	0.48	0.56	0.48	0.56	0.10	XXX
79403		A	Hematopoietic nuclear tx	2.25	2.46	3.35	NA	NA	0.10	XXX
79403	TC	A	Hematopoietic nuclear tx	0.00	1.79	2.52	NA	NA	0.02	XXX
79403	26	A	Hematopoietic nuclear tx	2.25	0.67	0.83	0.67	0.83	0.08	XXX
79440		A	Nuclear rx, intra-articular	1.99	1.63	2.15	NA	NA	0.05	XXX
79440	TC	A	Nuclear rx, intra-articular	0.00	1.01	1.42	NA	NA	0.01	XXX
79440	26	A	Nuclear rx, intra-articular	1.99	0.62	0.73	0.62	0.73	0.04	XXX
79445		C	Nuclear rx, intra-arterial	0.00	0.00	0.00	NA	NA	0.00	XXX
79445	TC	C	Nuclear rx, intra-arterial	0.00	0.00	0.00	NA	NA	0.00	XXX

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79445	26	A	Nuclear rx, intra-arterial	2.40	0.64	0.85	0.64	0.85	0.15	XXX
79999		C	Nuclear medicine therapy	0.00	0.00	0.00	NA	NA	0.00	XXX
79999	TC	C	Nuclear medicine therapy	0.00	0.00	0.00	NA	NA	0.00	XXX
79999	26	C	Nuclear medicine therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
80500		A	Lab pathology consultation	0.37	0.17	0.19	0.11	0.12	0.02	XXX
80502		A	Lab pathology consultation	1.33	0.41	0.41	0.35	0.37	0.05	XXX
83020	26	A	Hemoglobin electrophoresis	0.37	0.15	0.14	0.15	0.14	0.02	XXX
83912	26	A	Genetic examination	0.37	0.13	0.12	0.13	0.12	0.02	XXX
84165	26	A	Protein e-phoresis, serum	0.37	0.14	0.13	0.14	0.13	0.02	XXX
84166	26	A	Protein e-phoresis/urine/csf	0.37	0.14	0.13	0.14	0.13	0.02	XXX
84181	26	A	Western blot test	0.37	0.15	0.13	0.15	0.13	0.02	XXX
84182	26	A	Protein, western blot test	0.37	0.15	0.14	0.15	0.14	0.02	XXX
85060		A	Blood smear interpretation	0.45	0.18	0.16	0.18	0.16	0.02	XXX
85097		A	Bone marrow interpretation	0.94	1.14	1.35	0.32	0.32	0.04	XXX
85390	26	A	Fibrinolysins screen	0.37	0.15	0.14	0.15	0.14	0.02	XXX
85396		A	Clotting assay, whole blood	0.37	NA	NA	0.13	0.12	0.02	XXX
85576	26	A	Blood platelet aggregation	0.37	0.15	0.14	0.15	0.14	0.02	XXX
86077		A	Physician blood bank service	0.94	0.44	0.40	0.37	0.34	0.04	XXX
86078		A	Physician blood bank service	0.94	0.45	0.42	0.37	0.34	0.04	XXX
86079		A	Physician blood bank service	0.94	0.45	0.43	0.37	0.35	0.04	XXX
86255	26	A	Fluorescent antibody, screen	0.37	0.15	0.14	0.15	0.14	0.02	XXX
86256	26	A	Fluorescent antibody, titer	0.37	0.14	0.14	0.14	0.14	0.01	XXX
86320	26	A	Serum immunoelectrophoresis	0.37	0.14	0.14	0.14	0.14	0.01	XXX
86325	26	A	Other immunoelectrophoresis	0.37	0.14	0.13	0.14	0.13	0.01	XXX
86327	26	A	Immunoelectrophoresis assay	0.42	0.17	0.16	0.17	0.16	0.02	XXX
86334	26	A	Immunofix e-phoresis, serum	0.37	0.14	0.14	0.14	0.14	0.02	XXX
86335	26	A	Immunfix e-phorsis/urine/csf	0.37	0.15	0.13	0.15	0.13	0.02	XXX
86485		C	Skin test, candida	0.00	0.00	0.00	0.00	0.00	0.00	XXX
86486		A	Skin test, nos antigen	0.00	0.11	0.12	NA	NA	0.01	XXX
86490		A	Coccidioidomycosis skin test	0.00	0.11	0.16	NA	NA	0.01	XXX
86510		A	Histoplasmosis skin test	0.00	0.13	0.16	NA	NA	0.01	XXX
86580		A	TB intradermal test	0.00	0.17	0.18	NA	NA	0.01	XXX
87164	26	A	Dark field examination	0.37	0.15	0.13	0.15	0.13	0.02	XXX
87207	26	A	Smear, special stain	0.37	0.15	0.14	0.15	0.14	0.02	XXX
88104		A	Cytopath fl nongyn, smears	0.56	1.11	1.11	NA	NA	0.02	XXX
88104	TC	A	Cytopath fl nongyn, smears	0.00	0.91	0.92	NA	NA	0.01	XXX

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88104	26	A	Cytopath fl nongyn, smears	0.56	0.20	0.19	0.20	0.19	0.01	XXX
88106		A	Cytopath fl nongyn, filter	0.56	1.48	1.51	NA	NA	0.02	XXX
88106	TC	A	Cytopath fl nongyn, filter	0.00	1.28	1.32	NA	NA	0.01	XXX
88106	26	A	Cytopath fl nongyn, filter	0.56	0.20	0.19	0.20	0.19	0.01	XXX
88107		A	Cytopath fl nongyn, sm/fltr	0.76	1.85	1.85	NA	NA	0.03	XXX
88107	TC	A	Cytopath fl nongyn, sm/fltr	0.00	1.57	1.58	NA	NA	0.01	XXX
88107	26	A	Cytopath fl nongyn, sm/fltr	0.76	0.28	0.27	0.28	0.27	0.02	XXX
88108		A	Cytopath, concentrate tech	0.56	1.31	1.38	NA	NA	0.02	XXX
88108	TC	A	Cytopath, concentrate tech	0.00	1.12	1.20	NA	NA	0.01	XXX
88108	26	A	Cytopath, concentrate tech	0.56	0.19	0.18	0.19	0.18	0.01	XXX
88112		A	Cytopath, cell enhance tech	1.18	1.35	1.54	NA	NA	0.04	XXX
88112	TC	A	Cytopath, cell enhance tech	0.00	0.99	1.18	NA	NA	0.01	XXX
88112	26	A	Cytopath, cell enhance tech	1.18	0.36	0.36	0.36	0.36	0.03	XXX
88125		A	Forensic cytopathology	0.26	0.30	0.31	NA	NA	0.02	XXX
88125	TC	A	Forensic cytopathology	0.00	0.20	0.22	NA	NA	0.01	XXX
88125	26	A	Forensic cytopathology	0.26	0.10	0.09	0.10	0.09	0.01	XXX
88141		A	Cytopath, c/v, interpret	0.42	0.34	0.32	0.34	0.32	0.02	XXX
88160		A	Cytopath smear, other source	0.50	0.83	0.88	NA	NA	0.02	XXX
88160	TC	A	Cytopath smear, other source	0.00	0.67	0.72	NA	NA	0.01	XXX
88160	26	A	Cytopath smear, other source	0.50	0.16	0.16	0.16	0.16	0.01	XXX
88161		A	Cytopath smear, other source	0.50	0.83	0.92	NA	NA	0.02	XXX
88161	TC	A	Cytopath smear, other source	0.00	0.68	0.77	NA	NA	0.01	XXX
88161	26	A	Cytopath smear, other source	0.50	0.15	0.15	0.15	0.15	0.01	XXX
88162		A	Cytopath smear, other source	0.76	0.98	1.26	NA	NA	0.03	XXX
88162	TC	A	Cytopath smear, other source	0.00	0.79	1.02	NA	NA	0.01	XXX
88162	26	A	Cytopath smear, other source	0.76	0.19	0.24	0.19	0.24	0.02	XXX
88172		A	Cytopathology eval of fna	0.60	0.84	0.82	NA	NA	0.02	XXX
88172	TC	A	Cytopathology eval of fna	0.00	0.61	0.61	NA	NA	0.01	XXX
88172	26	A	Cytopathology eval of fna	0.60	0.23	0.21	0.23	0.21	0.01	XXX
88173		A	Cytopath eval, fna, report	1.39	2.10	2.19	NA	NA	0.04	XXX
88173	TC	A	Cytopath eval, fna, report	0.00	1.62	1.73	NA	NA	0.01	XXX
88173	26	A	Cytopath eval, fna, report	1.39	0.48	0.46	0.48	0.46	0.03	XXX
88182		A	Cell marker study	0.77	1.74	1.93	NA	NA	0.04	XXX
88182	TC	A	Cell marker study	0.00	1.57	1.75	NA	NA	0.02	XXX
88182	26	A	Cell marker study	0.77	0.17	0.18	0.17	0.18	0.02	XXX
88184		A	Flowcytometry/ tc, 1 marker	0.00	1.95	2.13	NA	NA	0.01	XXX

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88185		A	Flowcytometry/tc, add-on	0.00	1.19	1.27	NA	NA	0.01	ZZZ
88187		A	Flowcytometry/read, 2-8	1.36	0.47	0.43	0.47	0.43	0.06	XXX
88188		A	Flowcytometry/read, 9-15	1.69	0.60	0.52	0.60	0.52	0.07	XXX
88189		A	Flowcytometry/read, 16 & >	2.23	0.56	0.56	0.56	0.56	0.09	XXX
88199		C	Cytopathology procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
88199	TC	C	Cytopathology procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
88199	26	C	Cytopathology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88291		A	Cyto/molecular report	0.52	0.25	0.25	0.25	0.25	0.02	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	0.53	0.55	NA	NA	0.02	XXX
88300	TC	A	Surgical path, gross	0.00	0.50	0.52	NA	NA	0.01	XXX
88300	26	A	Surgical path, gross	0.08	0.03	0.03	0.03	0.03	0.01	XXX
88302		A	Tissue exam by pathologist	0.13	1.14	1.18	NA	NA	0.02	XXX
88302	TC	A	Tissue exam by pathologist	0.00	1.09	1.14	NA	NA	0.01	XXX
88302	26	A	Tissue exam by pathologist	0.13	0.05	0.04	0.05	0.04	0.01	XXX
88304		A	Tissue exam by pathologist	0.22	1.35	1.44	NA	NA	0.02	XXX
88304	TC	A	Tissue exam by pathologist	0.00	1.27	1.37	NA	NA	0.01	XXX
88304	26	A	Tissue exam by pathologist	0.22	0.08	0.07	0.08	0.07	0.01	XXX
88305		A	Tissue exam by pathologist	0.75	1.86	2.04	NA	NA	0.02	XXX
88305	TC	A	Tissue exam by pathologist	0.00	1.61	1.79	NA	NA	0.01	XXX
88305	26	A	Tissue exam by pathologist	0.75	0.25	0.25	0.25	0.25	0.01	XXX
88307		A	Tissue exam by pathologist	1.59	4.16	4.14	NA	NA	0.04	XXX
88307	TC	A	Tissue exam by pathologist	0.00	3.56	3.58	NA	NA	0.01	XXX
88307	26	A	Tissue exam by pathologist	1.59	0.60	0.56	0.60	0.56	0.03	XXX
88309		A	Tissue exam by pathologist	2.80	6.02	5.88	NA	NA	0.08	XXX
88309	TC	A	Tissue exam by pathologist	0.00	4.96	4.93	NA	NA	0.02	XXX
88309	26	A	Tissue exam by pathologist	2.80	1.06	0.95	1.06	0.95	0.06	XXX
88311		A	Decalcify tissue	0.24	0.25	0.24	NA	NA	0.02	XXX
88311	TC	A	Decalcify tissue	0.00	0.16	0.16	NA	NA	0.01	XXX
88311	26	A	Decalcify tissue	0.24	0.09	0.08	0.09	0.08	0.01	XXX
88312		A	Special stains group 1	0.54	2.09	2.15	NA	NA	0.02	XXX
88312	TC	A	Special stains group 1	0.00	1.91	1.98	NA	NA	0.01	XXX
88312	26	A	Special stains group 1	0.54	0.18	0.17	0.18	0.17	0.01	XXX
88313		A	Special stains group 2	0.24	1.63	1.72	NA	NA	0.02	XXX
88313	TC	A	Special stains group 2	0.00	1.55	1.65	NA	NA	0.01	XXX
88313	26	A	Special stains group 2	0.24	0.08	0.07	0.08	0.07	0.01	XXX

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88314		A	Histochemical stain add-on	0.45	1.68	1.90	NA	NA	0.02	XXX
88314	TC	A	Histochemical stain add-on	0.00	1.51	1.74	NA	NA	0.01	XXX
88314	26	A	Histochemical stain add-on	0.45	0.17	0.16	0.17	0.16	0.01	XXX
88318		A	Chemical histochemistry	0.42	2.08	2.26	NA	NA	0.02	XXX
88318	TC	A	Chemical histochemistry	0.00	1.96	2.13	NA	NA	0.01	XXX
88318	26	A	Chemical histochemistry	0.42	0.12	0.13	0.12	0.13	0.01	XXX
88319		A	Enzyme histochemistry	0.53	2.92	3.19	NA	NA	0.03	XXX
88319	TC	A	Enzyme histochemistry	0.00	2.73	3.01	NA	NA	0.01	XXX
88319	26	A	Enzyme histochemistry	0.53	0.19	0.18	0.19	0.18	0.02	XXX
88321		A	Microslide consultation	1.63	0.79	0.76	0.58	0.53	0.07	XXX
88323		A	Microslide consultation	1.83	1.84	2.00	NA	NA	0.04	XXX
88323	TC	A	Microslide consultation	0.00	1.34	1.51	NA	NA	0.01	XXX
88323	26	A	Microslide consultation	1.83	0.50	0.49	0.50	0.49	0.03	XXX
88325		A	Comprehensive review of data	2.50	2.73	2.70	1.02	0.88	0.09	XXX
88329		A	Path consult introp	0.67	0.68	0.68	0.25	0.24	0.03	XXX
88331		A	Path consult intraop, 1 bloc	1.19	1.24	1.22	NA	NA	0.02	XXX
88331	TC	A	Path consult intraop, 1 bloc	0.00	0.77	0.78	NA	NA	0.01	XXX
88331	26	A	Path consult intraop, 1 bloc	1.19	0.47	0.44	0.47	0.44	0.01	XXX
88332		A	Path consult intraop, addl	0.59	0.48	0.48	NA	NA	0.02	XXX
88332	TC	A	Path consult intraop, addl	0.00	0.26	0.27	NA	NA	0.01	XXX
88332	26	A	Path consult intraop, addl	0.59	0.22	0.21	0.22	0.21	0.01	XXX
88333		A	Intraop cyto path consult, 1	1.20	1.32	1.28	NA	NA	0.04	XXX
88333	TC	A	Intraop cyto path consult, 1	0.00	0.87	0.85	NA	NA	0.01	XXX
88333	26	A	Intraop cyto path consult, 1	1.20	0.45	0.43	0.45	0.43	0.03	XXX
88334		A	Intraop cyto path consult, 2	0.73	0.81	0.77	NA	NA	0.03	XXX
88334	TC	A	Intraop cyto path consult, 2	0.00	0.53	0.52	NA	NA	0.01	XXX
88334	26	A	Intraop cyto path consult, 2	0.73	0.28	0.25	0.28	0.25	0.02	XXX
88342		A	Immunohistochemistry	0.85	1.78	1.84	NA	NA	0.03	XXX
88342	TC	A	Immunohistochemistry	0.00	1.50	1.57	NA	NA	0.01	XXX
88342	26	A	Immunohistochemistry	0.85	0.28	0.27	0.28	0.27	0.02	XXX
88346		A	Immunofluorescent study	0.86	1.69	1.82	NA	NA	0.02	XXX
88346	TC	A	Immunofluorescent study	0.00	1.41	1.54	NA	NA	0.01	XXX
88346	26	A	Immunofluorescent study	0.86	0.28	0.28	0.28	0.28	0.01	XXX
88347		A	Immunofluorescent study	0.86	1.10	1.23	NA	NA	0.02	XXX
88347	TC	A	Immunofluorescent study	0.00	0.89	1.01	NA	NA	0.01	XXX
88347	26	A	Immunofluorescent study	0.86	0.21	0.22	0.21	0.22	0.01	XXX

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88348		A	Electron microscopy	1.51	14.80	15.54	NA	NA	0.09	XXX
88348	TC	A	Electron microscopy	0.00	14.31	15.05	NA	NA	0.06	XXX
88348	26	A	Electron microscopy	1.51	0.49	0.49	0.49	0.49	0.03	XXX
88349		A	Scanning electron microscopy	0.76	8.70	7.76	NA	NA	0.05	XXX
88349	TC	A	Scanning electron microscopy	0.00	8.40	7.49	NA	NA	0.03	XXX
88349	26	A	Scanning electron microscopy	0.76	0.30	0.27	0.30	0.27	0.02	XXX
88355		A	Analysis, skeletal muscle	1.85	2.58	4.14	NA	NA	0.05	XXX
88355	TC	A	Analysis, skeletal muscle	0.00	2.18	3.67	NA	NA	0.01	XXX
88355	26	A	Analysis, skeletal muscle	1.85	0.40	0.47	0.40	0.47	0.04	XXX
88356		A	Analysis, nerve	3.02	3.91	4.59	NA	NA	0.13	XXX
88356	TC	A	Analysis, nerve	0.00	3.42	3.94	NA	NA	0.03	XXX
88356	26	A	Analysis, nerve	3.02	0.49	0.65	0.49	0.65	0.10	XXX
88358		A	Analysis, tumor	0.95	0.95	1.03	NA	NA	0.03	XXX
88358	TC	A	Analysis, tumor	0.00	0.76	0.81	NA	NA	0.01	XXX
88358	26	A	Analysis, tumor	0.95	0.19	0.22	0.19	0.22	0.02	XXX
88360		A	Tumor immunohistochem/manual	1.10	2.04	2.13	NA	NA	0.03	XXX
88360	TC	A	Tumor immunohistochem/manual	0.00	1.70	1.79	NA	NA	0.01	XXX
88360	26	A	Tumor immunohistochem/manual	1.10	0.34	0.34	0.34	0.34	0.02	XXX
88361		A	Tumor immunohistochem/comput	1.18	2.44	2.77	NA	NA	0.04	XXX
88361	TC	A	Tumor immunohistochem/comput	0.00	2.11	2.43	NA	NA	0.01	XXX
88361	26	A	Tumor immunohistochem/comput	1.18	0.33	0.34	0.33	0.34	0.03	XXX
88362		A	Nerve teasing preparations	2.17	5.07	4.99	NA	NA	0.10	XXX
88362	TC	A	Nerve teasing preparations	0.00	4.31	4.28	NA	NA	0.03	XXX
88362	26	A	Nerve teasing preparations	2.17	0.76	0.71	0.76	0.71	0.07	XXX
88365		A	Insitu hybridization (fish)	1.20	2.99	3.07	NA	NA	0.03	XXX
88365	TC	A	Insitu hybridization (fish)	0.00	2.62	2.70	NA	NA	0.01	XXX
88365	26	A	Insitu hybridization (fish)	1.20	0.37	0.37	0.37	0.37	0.02	XXX
88367		A	Insitu hybridization, auto	1.30	4.80	5.15	NA	NA	0.05	XXX
88367	TC	A	Insitu hybridization, auto	0.00	4.47	4.80	NA	NA	0.01	XXX
88367	26	A	Insitu hybridization, auto	1.30	0.33	0.35	0.33	0.35	0.04	XXX
88368		A	Insitu hybridization, manual	1.40	3.97	4.26	NA	NA	0.04	XXX

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88368	TC	A	Insitu hybridization, manual	0.00	3.70	3.93	NA	NA	0.01	XXX
88368	26	A	Insitu hybridization, manual	1.40	0.27	0.33	0.27	0.33	0.03	XXX
88371	26	A	Protein, western blot tissue	0.37	0.15	0.13	0.15	0.13	0.02	XXX
88372	26	A	Protein analysis w/probe	0.37	0.15	0.13	0.15	0.13	0.02	XXX
88380		A	Microdissection, laser	1.56	3.48	3.69	NA	NA	0.04	XXX
88380	TC	A	Microdissection, laser	0.00	2.89	3.16	NA	NA	0.01	XXX
88380	26	A	Microdissection, laser	1.56	0.59	0.53	0.59	0.53	0.03	XXX
88381		A	Microdissection, manual	1.18	2.36	4.11	NA	NA	0.03	XXX
88381	TC	A	Microdissection, manual	0.00	2.16	3.77	NA	NA	0.01	XXX
88381	26	A	Microdissection, manual	1.18	0.20	0.34	0.20	0.34	0.02	XXX
88384		C	Eval molecular probes, 11-50	0.00	0.00	0.00	NA	NA	0.00	XXX
88384	TC	C	Eval molecular probes, 11-50	0.00	0.00	0.00	NA	NA	0.00	XXX
88384	26	C	Eval molecular probes, 11-50	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88385		A	Eval molecul probes, 51-250	1.50	22.48	15.40	NA	NA	0.05	XXX
88385	TC	A	Eval molecul probes, 51-250	0.00	21.89	14.99	NA	NA	0.02	XXX
88385	26	A	Eval molecul probes, 51-250	1.50	0.59	0.41	0.59	0.41	0.03	XXX
88386		A	Eval molecul probes, 251-500	1.88	13.64	15.91	NA	NA	0.06	XXX
88386	TC	A	Eval molecul probes, 251-500	0.00	13.12	15.23	NA	NA	0.02	XXX
88386	26	A	Eval molecul probes, 251-500	1.88	0.52	0.68	0.52	0.68	0.04	XXX
88387		A	Tiss exam molecular study	0.62	0.45	0.45	NA	NA	0.02	XXX
88387	TC	A	Tiss exam molecular study	0.00	0.21	0.21	NA	NA	0.01	XXX
88387	26	A	Tiss exam molecular study	0.62	0.24	0.24	0.24	0.24	0.01	XXX
88388		A	Tiss ex molecul study add-on	0.45	0.18	0.18	NA	NA	0.02	XXX
88388	TC	A	Tiss ex molecul study add-on	0.00	0.10	0.10	NA	NA	0.01	XXX
88388	26	A	Tiss ex molecul study add-on	0.45	0.08	0.08	0.08	0.08	0.01	XXX
88399		C	Surgical pathology procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
88399	TC	C	Surgical pathology procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
88399	26	C	Surgical pathology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
89049		A	Chct for mal hyperthermia	1.40	4.91	5.10	0.37	0.41	0.07	XXX
89060	26	A	Exam,synovial fluid crystals	0.37	0.14	0.14	0.14	0.14	0.02	XXX
89100		A	Sample intestinal contents	0.60	7.49	6.46	0.53	0.47	0.03	XXX
89105		A	Sample intestinal contents	0.50	6.72	6.49	0.43	0.41	0.02	XXX
89130		A	Sample stomach contents	0.45	6.22	5.60	0.39	0.34	0.02	XXX
89132		A	Sample stomach contents	0.19	6.28	6.43	0.30	0.30	0.01	XXX
89135		A	Sample stomach contents	0.79	7.48	7.23	0.60	0.59	0.04	XXX
89136		A	Sample stomach contents	0.21	6.26	5.65	0.30	0.27	0.01	XXX

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89140		A	Sample stomach contents	0.94	6.66	5.90	0.57	0.49	0.04	XXX
89141		A	Sample stomach contents	0.85	6.61	6.13	0.54	0.49	0.04	XXX
89220		A	Sputum specimen collection	0.00	0.37	0.39	NA	NA	0.01	XXX
89230		A	Collect sweat for test	0.00	0.15	0.11	NA	NA	0.01	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
90284		X	Human ig, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90287		I	Botulinum antitoxin	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90288		I	Botulism ig, iv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90291		I	Cmv ig, iv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90296		E	Diphtheria antitoxin	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90371		E	Hep b ig, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90375		E	Rabies ig, im/sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90376		E	Rabies ig, heat treated	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90378		X	Rsv, mab, im, 50mg	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	0.42	0.41	NA	NA	0.01	XXX
90466		A	Immune admin addl inj, < 8 y	0.15	0.16	0.14	0.06	0.06	0.01	ZZZ
90467		R	Immune admin o or n, < 8 yrs	0.17	0.26	0.22	0.10	0.09	0.01	XXX
90468		R	Immune admin o/n, addl < 8 y	0.15	0.15	0.13	0.06	0.05	0.01	ZZZ
90470		I	Immune admin H1N1 im/nasal	0.20	0.42	0.42	NA	NA	0.01	XXX
90471		A	Immunization admin	0.17	0.42	0.41	NA	NA	0.01	XXX
90472		A	Immunization admin, each add	0.15	0.16	0.14	0.06	0.06	0.01	ZZZ
90473		R	Immune admin oral/nasal	0.17	0.26	0.22	0.07	0.05	0.01	XXX
90474		R	Immune admin oral/nasal addl	0.15	0.11	0.10	0.06	0.05	0.01	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

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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
90644		X	HIB/men/tt vaccine, 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
90649		E	Hpv vaccine 4 valent, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90650		E	Hpv vaccine 2 valent, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90655		X	Flu vaccine no preserv 6-35m	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90656		X	Flu vaccine no preserv 3 & >	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90657		X	Flu vaccine, 3 yrs, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90658		X	Flu vaccine, 3 yrs & >, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90660		X	Flu vaccine, nasal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90661		X	Flu vacc cell cult prsv free	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90662		X	Flu vacc prsv free inc antig	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90663		X	Flu vacc pandemic H1N1	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		X	Pneumococcal vacc, 7 val im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90670		X	Pneumococcal vacc, 13 val im	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 vacc 3 dose, oral	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90681		E	Rotavirus vacc 2 dose 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
90696		E	Dtap-ipv vacc 4-6 yr im	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

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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/im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90714		E	Td vaccine no prsrv >/= 7 im	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	XXX
90732		X	Pneumococcal vaccine	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90733		E	Meningococcal vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
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
90736		E	Zoster vacc, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90738		I	Inactivated je vacc im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90740		X	Hepb vacc, ill pat 3 dose im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90743		X	Hep b vacc, adol, 2 dose, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90744		X	Hepb vacc ped/adol 3 dose im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90746		X	Hep b vaccine, adult, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90747		X	Hepb vacc, ill pat 4 dose im	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
90801		A	Psy dx interview	2.80	1.29	1.38	0.50	0.65	0.08	XXX
90802		A	Intac psy dx interview	3.01	1.47	1.47	0.59	0.71	0.09	XXX
90804		A	Psytx, office, 20-30 min	1.21	0.46	0.52	0.15	0.23	0.03	XXX

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90805		A	Psytx, off, 20-30 min w/e&m	1.37	0.58	0.58	0.23	0.28	0.04	XXX
90806		A	Psytx, off, 45-50 min	1.86	0.38	0.53	0.20	0.36	0.05	XXX
90807		A	Psytx, off, 45-50 min w/e&m	2.02	0.68	0.71	0.34	0.41	0.06	XXX
90808		A	Psytx, office, 75-80 min	2.79	0.49	0.72	0.31	0.54	0.07	XXX
90809		A	Psytx, off, 75-80, w/e&m	2.95	0.84	0.90	0.52	0.62	0.09	XXX
90810		A	Intac psytx, off, 20-30 min	1.32	0.43	0.51	0.17	0.26	0.04	XXX
90811		A	Intac psytx, 20-30, w/e&m	1.48	0.69	0.69	0.26	0.31	0.05	XXX
90812		A	Intac psytx, off, 45-50 min	1.97	0.48	0.64	0.21	0.38	0.05	XXX
90813		A	Intac psytx, 45-50 min w/e&m	2.13	0.80	0.82	0.35	0.44	0.06	XXX
90814		A	Intac psytx, off, 75-80 min	2.90	0.64	0.88	0.32	0.61	0.08	XXX
90815		A	Intac psytx, 75-80 w/e&m	3.06	1.00	1.02	0.55	0.64	0.10	XXX
90816		A	Psytx, hosp, 20-30 min	1.25	NA	NA	0.22	0.33	0.03	XXX
90817		A	Psytx, hosp, 20-30 min w/e&m	1.41	NA	NA	0.34	0.37	0.04	XXX
90818		A	Psytx, hosp, 45-50 min	1.89	NA	NA	0.28	0.46	0.05	XXX
90819		A	Psytx, hosp, 45-50 min w/e&m	2.05	NA	NA	0.45	0.51	0.06	XXX
90821		A	Psytx, hosp, 75-80 min	2.83	NA	NA	0.40	0.64	0.07	XXX
90822		A	Psytx, hosp, 75-80 min w/e&m	2.99	NA	NA	0.60	0.70	0.09	XXX
90823		A	Intac psytx, hosp, 20-30 min	1.36	NA	NA	0.22	0.34	0.03	XXX
90824		A	Intac psytx, hsp 20-30 w/e&m	1.52	NA	NA	0.35	0.40	0.05	XXX
90826		A	Intac psytx, hosp, 45-50 min	2.01	NA	NA	0.30	0.48	0.05	XXX
90827		A	Intac psytx, hsp 45-50 w/e&m	2.16	NA	NA	0.46	0.53	0.06	XXX
90828		A	Intac psytx, hosp, 75-80 min	2.94	NA	NA	0.38	0.66	0.07	XXX
90829		A	Intac psytx, hsp 75-80 w/e&m	3.10	NA	NA	0.61	0.72	0.09	XXX
90845		A	Psychoanalysis	1.79	0.39	0.43	0.33	0.38	0.05	XXX
90846		R	Family psytx w/o patient	1.83	0.41	0.52	0.33	0.46	0.05	XXX
90847		R	Family psytx w/patient	2.21	0.58	0.72	0.36	0.53	0.06	XXX
90849		R	Multiple family group psytx	0.59	0.30	0.30	0.18	0.21	0.02	XXX
90853		A	Group psychotherapy	0.59	0.27	0.27	0.20	0.21	0.02	XXX
90857		A	Intac group psytx	0.63	0.32	0.33	0.19	0.22	0.02	XXX
90862		A	Medication management	0.95	0.61	0.58	0.27	0.28	0.03	XXX
90865		A	Narcosynthesis	2.84	1.45	1.38	0.57	0.70	0.08	XXX
90870		A	Electroconvulsive therapy	1.88	1.85	1.89	0.37	0.43	0.06	000
90875		N	Psychophysiological therapy	1.20	0.70	0.73	0.44	0.43	0.06	XXX
90876		N	Psychophysiological therapy	1.90	0.94	0.97	0.70	0.68	0.09	XXX
90880		A	Hypnotherapy	2.19	0.41	0.64	0.28	0.44	0.06	XXX
90882		N	Environmental manipulation	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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90885		B	Psy evaluation of records	0.97	0.35	0.35	0.35	0.35	0.05	XXX
90887		B	Consultation with family	1.48	0.83	0.82	0.54	0.53	0.07	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	0.54	0.52	0.13	0.12	0.01	000
90911		A	Biofeedback peri/uro/rectal	0.89	1.22	1.40	0.30	0.32	0.05	000
90935		A	Hemodialysis, one evaluation	1.22	NA	NA	0.63	0.60	0.05	000
90937		A	Hemodialysis, repeated eval	2.11	NA	NA	0.93	0.88	0.08	000
90940		X	Hemodialysis access study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90945		A	Dialysis, one evaluation	1.28	NA	NA	0.65	0.61	0.05	000
90947		A	Dialysis, repeated eval	2.16	NA	NA	0.94	0.89	0.09	000
90951		A	Esrd serv, 4 visits p mo, <2	18.46	8.38	7.91	8.38	7.91	0.75	XXX
90952		C	Esrd serv, 2-3 vsts p mo, <2	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90953		C	Esrd serv, 1 visit p mo, <2	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90954		A	Esrd serv, 4 vsts p mo, 2-11	15.98	6.55	5.70	6.55	5.70	0.66	XXX
90955		A	Esrd srv 2-3 vsts p mo, 2-11	8.79	3.67	3.44	3.67	3.44	0.36	XXX
90956		A	Esrd srv, 1 visit p mo, 2-11	5.95	2.28	2.28	2.28	2.28	0.25	XXX
90957		A	Esrd srv, 4 vsts p mo, 12-19	12.52	5.52	4.92	5.52	4.92	0.53	XXX
90958		A	Esrd srv 2-3 vsts p mo 12-19	8.34	3.63	3.38	3.63	3.38	0.35	XXX
90959		A	Esrd serv, 1 vst p mo, 12-19	5.50	2.14	2.14	2.14	2.14	0.23	XXX
90960		A	Esrd srv, 4 visits p mo, 20+	5.18	2.67	2.55	2.67	2.55	0.23	XXX
90961		A	Esrd srv, 2-3 vsts p mo, 20+	4.26	2.02	1.96	2.02	1.96	0.19	XXX
90962		A	Esrd serv, 1 visit p mo, 20+	3.15	1.30	1.32	1.30	1.32	0.15	XXX
90963		A	Esrd home pt, serv p mo, <2	10.56	4.07	4.18	4.07	4.18	0.44	XXX
90964		A	Esrd home pt serv p mo, 2-11	9.14	3.61	3.26	3.61	3.26	0.38	XXX
90965		A	Esrd home pt serv p mo 12-19	8.69	3.47	3.13	3.47	3.13	0.36	XXX
90966		A	Esrd home pt, serv p mo, 20+	4.26	2.11	1.93	2.11	1.93	0.19	XXX
90967		A	Esrd home pt serv p day, <2	0.35	0.19	0.19	0.19	0.19	0.01	XXX
90968		A	Esrd home pt srv p day, 2-11	0.30	0.13	0.12	0.13	0.12	0.01	XXX
90969		A	Esrd home pt srv p day 12-19	0.29	0.13	0.12	0.13	0.12	0.01	XXX
90970		A	Esrd home pt serv p day, 20+	0.14	0.07	0.07	0.07	0.07	0.01	XXX
90989		X	Dialysis training, complete	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90993		X	Dialysis training, incompl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90997		A	Hemoperfusion	1.84	NA	NA	0.60	0.58	0.07	000
90999		C	Dialysis procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91000		A	Esophageal intubation	0.73	2.10	1.79	NA	NA	0.03	000

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91000	TC	A	Esophageal intubation	0.00	1.83	1.54	NA	NA	0.01	000
91000	26	A	Esophageal intubation	0.73	0.27	0.25	0.27	0.25	0.02	000
91010		A	Esophagus motility study	1.25	3.19	3.67	NA	NA	0.06	000
91010	TC	A	Esophagus motility study	0.00	2.65	3.12	NA	NA	0.01	000
91010	26	A	Esophagus motility study	1.25	0.54	0.55	0.54	0.55	0.05	000
91011		A	Esophagus motility study	1.50	4.49	5.12	NA	NA	0.05	000
91011	TC	A	Esophagus motility study	0.00	3.82	4.42	NA	NA	0.01	000
91011	26	A	Esophagus motility study	1.50	0.67	0.70	0.67	0.70	0.04	000
91012		A	Esophagus motility study	1.46	4.58	5.26	NA	NA	0.05	000
91012	TC	A	Esophagus motility study	0.00	3.94	4.59	NA	NA	0.01	000
91012	26	A	Esophagus motility study	1.46	0.64	0.67	0.64	0.67	0.04	000
91020		A	Gastric motility studies	1.44	4.27	4.63	NA	NA	0.06	000
91020	TC	A	Gastric motility studies	0.00	3.65	4.01	NA	NA	0.01	000
91020	26	A	Gastric motility studies	1.44	0.62	0.62	0.62	0.62	0.05	000
91022		A	Duodenal motility study	1.44	2.82	3.42	NA	NA	0.05	000
91022	TC	A	Duodenal motility study	0.00	2.18	2.75	NA	NA	0.01	000
91022	26	A	Duodenal motility study	1.44	0.64	0.67	0.64	0.67	0.04	000
91030		A	Acid perfusion of esophagus	0.91	2.45	2.72	NA	NA	0.04	000
91030	TC	A	Acid perfusion of esophagus	0.00	2.05	2.30	NA	NA	0.01	000
91030	26	A	Acid perfusion of esophagus	0.91	0.40	0.42	0.40	0.42	0.03	000
91034		A	Gastroesophageal reflux test	0.97	3.62	4.19	NA	NA	0.04	000
91034	TC	A	Gastroesophageal reflux test	0.00	3.20	3.77	NA	NA	0.01	000
91034	26	A	Gastroesophageal reflux test	0.97	0.42	0.42	0.42	0.42	0.03	000
91035		A	G-esoph reflx tst w/electrod	1.59	9.85	10.81	NA	NA	0.06	000
91035	TC	A	G-esoph reflx tst w/electrod	0.00	9.16	10.11	NA	NA	0.01	000
91035	26	A	G-esoph reflx tst w/electrod	1.59	0.69	0.70	0.69	0.70	0.05	000
91037		A	Esoph imped function test	0.97	2.96	3.21	NA	NA	0.06	000
91037	TC	A	Esoph imped function test	0.00	2.54	2.78	NA	NA	0.01	000
91037	26	A	Esoph imped function test	0.97	0.42	0.43	0.42	0.43	0.05	000
91038		A	Esoph imped funct test > 1h	1.10	2.38	2.57	NA	NA	0.05	000
91038	TC	A	Esoph imped funct test > 1h	0.00	1.90	2.08	NA	NA	0.01	000
91038	26	A	Esoph imped funct test > 1h	1.10	0.48	0.49	0.48	0.49	0.04	000
91040		A	Esoph balloon distension tst	0.97	6.01	8.49	NA	NA	0.03	000
91040	TC	A	Esoph balloon distension tst	0.00	5.69	8.05	NA	NA	0.01	000
91040	26	A	Esoph balloon distension tst	0.97	0.32	0.44	0.32	0.44	0.02	000
91052		A	Gastric analysis test	0.79	2.49	2.52	NA	NA	0.02	000

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91052	TC	A	Gastric analysis test	0.00	2.14	2.20	NA	NA	0.01	000
91052	26	A	Gastric analysis test	0.79	0.35	0.32	0.35	0.32	0.01	000
91055		A	Gastric intubation for smear	0.94	2.86	2.69	NA	NA	0.03	000
91055	TC	A	Gastric intubation for smear	0.00	2.40	2.35	NA	NA	0.01	000
91055	26	A	Gastric intubation for smear	0.94	0.46	0.34	0.46	0.34	0.02	000
91065		A	Breath hydrogen test	0.20	1.51	1.55	NA	NA	0.02	000
91065	TC	A	Breath hydrogen test	0.00	1.42	1.47	NA	NA	0.01	000
91065	26	A	Breath hydrogen test	0.20	0.09	0.08	0.09	0.08	0.01	000
91105		A	Gastric intubation treatment	0.37	1.94	1.82	0.09	0.08	0.02	000
91110		A	Gi tract capsule endoscopy	3.64	17.67	20.09	NA	NA	0.13	XXX
91110	TC	A	Gi tract capsule endoscopy	0.00	16.08	18.44	NA	NA	0.01	XXX
91110	26	A	Gi tract capsule endoscopy	3.64	1.59	1.65	1.59	1.65	0.12	XXX
91111		A	Esophageal capsule endoscopy	1.00	15.91	17.68	NA	NA	0.04	XXX
91111	TC	A	Esophageal capsule endoscopy	0.00	15.47	17.21	NA	NA	0.01	XXX
91111	26	A	Esophageal capsule endoscopy	1.00	0.44	0.47	0.44	0.47	0.03	XXX
91120		A	Rectal sensation test	0.97	8.59	9.34	NA	NA	0.07	XXX
91120	TC	A	Rectal sensation test	0.00	8.21	9.00	NA	NA	0.01	XXX
91120	26	A	Rectal sensation test	0.97	0.38	0.34	0.38	0.34	0.06	XXX
91122		A	Anal pressure record	1.77	3.71	4.22	NA	NA	0.08	000
91122	TC	A	Anal pressure record	0.00	3.06	3.58	NA	NA	0.01	000
91122	26	A	Anal pressure record	1.77	0.65	0.64	0.65	0.64	0.07	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	NA	NA	0.00	XXX
91132	TC	C	Electrogastrography	0.00	0.00	0.00	NA	NA	0.00	XXX
91132	26	A	Electrogastrography	0.52	0.20	0.23	0.20	0.23	0.02	XXX
91133		C	Electrogastrography w/test	0.00	0.00	0.00	NA	NA	0.00	XXX
91133	TC	C	Electrogastrography w/test	0.00	0.00	0.00	NA	NA	0.00	XXX
91133	26	A	Electrogastrography w/test	0.66	0.29	0.31	0.29	0.31	0.03	XXX
91299		C	Gastroenterology procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
91299	TC	C	Gastroenterology procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
91299	26	C	Gastroenterology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92002		A	Eye exam, new patient	0.88	1.16	1.03	0.41	0.33	0.05	XXX
92004		A	Eye exam, new patient	1.82	2.01	1.76	0.89	0.71	0.09	XXX
92012		A	Eye exam established pat	0.92	1.25	1.09	0.51	0.38	0.05	XXX
92014		A	Eye exam & treatment	1.42	1.75	1.52	0.75	0.57	0.07	XXX
92015		N	Refraction	0.38	0.15	0.40	0.14	0.13	0.02	XXX

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92018		A	New eye exam & treatment	2.50	NA	NA	1.42	1.10	0.12	XXX
92019		A	Eye exam & treatment	1.31	NA	NA	0.58	0.47	0.05	XXX
92020		A	Special eye evaluation	0.37	0.34	0.30	0.20	0.16	0.02	XXX
92025		A	Corneal topography	0.35	0.59	0.53	NA	NA	0.02	XXX
92025	TC	A	Corneal topography	0.00	0.40	0.38	NA	NA	0.01	XXX
92025	26	A	Corneal topography	0.35	0.19	0.15	0.19	0.15	0.01	XXX
92060		A	Special eye evaluation	0.69	0.96	0.83	NA	NA	0.03	XXX
92060	TC	A	Special eye evaluation	0.00	0.60	0.54	NA	NA	0.01	XXX
92060	26	A	Special eye evaluation	0.69	0.36	0.29	0.36	0.29	0.02	XXX
92065		A	Orthoptic/pleoptic training	0.37	0.98	0.84	NA	NA	0.02	XXX
92065	TC	A	Orthoptic/pleoptic training	0.00	0.85	0.72	NA	NA	0.01	XXX
92065	26	A	Orthoptic/pleoptic training	0.37	0.13	0.12	0.13	0.12	0.01	XXX
92070		A	Fitting of contact lens	0.70	1.10	1.00	0.36	0.29	0.03	XXX
92081		A	Visual field examination(s)	0.36	1.10	1.00	NA	NA	0.03	XXX
92081	TC	A	Visual field examination(s)	0.00	0.93	0.86	NA	NA	0.01	XXX
92081	26	A	Visual field examination(s)	0.36	0.17	0.14	0.17	0.14	0.02	XXX
92082		A	Visual field examination(s)	0.44	1.52	1.38	NA	NA	0.04	XXX
92082	TC	A	Visual field examination(s)	0.00	1.30	1.20	NA	NA	0.01	XXX
92082	26	A	Visual field examination(s)	0.44	0.22	0.18	0.22	0.18	0.03	XXX
92083		A	Visual field examination(s)	0.50	1.75	1.58	NA	NA	0.03	XXX
92083	TC	A	Visual field examination(s)	0.00	1.48	1.37	NA	NA	0.01	XXX
92083	26	A	Visual field examination(s)	0.50	0.27	0.21	0.27	0.21	0.02	XXX
92100		A	Serial tonometry exam(s)	0.92	1.53	1.37	0.46	0.36	0.04	XXX
92120		A	Tonography & eye evaluation	0.81	1.19	1.07	0.40	0.32	0.04	XXX
92130		A	Water provocation tonography	0.81	1.43	1.28	0.44	0.35	0.03	XXX
92135		A	Ophth dx imaging post seg	0.35	0.93	0.85	NA	NA	0.02	XXX
92135	TC	A	Ophth dx imaging post seg	0.00	0.74	0.69	NA	NA	0.01	XXX
92135	26	A	Ophth dx imaging post seg	0.35	0.19	0.16	0.19	0.16	0.01	XXX
92136		A	Ophthalmic biometry	0.54	1.66	1.55	NA	NA	0.02	XXX
92136	TC	A	Ophthalmic biometry	0.00	1.34	1.30	NA	NA	0.01	XXX
92136	26	A	Ophthalmic biometry	0.54	0.32	0.25	0.32	0.25	0.01	XXX
92140		A	Glaucoma provocative tests	0.50	1.07	0.98	0.24	0.19	0.02	XXX
92225		A	Special eye exam, initial	0.38	0.33	0.27	0.20	0.16	0.02	XXX
92226		A	Special eye exam, subsequent	0.33	0.32	0.26	0.19	0.15	0.01	XXX
92230		A	Eye exam with photos	0.60	0.87	0.91	0.32	0.24	0.03	XXX
92235		A	Eye exam with photos	0.81	2.63	2.45	NA	NA	0.03	XXX

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92235	TC	A	Eye exam with photos	0.00	2.15	2.08	NA	NA	0.01	XXX
92235	26	A	Eye exam with photos	0.81	0.48	0.37	0.48	0.37	0.02	XXX
92240		A	Icg angiography	1.10	4.99	4.93	NA	NA	0.03	XXX
92240	TC	A	Icg angiography	0.00	4.34	4.42	NA	NA	0.01	XXX
92240	26	A	Icg angiography	1.10	0.65	0.51	0.65	0.51	0.02	XXX
92250		A	Eye exam with photos	0.44	1.49	1.41	NA	NA	0.02	XXX
92250	TC	A	Eye exam with photos	0.00	1.27	1.23	NA	NA	0.01	XXX
92250	26	A	Eye exam with photos	0.44	0.22	0.18	0.22	0.18	0.01	XXX
92260		A	Ophthalmoscopy/dynamometry	0.20	0.28	0.25	0.11	0.09	0.01	XXX
92265		A	Eye muscle evaluation	0.81	1.34	1.18	NA	NA	0.02	XXX
92265	TC	A	Eye muscle evaluation	0.00	0.87	0.87	NA	NA	0.01	XXX
92265	26	A	Eye muscle evaluation	0.81	0.47	0.31	0.47	0.31	0.01	XXX
92270		A	Electro-oculography	0.81	1.47	1.44	NA	NA	0.03	XXX
92270	TC	A	Electro-oculography	0.00	1.14	1.15	NA	NA	0.01	XXX
92270	26	A	Electro-oculography	0.81	0.33	0.29	0.33	0.29	0.02	XXX
92275		A	Electroretinography	1.01	2.88	2.49	NA	NA	0.04	XXX
92275	TC	A	Electroretinography	0.00	2.30	2.04	NA	NA	0.01	XXX
92275	26	A	Electroretinography	1.01	0.58	0.45	0.58	0.45	0.03	XXX
92283		A	Color vision examination	0.17	1.14	1.02	NA	NA	0.02	XXX
92283	TC	A	Color vision examination	0.00	1.06	0.95	NA	NA	0.01	XXX
92283	26	A	Color vision examination	0.17	0.08	0.07	0.08	0.07	0.01	XXX
92284		A	Dark adaptation eye exam	0.24	1.22	1.29	NA	NA	0.02	XXX
92284	TC	A	Dark adaptation eye exam	0.00	1.12	1.21	NA	NA	0.01	XXX
92284	26	A	Dark adaptation eye exam	0.24	0.10	0.08	0.10	0.08	0.01	XXX
92285		A	Eye photography	0.20	0.90	0.87	NA	NA	0.03	XXX
92285	TC	A	Eye photography	0.00	0.80	0.78	NA	NA	0.01	XXX
92285	26	A	Eye photography	0.20	0.10	0.09	0.10	0.09	0.02	XXX
92286		A	Internal eye photography	0.66	2.40	2.37	NA	NA	0.02	XXX
92286	TC	A	Internal eye photography	0.00	2.04	2.09	NA	NA	0.01	XXX
92286	26	A	Internal eye photography	0.66	0.36	0.28	0.36	0.28	0.01	XXX
92287		A	Internal eye photography	0.81	2.25	2.12	0.47	0.35	0.03	XXX
92310		N	Contact lens fitting	1.17	1.26	1.26	0.43	0.42	0.06	XXX
92311		A	Contact lens fitting	1.08	1.57	1.35	0.49	0.38	0.06	XXX
92312		A	Contact lens fitting	1.26	1.81	1.52	0.55	0.45	0.04	XXX
92313		A	Contact lens fitting	0.92	1.71	1.45	0.50	0.37	0.04	XXX
92314		N	Prescription of contact lens	0.69	1.28	1.25	0.25	0.25	0.03	XXX

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92315		A	Prescription of contact lens	0.45	1.46	1.27	0.19	0.15	0.03	XXX
92316		A	Prescription of contact lens	0.68	1.96	1.59	0.40	0.29	0.03	XXX
92317		A	Prescription of contact lens	0.45	2.17	1.49	0.07	0.12	0.01	XXX
92325		A	Modification of contact lens	0.00	0.93	0.78	NA	NA	0.01	XXX
92326		A	Replacement of contact lens	0.00	0.80	0.93	NA	NA	0.01	XXX
92340		N	Fitting of spectacles	0.37	0.51	0.56	0.14	0.13	0.02	XXX
92341		N	Fitting of spectacles	0.47	0.55	0.60	0.17	0.17	0.02	XXX
92342		N	Fitting of spectacles	0.53	0.57	0.62	0.19	0.19	0.03	XXX
92352		B	Special spectacles fitting	0.37	0.64	0.66	0.14	0.13	0.02	XXX
92353		B	Special spectacles fitting	0.50	0.68	0.71	0.18	0.18	0.02	XXX
92354		B	Special spectacles fitting	0.00	0.30	1.95	NA	NA	0.01	XXX
92355		B	Special spectacles fitting	0.00	0.47	1.23	NA	NA	0.01	XXX
92358		B	Eye prosthesis service	0.00	0.25	0.40	NA	NA	0.01	XXX
92370		N	Repair & adjust spectacles	0.32	0.45	0.48	0.12	0.11	0.02	XXX
92371		B	Repair & adjust spectacles	0.00	0.26	0.34	NA	NA	0.01	XXX
92499		C	Eye service or procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
92499	TC	C	Eye service or procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
92499	26	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	NA	1.13	1.03	0.05	000
92504		A	Ear microscopy examination	0.18	0.62	0.59	0.09	0.08	0.01	XXX
92506		A	Speech/hearing evaluation	0.86	3.67	3.36	0.39	0.34	0.04	XXX
92507		A	Speech/hearing therapy	0.52	1.36	1.23	0.21	0.19	0.02	XXX
92508		A	Speech/hearing therapy	0.26	0.75	0.60	0.12	0.11	0.01	XXX
92511		A	Nasopharyngoscopy	0.84	3.22	3.21	0.79	0.73	0.03	000
92512		A	Nasal function studies	0.55	1.03	1.04	0.26	0.21	0.02	XXX
92516		A	Facial nerve function test	0.43	1.28	1.24	0.20	0.18	0.02	XXX
92520		A	Laryngeal function studies	0.75	1.09	0.91	0.37	0.31	0.03	XXX
92526		A	Oral function therapy	1.34	0.65	1.38	0.52	0.27	0.05	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
92540		A	Basic vestibular evaluation	1.50	1.09	1.09	NA	NA	0.04	XXX
92540	TC	A	Basic vestibular evaluation	0.00	0.45	0.45	NA	NA	0.01	XXX
92540	26	A	Basic vestibular evaluation	1.50	0.64	0.64	0.64	0.64	0.03	XXX
92541		A	Spontaneous nystagmus test	0.40	0.38	0.96	NA	NA	0.02	XXX

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92541	TC	A	Spontaneous nystagmus test	0.00	0.21	0.81	NA	NA	0.01	XXX
92541	26	A	Spontaneous nystagmus test	0.40	0.17	0.15	0.17	0.15	0.01	XXX
92542		A	Positional nystagmus test	0.33	0.34	1.06	NA	NA	0.02	XXX
92542	TC	A	Positional nystagmus test	0.00	0.20	0.93	NA	NA	0.01	XXX
92542	26	A	Positional nystagmus test	0.33	0.14	0.13	0.14	0.13	0.01	XXX
92543		A	Caloric vestibular test	0.10	0.25	0.55	NA	NA	0.02	XXX
92543	TC	A	Caloric vestibular test	0.00	0.21	0.51	NA	NA	0.01	XXX
92543	26	A	Caloric vestibular test	0.10	0.04	0.04	0.04	0.04	0.01	XXX
92544		A	Optokinetic nystagmus test	0.26	0.31	0.87	NA	NA	0.02	XXX
92544	TC	A	Optokinetic nystagmus test	0.00	0.20	0.77	NA	NA	0.01	XXX
92544	26	A	Optokinetic nystagmus test	0.26	0.11	0.10	0.11	0.10	0.01	XXX
92545		A	Oscillating tracking test	0.23	0.30	0.82	NA	NA	0.02	XXX
92545	TC	A	Oscillating tracking test	0.00	0.20	0.73	NA	NA	0.01	XXX
92545	26	A	Oscillating tracking test	0.23	0.10	0.09	0.10	0.09	0.01	XXX
92546		A	Sinusoidal rotational test	0.29	2.17	2.00	NA	NA	0.02	XXX
92546	TC	A	Sinusoidal rotational test	0.00	2.05	1.89	NA	NA	0.01	XXX
92546	26	A	Sinusoidal rotational test	0.29	0.12	0.11	0.12	0.11	0.01	XXX
92547		A	Supplemental electrical test	0.00	0.12	0.11	0.12	0.11	0.01	ZZZ
92548		A	Posturography	0.50	2.19	2.00	NA	NA	0.02	XXX
92548	TC	A	Posturography	0.00	1.98	1.81	NA	NA	0.01	XXX
92548	26	A	Posturography	0.50	0.21	0.19	0.21	0.19	0.01	XXX
92550		A	Tympanometry & reflex thresh	0.35	0.21	0.21	NA	NA	0.01	XXX
92551		N	Pure tone hearing test, air	0.00	0.26	0.28	NA	NA	0.01	XXX
92552		A	Pure tone audiometry, air	0.00	0.66	0.59	NA	NA	0.01	XXX
92553		A	Audiometry, air & bone	0.00	0.80	0.76	NA	NA	0.01	XXX
92555		A	Speech threshold audiometry	0.00	0.46	0.42	NA	NA	0.01	XXX
92556		A	Speech audiometry, complete	0.00	0.71	0.65	NA	NA	0.01	XXX
92557		A	Comprehensive hearing test	0.60	0.39	0.50	0.28	0.42	0.02	XXX
92559		N	Group audiometric testing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92560		N	Bekesy audiometry, screen	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92561		A	Bekesy audiometry, diagnosis	0.00	0.85	0.76	NA	NA	0.01	XXX
92562		A	Loudness balance test	0.00	0.95	0.68	NA	NA	0.01	XXX
92563		A	Tone decay hearing test	0.00	0.67	0.57	NA	NA	0.01	XXX
92564		A	Sisi hearing test	0.00	0.61	0.53	NA	NA	0.01	XXX
92565		A	Stenger test, pure tone	0.00	0.31	0.32	NA	NA	0.01	XXX
92567		A	Tympanometry	0.20	0.17	0.22	0.09	0.16	0.01	XXX

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92568		A	Acoustic refl threshold tst	0.29	0.14	0.16	0.13	0.16	0.01	XXX
92570		A	Acoustic immittance testing	0.55	0.30	0.30	0.25	0.25	0.02	XXX
92571		A	Filtered speech hearing test	0.00	0.51	0.44	NA	NA	0.01	XXX
92572		A	Staggered spondaic word test	0.00	1.07	0.62	NA	NA	0.01	XXX
92575		A	Sensorineural acuity test	0.00	1.36	1.05	NA	NA	0.01	XXX
92576		A	Synthetic sentence test	0.00	0.74	0.59	NA	NA	0.01	XXX
92577		A	Stenger test, speech	0.00	0.35	0.40	NA	NA	0.01	XXX
92579		A	Visual audiometry (vra)	0.70	0.50	0.47	0.34	0.37	0.02	XXX
92582		A	Conditioning play audiometry	0.00	1.35	1.15	NA	NA	0.01	XXX
92583		A	Select picture audiometry	0.00	0.98	0.88	NA	NA	0.01	XXX
92584		A	Electrocochleography	0.00	1.50	1.64	NA	NA	0.01	XXX
92585		A	Auditor evoke potent, compre	0.50	2.46	2.21	NA	NA	0.02	XXX
92585	TC	A	Auditor evoke potent, compre	0.00	2.24	2.02	NA	NA	0.01	XXX
92585	26	A	Auditor evoke potent, compre	0.50	0.22	0.19	0.22	0.19	0.01	XXX
92586		A	Auditor evoke potent, limit	0.00	1.77	1.64	NA	NA	0.01	XXX
92587		A	Evoked auditory test	0.13	0.73	0.81	NA	NA	0.02	XXX
92587	TC	A	Evoked auditory test	0.00	0.67	0.76	NA	NA	0.01	XXX
92587	26	A	Evoked auditory test	0.13	0.06	0.05	0.06	0.05	0.01	XXX
92588		A	Evoked auditory test	0.36	1.30	1.27	NA	NA	0.02	XXX
92588	TC	A	Evoked auditory test	0.00	1.14	1.13	NA	NA	0.01	XXX
92588	26	A	Evoked auditory test	0.36	0.16	0.14	0.16	0.14	0.01	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 hearng aid test, one	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92595		N	Electro hearng aid tst, both	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92596		A	Ear protector evaluation	0.00	1.38	1.03	NA	NA	0.01	XXX
92597		A	Oral speech device eval	1.26	0.67	1.61	0.61	0.41	0.05	XXX
92601		A	Cochlear implt f/up exam < 7	2.30	1.51	1.78	1.02	1.39	0.08	XXX
92602		A	Reprogram cochlear implt < 7	1.30	1.20	1.27	0.55	0.86	0.05	XXX
92603		A	Cochlear implt f/up exam 7 >	2.25	1.54	1.51	1.04	1.13	0.08	XXX
92604		A	Reprogram cochlear implt 7 >	1.25	0.99	0.97	0.58	0.66	0.04	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	4.67	4.32	NA	NA	0.05	XXX

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92608		A	Ex for speech device rx addl	0.00	1.17	0.88	NA	NA	0.01	XXX
92609		A	Use of speech device service	0.00	2.68	2.34	NA	NA	0.03	XXX
92610		A	Evaluate swallowing function	1.30	0.79	1.79	0.57	0.57	0.05	XXX
92611		A	Motion fluoroscopy/swallow	1.34	0.97	1.97	NA	NA	0.06	XXX
92612		A	Endoscopy swallow tst (fees)	1.27	3.12	2.99	0.61	0.53	0.05	XXX
92613		A	Endoscopy swallow tst (fees)	0.71	0.33	0.31	0.33	0.30	0.03	XXX
92614		A	Laryngoscopic sensory test	1.27	2.67	2.53	0.63	0.54	0.05	XXX
92615		A	Eval laryngoscopy sense tst	0.63	0.30	0.28	0.30	0.27	0.02	XXX
92616		A	Fees w/laryngeal sense test	1.88	3.35	3.29	0.86	0.77	0.07	XXX
92617		A	Interprt fees/laryngeal test	0.79	0.36	0.33	0.36	0.33	0.03	XXX
92620		A	Auditory function, 60 min	1.50	0.97	0.58	0.74	0.52	0.05	XXX
92621		A	Auditory function, + 15 min	0.35	0.23	0.13	0.15	0.11	0.01	ZZZ
92625		A	Tinnitus assessment	1.15	0.69	0.47	0.52	0.43	0.04	XXX
92626		A	Eval aud rehab status	1.40	0.91	0.79	0.62	0.71	0.05	XXX
92627		A	Eval aud status rehab add-on	0.33	0.24	0.20	0.15	0.18	0.01	ZZZ
92630		I	Aud rehab pre-ling hear loss	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92633		I	Aud rehab postling hear loss	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92640		A	Aud brainstem implt programg	1.76	0.97	0.44	0.65	0.36	0.27	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	3.79	3.47	3.48	0.88	0.86	0.22	000
92953		A	Temporary external pacing	0.23	NA	NA	0.06	0.08	0.01	000
92960		A	Cardioversion electric, ext	2.25	3.08	4.40	0.95	1.29	0.10	000
92961		A	Cardioversion, electric, int	4.59	NA	NA	1.73	2.26	0.32	000
92970		A	Cardioassist, internal	3.51	NA	NA	1.10	1.32	0.18	000
92971		A	Cardioassist, external	1.77	NA	NA	0.69	0.97	0.08	000
92973		A	Percut coronary thrombectomy	3.28	NA	NA	1.07	1.53	0.52	ZZZ
92974		A	Cath place, cardio brachytx	3.00	NA	NA	0.98	1.41	0.48	ZZZ
92975		A	Dissolve clot, heart vessel	7.24	NA	NA	2.41	3.35	1.16	000
92977		A	Dissolve clot, heart vessel	0.00	1.22	2.79	NA	NA	0.02	XXX
92978		C	Intravasc us, heart add-on	0.00	0.00	0.00	NA	NA	0.00	ZZZ
92978	TC	C	Intravasc us, heart add-on	0.00	0.00	0.00	NA	NA	0.00	ZZZ
92978	26	A	Intravasc us, heart add-on	1.80	0.59	0.83	0.59	0.83	0.09	ZZZ
92979		C	Intravasc us, heart add-on	0.00	0.00	0.00	NA	NA	0.00	ZZZ
92979	TC	C	Intravasc us, heart add-on	0.00	0.00	0.00	NA	NA	0.00	ZZZ
92979	26	A	Intravasc us, heart add-on	1.44	0.47	0.67	0.47	0.67	0.07	ZZZ
92980		A	Insert intracoronary stent	14.82	NA	NA	5.00	7.10	2.38	000

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92981		A	Insert intracoronary stent	4.16	NA	NA	1.36	1.94	0.66	ZZZ
92982		A	Coronary artery dilation	10.96	NA	NA	3.74	5.30	1.75	000
92984		A	Coronary artery dilation	2.97	NA	NA	0.97	1.38	0.47	ZZZ
92986		A	Revision of aortic valve	22.85	NA	NA	9.85	13.43	3.66	090
92987		A	Revision of mitral valve	23.63	NA	NA	10.11	13.88	3.78	090
92990		A	Revision of pulmonary valve	18.27	NA	NA	8.19	10.76	2.93	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	12.07	NA	NA	4.10	5.84	1.93	000
92996		A	Coronary atherectomy add-on	3.26	NA	NA	1.06	1.52	0.52	ZZZ
92997		A	Pul art balloon repr, percut	11.98	NA	NA	4.04	5.02	1.92	000
92998		A	Pul art balloon repr, percut	5.99	NA	NA	1.94	2.62	0.96	ZZZ
93000		A	Electrocardiogram, complete	0.17	0.27	0.36	NA	NA	0.02	XXX
93005		A	Electrocardiogram, tracing	0.00	0.21	0.29	NA	NA	0.01	XXX
93010		A	Electrocardiogram report	0.17	0.06	0.07	0.06	0.07	0.01	XXX
93012		A	Transmission of ecg	0.00	3.50	4.59	NA	NA	0.01	XXX
93014		A	Report on transmitted ecg	0.52	0.18	0.22	0.18	0.22	0.02	XXX
93015		A	Cardiovascular stress test	0.75	1.34	1.78	NA	NA	0.03	XXX
93016		A	Cardiovascular stress test	0.45	0.15	0.20	0.15	0.20	0.01	XXX
93017		A	Cardiovascular stress test	0.00	1.09	1.45	NA	NA	0.01	XXX
93018		A	Cardiovascular stress test	0.30	0.10	0.13	0.10	0.13	0.01	XXX
93024		A	Cardiac drug stress test	1.17	1.66	2.01	NA	NA	0.04	XXX
93024	TC	A	Cardiac drug stress test	0.00	1.26	1.50	NA	NA	0.01	XXX
93024	26	A	Cardiac drug stress test	1.17	0.40	0.51	0.40	0.51	0.03	XXX
93025		A	Microvolt t-wave assess	0.75	3.12	4.61	NA	NA	0.03	XXX
93025	TC	A	Microvolt t-wave assess	0.00	2.87	4.27	NA	NA	0.01	XXX
93025	26	A	Microvolt t-wave assess	0.75	0.25	0.34	0.25	0.34	0.02	XXX
93040		A	Rhythm ECG with report	0.16	0.16	0.19	NA	NA	0.02	XXX
93041		A	Rhythm ECG, tracing	0.00	0.12	0.14	NA	NA	0.01	XXX
93042		A	Rhythm ECG, report	0.16	0.04	0.05	0.04	0.05	0.01	XXX
93224		A	ECG monitor/report, 24 hrs	0.52	1.67	2.37	NA	NA	0.03	XXX
93225		A	ECG monitor/record, 24 hrs	0.00	0.61	0.85	NA	NA	0.01	XXX
93226		A	ECG monitor/report, 24 hrs	0.00	0.86	1.28	NA	NA	0.01	XXX
93227		A	ECG monitor/review, 24 hrs	0.52	0.20	0.24	0.20	0.24	0.01	XXX
93228		A	Remote 30 day ecg rev/report	0.52	0.19	0.18	0.19	0.18	0.02	XXX
93229		C	Remote 30 day ecg tech supp	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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93230		A	ECG monitor/report, 24 hrs	0.52	1.71	2.42	NA	NA	0.03	XXX
93231		A	Ecg monitor/record, 24 hrs	0.00	0.53	0.81	NA	NA	0.01	XXX
93232		A	ECG monitor/report, 24 hrs	0.00	1.00	1.40	NA	NA	0.01	XXX
93233		A	ECG monitor/review, 24 hrs	0.52	0.18	0.21	0.18	0.21	0.01	XXX
93235		C	ECG monitor/report, 24 hrs	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93236		C	ECG monitor/report, 24 hrs	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93237		A	ECG monitor/review, 24 hrs	0.45	0.15	0.20	0.15	0.20	0.02	XXX
93268		A	ECG record/review	0.52	4.83	6.22	NA	NA	0.03	XXX
93270		A	ECG recording	0.00	0.21	0.45	NA	NA	0.01	XXX
93271		A	Ecg/monitoring and analysis	0.00	4.45	5.56	NA	NA	0.01	XXX
93272		A	Ecg/review, interpret only	0.52	0.17	0.21	0.17	0.21	0.01	XXX
93278		A	ECG/signal-averaged	0.25	0.51	0.71	NA	NA	0.02	XXX
93278	TC	A	ECG/signal-averaged	0.00	0.42	0.61	NA	NA	0.01	XXX
93278	26	A	ECG/signal-averaged	0.25	0.09	0.10	0.09	0.10	0.01	XXX
93279		A	Pm device progr eval, sngl	0.65	0.59	0.80	NA	NA	0.03	XXX
93279	TC	A	Pm device progr eval, sngl	0.00	0.38	0.49	NA	NA	0.01	XXX
93279	26	A	Pm device progr eval, sngl	0.65	0.21	0.31	0.21	0.31	0.02	XXX
93280		A	Pm device progr eval, dual	0.77	0.68	0.95	NA	NA	0.03	XXX
93280	TC	A	Pm device progr eval, dual	0.00	0.43	0.57	NA	NA	0.01	XXX
93280	26	A	Pm device progr eval, dual	0.77	0.25	0.38	0.25	0.38	0.02	XXX
93281		A	Pm device progr eval, multi	0.90	0.80	1.10	NA	NA	0.03	XXX
93281	TC	A	Pm device progr eval, multi	0.00	0.50	0.66	NA	NA	0.01	XXX
93281	26	A	Pm device progr eval, multi	0.90	0.30	0.44	0.30	0.44	0.02	XXX
93282		A	Icd device prog eval, 1 sngl	0.85	0.72	0.99	NA	NA	0.03	XXX
93282	TC	A	Icd device prog eval, 1 sngl	0.00	0.44	0.59	NA	NA	0.01	XXX
93282	26	A	Icd device prog eval, 1 sngl	0.85	0.28	0.40	0.28	0.40	0.02	XXX
93283		A	Icd device progr eval, dual	1.15	0.89	1.20	NA	NA	0.04	XXX
93283	TC	A	Icd device progr eval, dual	0.00	0.51	0.68	NA	NA	0.01	XXX
93283	26	A	Icd device progr eval, dual	1.15	0.38	0.52	0.38	0.52	0.03	XXX
93284		A	Icd device progr eval, mult	1.25	0.99	1.38	NA	NA	0.04	XXX
93284	TC	A	Icd device progr eval, mult	0.00	0.58	0.77	NA	NA	0.01	XXX
93284	26	A	Icd device progr eval, mult	1.25	0.41	0.61	0.41	0.61	0.03	XXX
93285		A	Ilr device eval progr	0.52	0.51	0.71	NA	NA	0.02	XXX
93285	TC	A	Ilr device eval progr	0.00	0.34	0.45	NA	NA	0.01	XXX
93285	26	A	Ilr device eval progr	0.52	0.17	0.26	0.17	0.26	0.01	XXX
93286		A	Pre-op pm device eval	0.30	0.42	0.42	NA	NA	0.02	XXX

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93286	TC	A	Pre-op pm device eval	0.00	0.31	0.32	NA	NA	0.01	XXX
93286	26	A	Pre-op pm device eval	0.30	0.11	0.10	0.11	0.10	0.01	XXX
93287		A	Pre-op icd device eval	0.45	0.50	0.51	NA	NA	0.02	XXX
93287	TC	A	Pre-op icd device eval	0.00	0.34	0.35	NA	NA	0.01	XXX
93287	26	A	Pre-op icd device eval	0.45	0.16	0.16	0.16	0.16	0.01	XXX
93288		A	Pm device eval in person	0.43	0.49	0.67	NA	NA	0.02	XXX
93288	TC	A	Pm device eval in person	0.00	0.35	0.46	NA	NA	0.01	XXX
93288	26	A	Pm device eval in person	0.43	0.14	0.21	0.14	0.21	0.01	XXX
93289		A	Icd device interrogate	0.92	0.73	0.95	NA	NA	0.03	XXX
93289	TC	A	Icd device interrogate	0.00	0.43	0.56	NA	NA	0.01	XXX
93289	26	A	Icd device interrogate	0.92	0.30	0.39	0.30	0.39	0.02	XXX
93290		A	Icm device eval	0.43	0.41	0.41	NA	NA	0.02	XXX
93290	TC	A	Icm device eval	0.00	0.25	0.26	NA	NA	0.01	XXX
93290	26	A	Icm device eval	0.43	0.16	0.15	0.16	0.15	0.01	XXX
93291		A	Ilr device interrogate	0.43	0.46	0.63	NA	NA	0.02	XXX
93291	TC	A	Ilr device interrogate	0.00	0.32	0.42	NA	NA	0.01	XXX
93291	26	A	Ilr device interrogate	0.43	0.14	0.21	0.14	0.21	0.01	XXX
93292		A	Wcd device interrogate	0.43	0.38	0.52	NA	NA	0.02	XXX
93292	TC	A	Wcd device interrogate	0.00	0.24	0.31	NA	NA	0.01	XXX
93292	26	A	Wcd device interrogate	0.43	0.14	0.21	0.14	0.21	0.01	XXX
93293		A	Pm phone r-strip device eval	0.32	0.98	1.17	NA	NA	0.02	XXX
93293	TC	A	Pm phone r-strip device eval	0.00	0.88	1.04	NA	NA	0.01	XXX
93293	26	A	Pm phone r-strip device eval	0.32	0.10	0.13	0.10	0.13	0.01	XXX
93294		A	Pm device interrogate remote	0.65	0.21	0.31	0.21	0.31	0.03	XXX
93295		A	Icd device interrogat remote	1.29	0.43	0.59	0.43	0.59	0.06	XXX
93296		A	Pm/icd remote tech serv	0.00	0.69	0.94	NA	NA	0.01	XXX
93297		A	Icm device interrogat remote	0.52	0.19	0.18	0.19	0.18	0.02	XXX
93298		A	Ilr device interrogat remote	0.52	0.17	0.26	0.17	0.26	0.02	XXX
93299		C	Icm/ilr remote tech serv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93303		A	Echo transthoracic	1.30	3.51	4.30	NA	NA	0.04	XXX
93303	TC	A	Echo transthoracic	0.00	3.08	3.76	NA	NA	0.01	XXX
93303	26	A	Echo transthoracic	1.30	0.43	0.54	0.43	0.54	0.03	XXX
93304		A	Echo transthoracic	0.75	2.45	2.78	NA	NA	0.03	XXX
93304	TC	A	Echo transthoracic	0.00	2.20	2.48	NA	NA	0.01	XXX
93304	26	A	Echo transthoracic	0.75	0.25	0.30	0.25	0.30	0.02	XXX
93306		A	Tte w/doppler, complete	1.30	3.42	5.24	NA	NA	0.04	XXX

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93306	TC	A	Tte w/doppler, complete	0.00	2.99	4.64	NA	NA	0.01	XXX
93306	26	A	Tte w/doppler, complete	1.30	0.43	0.60	0.43	0.60	0.03	XXX
93307		A	Tte w/o doppler, complete	0.92	1.85	3.31	NA	NA	0.03	XXX
93307	TC	A	Tte w/o doppler, complete	0.00	1.54	2.90	NA	NA	0.01	XXX
93307	26	A	Tte w/o doppler, complete	0.92	0.31	0.41	0.31	0.41	0.02	XXX
93308		A	Tte, f-up or lmtd	0.53	1.83	2.31	NA	NA	0.02	XXX
93308	TC	A	Tte, f-up or lmtd	0.00	1.66	2.07	NA	NA	0.01	XXX
93308	26	A	Tte, f-up or lmtd	0.53	0.17	0.24	0.17	0.24	0.01	XXX
93312		A	Echo transesophageal	2.20	5.52	6.32	NA	NA	0.07	XXX
93312	TC	A	Echo transesophageal	0.00	4.87	5.44	NA	NA	0.02	XXX
93312	26	A	Echo transesophageal	2.20	0.65	0.88	0.65	0.88	0.05	XXX
93313		A	Echo transesophageal	0.95	NA	NA	0.17	0.15	0.05	XXX
93314		A	Echo transesophageal	1.25	5.61	6.13	NA	NA	0.05	XXX
93314	TC	A	Echo transesophageal	0.00	5.22	5.63	NA	NA	0.02	XXX
93314	26	A	Echo transesophageal	1.25	0.39	0.50	0.39	0.50	0.03	XXX
93315		C	Echo transesophageal	0.00	0.00	0.00	NA	NA	0.00	XXX
93315	TC	C	Echo transesophageal	0.00	0.00	0.00	NA	NA	0.00	XXX
93315	26	A	Echo transesophageal	2.78	0.87	1.17	0.87	1.17	0.17	XXX
93316		A	Echo transesophageal	0.95	NA	NA	0.21	0.25	0.05	XXX
93317		C	Echo transesophageal	0.00	0.00	0.00	NA	NA	0.00	XXX
93317	TC	C	Echo transesophageal	0.00	0.00	0.00	NA	NA	0.00	XXX
93317	26	A	Echo transesophageal	1.83	0.54	0.63	0.54	0.63	0.17	XXX
93318		C	Echo transesophageal intraop	0.00	0.00	0.00	NA	NA	0.00	XXX
93318	TC	C	Echo transesophageal intraop	0.00	0.00	0.00	NA	NA	0.00	XXX
93318	26	A	Echo transesophageal intraop	2.20	0.67	0.77	0.67	0.77	0.23	XXX
93320		A	Doppler echo exam, heart	0.38	0.75	1.46	NA	NA	0.02	ZZZ
93320	TC	A	Doppler echo exam, heart	0.00	0.62	1.29	NA	NA	0.01	ZZZ
93320	26	A	Doppler echo exam, heart	0.38	0.13	0.17	0.13	0.17	0.01	ZZZ
93321		A	Doppler echo exam, heart	0.15	0.43	0.67	NA	NA	0.02	ZZZ
93321	TC	A	Doppler echo exam, heart	0.00	0.38	0.60	NA	NA	0.01	ZZZ
93321	26	A	Doppler echo exam, heart	0.15	0.05	0.07	0.05	0.07	0.01	ZZZ
93325		A	Doppler color flow add-on	0.07	0.40	1.02	NA	NA	0.02	ZZZ
93325	TC	A	Doppler color flow add-on	0.00	0.38	0.99	NA	NA	0.01	ZZZ
93325	26	A	Doppler color flow add-on	0.07	0.02	0.03	0.02	0.03	0.01	ZZZ
93350		A	Stress tte only	1.46	3.55	4.12	NA	NA	0.05	XXX
93350	TC	A	Stress tte only	0.00	3.07	3.45	NA	NA	0.01	XXX

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93350	26	A	Stress tte only	1.46	0.48	0.67	0.48	0.67	0.04	XXX
93351		A	Stress tte complete	1.75	4.04	4.89	NA	NA	0.06	XXX
93351	TC	A	Stress tte complete	0.00	3.46	4.04	NA	NA	0.02	XXX
93351	26	A	Stress tte complete	1.75	0.58	0.85	0.58	0.85	0.04	XXX
93352		A	Admin ecg contrast agent	0.19	0.61	0.79	NA	NA	0.01	ZZZ
93501		A	Right heart catheterization	3.02	13.34	17.09	NA	NA	0.42	000
93501	TC	A	Right heart catheterization	0.00	12.35	15.71	NA	NA	0.01	000
93501	26	A	Right heart catheterization	3.02	0.99	1.38	0.99	1.38	0.41	000
93503		A	Insert/place heart catheter	2.91	NA	NA	0.77	0.77	0.20	000
93505		A	Biopsy of heart lining	4.37	14.84	15.84	NA	NA	0.63	000
93505	TC	A	Biopsy of heart lining	0.00	13.40	13.85	NA	NA	0.02	000
93505	26	A	Biopsy of heart lining	4.37	1.44	1.99	1.44	1.99	0.61	000
93508		A	Cath placement, angiography	4.09	20.39	23.74	NA	NA	0.57	000
93508	TC	A	Cath placement, angiography	0.00	19.05	21.75	NA	NA	0.02	000
93508	26	A	Cath placement, angiography	4.09	1.34	1.99	1.34	1.99	0.55	000
93510		A	Left heart catheterization	4.32	19.90	27.92	NA	NA	0.61	000
93510	TC	A	Left heart catheterization	0.00	18.49	25.83	NA	NA	0.02	000
93510	26	A	Left heart catheterization	4.32	1.41	2.09	1.41	2.09	0.59	000
93511		C	Left heart catheterization	0.00	NA	NA	NA	NA	0.00	000
93511	TC	C	Left heart catheterization	0.00	NA	NA	NA	NA	0.00	000
93511	26	A	Left heart catheterization	5.02	1.64	2.42	1.64	2.42	0.81	000
93514		C	Left heart catheterization	0.00	NA	NA	NA	NA	0.00	000
93514	TC	C	Left heart catheterization	0.00	NA	NA	NA	NA	0.00	000
93514	26	A	Left heart catheterization	7.04	2.30	3.23	2.30	3.23	1.13	000
93524		C	Left heart catheterization	0.00	NA	NA	NA	NA	0.00	000
93524	TC	C	Left heart catheterization	0.00	NA	NA	NA	NA	0.00	000
93524	26	A	Left heart catheterization	6.94	2.28	3.33	2.28	3.33	1.11	000
93526		A	Rt & Lt heart catheters	5.98	24.77	35.23	NA	NA	0.85	000
93526	TC	A	Rt & Lt heart catheters	0.00	22.82	32.37	NA	NA	0.02	000
93526	26	A	Rt & Lt heart catheters	5.98	1.95	2.86	1.95	2.86	0.83	000
93527		C	Rt & Lt heart catheters	0.00	NA	NA	NA	NA	0.00	000
93527	TC	C	Rt & Lt heart catheters	0.00	NA	NA	NA	NA	0.00	000
93527	26	A	Rt & Lt heart catheters	7.27	2.37	3.45	2.37	3.45	1.16	000
93528		C	Rt & Lt heart catheters	0.00	NA	NA	NA	NA	0.00	000
93528	TC	C	Rt & Lt heart catheters	0.00	NA	NA	NA	NA	0.00	000
93528	26	A	Rt & Lt heart catheters	8.99	3.03	3.87	3.03	3.87	1.43	000

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93529		C	Rt, lt heart catheterization	0.00	NA	NA	NA	NA	0.00	000
93529	TC	C	Rt, lt heart catheterization	0.00	NA	NA	NA	NA	0.00	000
93529	26	A	Rt, lt heart catheterization	4.79	1.60	2.32	1.60	2.32	0.77	000
93530		C	Rt heart cath, congenital	0.00	NA	NA	NA	NA	0.00	000
93530	TC	C	Rt heart cath, congenital	0.00	NA	NA	NA	NA	0.00	000
93530	26	A	Rt heart cath, congenital	4.22	1.40	1.87	1.40	1.87	0.67	000
93531		C	R & l heart cath, congenital	0.00	NA	NA	NA	NA	0.00	000
93531	TC	C	R & l heart cath, congenital	0.00	NA	NA	NA	NA	0.00	000
93531	26	A	R & l heart cath, congenital	8.34	2.74	3.60	2.74	3.60	1.34	000
93532		C	R & l heart cath, congenital	0.00	NA	NA	NA	NA	0.00	000
93532	TC	C	R & l heart cath, congenital	0.00	NA	NA	NA	NA	0.00	000
93532	26	A	R & l heart cath, congenital	9.99	3.27	4.19	3.27	4.19	1.60	000
93533		C	R & l heart cath, congenital	0.00	NA	NA	NA	NA	0.00	000
93533	TC	C	R & l heart cath, congenital	0.00	NA	NA	NA	NA	0.00	000
93533	26	A	R & l heart cath, congenital	6.69	2.17	2.83	2.17	2.83	1.08	000
93539		A	Injection, cardiac cath	0.40	1.75	1.82	0.13	0.19	0.02	000
93540		A	Injection, cardiac cath	0.43	6.15	6.26	0.14	0.20	0.02	000
93541		A	Injection for lung angiogram	0.29	0.09	0.13	0.09	0.13	0.01	000
93542		A	Injection for heart x-rays	0.29	3.75	3.78	0.10	0.13	0.01	000
93543		A	Injection for heart x-rays	0.29	1.86	1.92	0.09	0.13	0.01	000
93544		A	Injection for aortography	0.25	1.31	1.35	0.08	0.12	0.01	000
93545		A	Inject for coronary x-rays	0.40	4.19	4.27	0.13	0.19	0.02	000
93555		A	Imaging, cardiac cath	0.81	0.37	1.68	NA	NA	0.03	XXX
93555	TC	A	Imaging, cardiac cath	0.00	0.11	1.31	NA	NA	0.01	XXX
93555	26	A	Imaging, cardiac cath	0.81	0.26	0.37	0.26	0.37	0.02	XXX
93556		A	Imaging, cardiac cath	0.83	0.55	2.58	NA	NA	0.03	XXX
93556	TC	A	Imaging, cardiac cath	0.00	0.28	2.20	NA	NA	0.01	XXX
93556	26	A	Imaging, cardiac cath	0.83	0.27	0.38	0.27	0.38	0.02	XXX
93561		C	Cardiac output measurement	0.00	NA	NA	NA	NA	0.00	000
93561	TC	C	Cardiac output measurement	0.00	NA	NA	NA	NA	0.00	000
93561	26	A	Cardiac output measurement	0.50	0.16	0.15	0.16	0.15	0.03	000
93562		C	Cardiac output measurement	0.00	NA	NA	NA	NA	0.00	000
93562	TC	C	Cardiac output measurement	0.00	NA	NA	NA	NA	0.00	000
93562	26	A	Cardiac output measurement	0.16	0.04	0.04	0.04	0.04	0.01	000
93571		C	Heart flow reserve measure	0.00	NA	NA	NA	NA	0.00	ZZZ
93571	TC	C	Heart flow reserve measure	0.00	NA	NA	NA	NA	0.00	ZZZ

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93571	26	A	Heart flow reserve measure	1.80	0.59	0.83	0.59	0.83	0.08	ZZZ
93572		C	Heart flow reserve measure	0.00	NA	NA	NA	NA	0.00	ZZZ
93572	TC	C	Heart flow reserve measure	0.00	NA	NA	NA	NA	0.00	ZZZ
93572	26	A	Heart flow reserve measure	1.44	0.47	0.64	0.47	0.64	0.08	ZZZ
93580		A	Transcath closure of asd	17.97	NA	NA	6.20	8.45	2.88	000
93581		A	Transcath closure of vsd	24.39	NA	NA	8.23	10.38	3.91	000
93600		C	Bundle of His recording	0.00	0.00	0.00	NA	NA	0.00	000
93600	TC	C	Bundle of His recording	0.00	0.00	0.00	NA	NA	0.00	000
93600	26	A	Bundle of His recording	2.12	0.70	0.96	0.70	0.96	0.33	000
93602		C	Intra-atrial recording	0.00	0.00	0.00	NA	NA	0.00	000
93602	TC	C	Intra-atrial recording	0.00	0.00	0.00	NA	NA	0.00	000
93602	26	A	Intra-atrial recording	2.12	0.69	0.94	0.69	0.94	0.33	000
93603		C	Right ventricular recording	0.00	0.00	0.00	NA	NA	0.00	000
93603	TC	C	Right ventricular recording	0.00	0.00	0.00	NA	NA	0.00	000
93603	26	A	Right ventricular recording	2.12	0.69	0.94	0.69	0.94	0.33	000
93609		C	Map tachycardia, add-on	0.00	0.00	0.00	NA	NA	0.00	ZZZ
93609	TC	C	Map tachycardia, add-on	0.00	0.00	0.00	NA	NA	0.00	ZZZ
93609	26	A	Map tachycardia, add-on	4.99	1.64	2.29	1.64	2.29	0.80	ZZZ
93610		C	Intra-atrial pacing	0.00	0.00	0.00	NA	NA	0.00	000
93610	TC	C	Intra-atrial pacing	0.00	0.00	0.00	NA	NA	0.00	000
93610	26	A	Intra-atrial pacing	3.02	0.98	1.34	0.98	1.34	0.48	000
93612		C	Intraventricular pacing	0.00	0.00	0.00	NA	NA	0.00	000
93612	TC	C	Intraventricular pacing	0.00	0.00	0.00	NA	NA	0.00	000
93612	26	A	Intraventricular pacing	3.02	0.97	1.31	0.97	1.31	0.48	000
93613		A	Electrophys map 3d, add-on	6.99	NA	NA	2.29	3.23	1.12	ZZZ
93615		C	Esophageal recording	0.00	0.00	0.00	NA	NA	0.00	000
93615	TC	C	Esophageal recording	0.00	0.00	0.00	NA	NA	0.00	000
93615	26	A	Esophageal recording	0.99	0.32	0.44	0.32	0.44	0.04	000
93616		C	Esophageal recording	0.00	0.00	0.00	NA	NA	0.00	000
93616	TC	C	Esophageal recording	0.00	0.00	0.00	NA	NA	0.00	000
93616	26	A	Esophageal recording	1.49	0.24	0.33	0.24	0.33	0.08	000
93618		C	Heart rhythm pacing	0.00	0.00	0.00	NA	NA	0.00	000
93618	TC	C	Heart rhythm pacing	0.00	0.00	0.00	NA	NA	0.00	000
93618	26	A	Heart rhythm pacing	4.25	1.38	1.99	1.38	1.99	0.67	000
93619		C	Electrophysiology evaluation	0.00	0.00	0.00	NA	NA	0.00	000
93619	TC	C	Electrophysiology evaluation	0.00	0.00	0.00	NA	NA	0.00	000

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93619	26	A	Electrophysiology evaluation	7.31	2.39	3.46	2.39	3.46	1.17	000
93620		C	Electrophysiology evaluation	0.00	0.00	0.00	NA	NA	0.00	000
93620	TC	C	Electrophysiology evaluation	0.00	0.00	0.00	NA	NA	0.00	000
93620	26	A	Electrophysiology evaluation	11.57	3.80	5.39	3.80	5.39	1.85	000
93621		C	Electrophysiology evaluation	0.00	0.00	0.00	NA	NA	0.00	ZZZ
93621	TC	C	Electrophysiology evaluation	0.00	0.00	0.00	NA	NA	0.00	ZZZ
93621	26	A	Electrophysiology evaluation	2.10	0.69	0.97	0.69	0.97	0.33	ZZZ
93622		C	Electrophysiology evaluation	0.00	0.00	0.00	NA	NA	0.00	ZZZ
93622	TC	C	Electrophysiology evaluation	0.00	0.00	0.00	NA	NA	0.00	ZZZ
93622	26	A	Electrophysiology evaluation	3.10	1.01	1.39	1.01	1.39	0.49	ZZZ
93623		C	Stimulation, pacing heart	0.00	0.00	0.00	NA	NA	0.00	ZZZ
93623	TC	C	Stimulation, pacing heart	0.00	0.00	0.00	NA	NA	0.00	ZZZ
93623	26	A	Stimulation, pacing heart	2.85	0.93	1.31	0.93	1.31	0.46	ZZZ
93624		C	Electrophysiologic study	0.00	0.00	0.00	NA	NA	0.00	000
93624	TC	C	Electrophysiologic study	0.00	0.00	0.00	NA	NA	0.00	000
93624	26	A	Electrophysiologic study	4.80	1.56	2.28	1.56	2.28	0.77	000
93631		C	Heart pacing, mapping	0.00	0.00	0.00	NA	NA	0.00	000
93631	TC	C	Heart pacing, mapping	0.00	0.00	0.00	NA	NA	0.00	000
93631	26	A	Heart pacing, mapping	7.59	2.38	2.70	2.38	2.70	1.33	000
93640		C	Evaluation heart device	0.00	0.00	0.00	NA	NA	0.00	000
93640	TC	C	Evaluation heart device	0.00	0.00	0.00	NA	NA	0.00	000
93640	26	A	Evaluation heart device	3.51	1.16	1.60	1.16	1.60	0.56	000
93641		C	Electrophysiology evaluation	0.00	0.00	0.00	NA	NA	0.00	000
93641	TC	C	Electrophysiology evaluation	0.00	0.00	0.00	NA	NA	0.00	000
93641	26	A	Electrophysiology evaluation	5.92	1.94	2.72	1.94	2.72	0.95	000
93642		A	Electrophysiology evaluation	4.88	4.83	7.06	NA	NA	0.15	000
93642	TC	A	Electrophysiology evaluation	0.00	3.22	4.74	NA	NA	0.02	000
93642	26	A	Electrophysiology evaluation	4.88	1.61	2.32	1.61	2.32	0.13	000
93650		A	Ablate heart dysrhythm focus	10.49	NA	NA	3.67	5.09	1.67	000
93651		A	Ablate heart dysrhythm focus	16.23	NA	NA	5.32	7.46	2.60	000
93652		A	Ablate heart dysrhythm focus	17.65	NA	NA	5.81	8.13	2.83	000
93660		A	Tilt table evaluation	1.89	2.00	2.63	NA	NA	0.06	000
93660	TC	A	Tilt table evaluation	0.00	1.37	1.76	NA	NA	0.01	000
93660	26	A	Tilt table evaluation	1.89	0.63	0.87	0.63	0.87	0.05	000
93662		C	Intracardiac ecg (ice)	0.00	0.00	0.00	NA	NA	0.00	ZZZ
93662	TC	C	Intracardiac ecg (ice)	0.00	0.00	0.00	NA	NA	0.00	ZZZ

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93662	26	A	Intracardiac ecg (ice)	2.80	0.91	1.28	0.91	1.28	0.15	ZZZ
93668		N	Peripheral vascular rehab	0.00	0.43	0.46	NA	NA	0.01	XXX
93701		A	Bioimpedance, cv analysis	0.00	0.55	0.71	NA	NA	0.01	XXX
93720		A	Total body plethysmography	0.17	0.99	1.04	NA	NA	0.02	XXX
93721		A	Plethysmography tracing	0.00	0.94	0.99	NA	NA	0.01	XXX
93722		A	Plethysmography report	0.17	0.05	0.05	0.05	0.05	0.01	XXX
93724		A	Analyze pacemaker system	4.88	2.24	3.63	NA	NA	0.14	000
93724	TC	A	Analyze pacemaker system	0.00	0.61	1.40	NA	NA	0.01	000
93724	26	A	Analyze pacemaker system	4.88	1.63	2.23	1.63	2.23	0.13	000
93740		B	Temperature gradient studies	0.16	NA	NA	NA	NA	0.02	XXX
93740	TC	B	Temperature gradient studies	0.00	NA	NA	NA	NA	0.01	XXX
93740	26	B	Temperature gradient studies	0.16	0.06	0.05	0.06	0.05	0.01	XXX
93745		C	Set-up cardiovert-defibrill	0.00	0.00	0.00	NA	NA	0.00	XXX
93745	TC	C	Set-up cardiovert-defibrill	0.00	0.00	0.00	NA	NA	0.00	XXX
93745	26	C	Set-up cardiovert-defibrill	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93750		A	Interrogation vad, in person	0.92	0.47	0.47	0.30	0.30	0.04	XXX
93770		B	Measure venous pressure	0.16	NA	NA	NA	NA	0.02	XXX
93770	TC	B	Measure venous pressure	0.00	NA	NA	NA	NA	0.01	XXX
93770	26	B	Measure venous pressure	0.16	0.06	0.05	0.06	0.05	0.01	XXX
93784		A	Ambulatory BP monitoring	0.38	1.22	1.37	NA	NA	0.03	XXX
93786		A	Ambulatory BP recording	0.00	0.70	0.79	NA	NA	0.01	XXX
93788		A	Ambulatory BP analysis	0.00	0.39	0.44	NA	NA	0.01	XXX
93790		A	Review/report BP recording	0.38	0.13	0.14	0.13	0.14	0.01	XXX
93797		A	Cardiac rehab	0.18	0.26	0.30	0.07	0.08	0.01	000
93798		A	Cardiac rehab/monitor	0.28	0.34	0.41	0.10	0.12	0.01	000
93799		C	Cardiovascular procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
93799	TC	C	Cardiovascular procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
93799	26	C	Cardiovascular procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93875		A	Extracranial study	0.22	2.35	2.48	NA	NA	0.02	XXX
93875	TC	A	Extracranial study	0.00	2.27	2.40	NA	NA	0.01	XXX
93875	26	A	Extracranial study	0.22	0.08	0.08	0.08	0.08	0.01	XXX
93880		A	Extracranial study	0.60	5.33	5.85	NA	NA	0.04	XXX
93880	TC	A	Extracranial study	0.00	5.14	5.63	NA	NA	0.01	XXX
93880	26	A	Extracranial study	0.60	0.19	0.22	0.19	0.22	0.03	XXX
93882		A	Extracranial study	0.40	3.94	3.95	NA	NA	0.05	XXX
93882	TC	A	Extracranial study	0.00	3.81	3.82	NA	NA	0.01	XXX

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93882	26	A	Extracranial study	0.40	0.13	0.13	0.13	0.13	0.04	XXX
93886		A	Intracranial study	0.94	7.80	7.21	NA	NA	0.04	XXX
93886	TC	A	Intracranial study	0.00	7.46	6.89	NA	NA	0.01	XXX
93886	26	A	Intracranial study	0.94	0.34	0.32	0.34	0.32	0.03	XXX
93888		A	Intracranial study	0.62	4.84	4.79	NA	NA	0.04	XXX
93888	TC	A	Intracranial study	0.00	4.62	4.57	NA	NA	0.01	XXX
93888	26	A	Intracranial study	0.62	0.22	0.22	0.22	0.22	0.03	XXX
93890		A	Tcd, vasoreactivity study	1.00	6.69	6.11	NA	NA	0.04	XXX
93890	TC	A	Tcd, vasoreactivity study	0.00	6.32	5.77	NA	NA	0.01	XXX
93890	26	A	Tcd, vasoreactivity study	1.00	0.37	0.34	0.37	0.34	0.03	XXX
93892		A	Tcd, emboli detect w/o inj	1.15	8.68	7.03	NA	NA	0.05	XXX
93892	TC	A	Tcd, emboli detect w/o inj	0.00	8.24	6.64	NA	NA	0.01	XXX
93892	26	A	Tcd, emboli detect w/o inj	1.15	0.44	0.39	0.44	0.39	0.04	XXX
93893		A	Tcd, emboli detect w/inj	1.15	8.00	6.85	NA	NA	0.05	XXX
93893	TC	A	Tcd, emboli detect w/inj	0.00	7.57	6.45	NA	NA	0.01	XXX
93893	26	A	Tcd, emboli detect w/inj	1.15	0.43	0.40	0.43	0.40	0.04	XXX
93922		A	Extremity study	0.25	2.82	2.95	NA	NA	0.02	XXX
93922	TC	A	Extremity study	0.00	2.74	2.87	NA	NA	0.01	XXX
93922	26	A	Extremity study	0.25	0.08	0.08	0.08	0.08	0.01	XXX
93923		A	Extremity study	0.45	4.23	4.46	NA	NA	0.04	XXX
93923	TC	A	Extremity study	0.00	4.09	4.31	NA	NA	0.01	XXX
93923	26	A	Extremity study	0.45	0.14	0.15	0.14	0.15	0.03	XXX
93924		A	Extremity study	0.50	5.20	5.55	NA	NA	0.04	XXX
93924	TC	A	Extremity study	0.00	5.04	5.37	NA	NA	0.01	XXX
93924	26	A	Extremity study	0.50	0.16	0.18	0.16	0.18	0.03	XXX
93925		A	Lower extremity study	0.58	6.97	7.54	NA	NA	0.05	XXX
93925	TC	A	Lower extremity study	0.00	6.78	7.34	NA	NA	0.02	XXX
93925	26	A	Lower extremity study	0.58	0.19	0.20	0.19	0.20	0.03	XXX
93926		A	Lower extremity study	0.39	4.62	4.83	NA	NA	0.05	XXX
93926	TC	A	Lower extremity study	0.00	4.50	4.70	NA	NA	0.01	XXX
93926	26	A	Lower extremity study	0.39	0.12	0.13	0.12	0.13	0.04	XXX
93930		A	Upper extremity study	0.46	5.59	5.91	NA	NA	0.04	XXX
93930	TC	A	Upper extremity study	0.00	5.44	5.75	NA	NA	0.01	XXX
93930	26	A	Upper extremity study	0.46	0.15	0.16	0.15	0.16	0.03	XXX
93931		A	Upper extremity study	0.31	3.70	3.94	NA	NA	0.03	XXX
93931	TC	A	Upper extremity study	0.00	3.60	3.84	NA	NA	0.01	XXX

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93931	26	A	Upper extremity study	0.31	0.10	0.10	0.10	0.10	0.02	XXX
93965		A	Extremity study	0.35	2.65	2.90	NA	NA	0.03	XXX
93965	TC	A	Extremity study	0.00	2.54	2.78	NA	NA	0.01	XXX
93965	26	A	Extremity study	0.35	0.11	0.12	0.11	0.12	0.02	XXX
93970		A	Extremity study	0.68	5.53	5.90	NA	NA	0.06	XXX
93970	TC	A	Extremity study	0.00	5.32	5.67	NA	NA	0.01	XXX
93970	26	A	Extremity study	0.68	0.21	0.23	0.21	0.23	0.05	XXX
93971		A	Extremity study	0.45	3.59	3.89	NA	NA	0.04	XXX
93971	TC	A	Extremity study	0.00	3.45	3.73	NA	NA	0.01	XXX
93971	26	A	Extremity study	0.45	0.14	0.16	0.14	0.16	0.03	XXX
93975		A	Vascular study	1.80	7.29	8.04	NA	NA	0.12	XXX
93975	TC	A	Vascular study	0.00	6.72	7.40	NA	NA	0.02	XXX
93975	26	A	Vascular study	1.80	0.57	0.64	0.57	0.64	0.10	XXX
93976		A	Vascular study	1.21	3.97	4.43	NA	NA	0.07	XXX
93976	TC	A	Vascular study	0.00	3.60	4.00	NA	NA	0.01	XXX
93976	26	A	Vascular study	1.21	0.37	0.43	0.37	0.43	0.06	XXX
93978		A	Vascular study	0.65	5.22	5.54	NA	NA	0.06	XXX
93978	TC	A	Vascular study	0.00	5.01	5.32	NA	NA	0.01	XXX
93978	26	A	Vascular study	0.65	0.21	0.22	0.21	0.22	0.05	XXX
93979		A	Vascular study	0.44	3.58	3.85	NA	NA	0.04	XXX
93979	TC	A	Vascular study	0.00	3.44	3.70	NA	NA	0.01	XXX
93979	26	A	Vascular study	0.44	0.14	0.15	0.14	0.15	0.03	XXX
93980		A	Penile vascular study	1.25	2.99	3.39	NA	NA	0.06	XXX
93980	TC	A	Penile vascular study	0.00	2.57	2.91	NA	NA	0.01	XXX
93980	26	A	Penile vascular study	1.25	0.42	0.48	0.42	0.48	0.05	XXX
93981		A	Penile vascular study	0.44	2.30	2.75	NA	NA	0.03	XXX
93981	TC	A	Penile vascular study	0.00	2.16	2.59	NA	NA	0.01	XXX
93981	26	A	Penile vascular study	0.44	0.14	0.16	0.14	0.16	0.02	XXX
93982		R	Aneurysm pressure sens study	0.30	0.76	0.79	NA	NA	0.04	XXX
93990		A	Doppler flow testing	0.25	5.11	4.98	NA	NA	0.04	XXX
93990	TC	A	Doppler flow testing	0.00	5.03	4.91	NA	NA	0.01	XXX
93990	26	A	Doppler flow testing	0.25	0.08	0.07	0.08	0.07	0.03	XXX
94002		A	Vent mgmt inpat, init day	1.99	NA	NA	0.46	0.38	0.12	XXX
94003		A	Vent mgmt inpat, subq day	1.37	NA	NA	0.40	0.35	0.07	XXX
94004		A	Vent mgmt nf per day	1.00	NA	NA	0.29	0.26	0.05	XXX
94005		B	Home vent mgmt supervision	1.50	0.92	0.91	NA	NA	0.07	XXX

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CPT[1]/ HCPCS	Mod	Status	Description	Physician Work RVUs[2,3,4]	Fully Implemented Non-Facility PE RVUs[2,4]	Year 2010 Transitional Non-Facility PE RVUs[2,4]	Fully Implemented Facility PE RVUs[2,4]	Year 2010 Transitional Facility PE RVUs[2,4]	Mal-Practice RVUs[2,4]	Global
94010		A	Breathing capacity test	0.17	0.69	0.71	NA	NA	0.02	XXX
94010	TC	A	Breathing capacity test	0.00	0.63	0.66	NA	NA	0.01	XXX
94010	26	A	Breathing capacity test	0.17	0.06	0.05	0.06	0.05	0.01	XXX
94011		A	Up to 2 yrs old, spirometry	2.00	NA	NA	0.63	0.63	0.10	XXX
94012		A	= 2 yrs, spiromtry w/dilator	3.10	NA	NA	0.94	0.94	0.17	XXX
94013		A	= 2 yrs, lung volumes	0.66	NA	NA	0.18	0.18	0.03	XXX
94014		A	Patient recorded spirometry	0.52	0.72	0.79	NA	NA	0.02	XXX
94015		A	Patient recorded spirometry	0.00	0.56	0.63	NA	NA	0.01	XXX
94016		A	Review patient spirometry	0.52	0.16	0.16	0.16	0.16	0.01	XXX
94060		A	Evaluation of wheezing	0.31	1.19	1.24	NA	NA	0.02	XXX
94060	TC	A	Evaluation of wheezing	0.00	1.09	1.15	NA	NA	0.01	XXX
94060	26	A	Evaluation of wheezing	0.31	0.10	0.09	0.10	0.09	0.01	XXX
94070		A	Evaluation of wheezing	0.60	0.93	0.95	NA	NA	0.03	XXX
94070	TC	A	Evaluation of wheezing	0.00	0.74	0.78	NA	NA	0.01	XXX
94070	26	A	Evaluation of wheezing	0.60	0.19	0.17	0.19	0.17	0.02	XXX
94150		B	Vital capacity test	0.07	0.52	0.53	NA	NA	0.02	XXX
94150	TC	B	Vital capacity test	0.00	0.49	0.50	NA	NA	0.01	XXX
94150	26	B	Vital capacity test	0.07	0.03	0.03	0.03	0.03	0.01	XXX
94200		A	Lung function test (MBC/MVV)	0.11	0.47	0.48	NA	NA	0.02	XXX
94200	TC	A	Lung function test (MBC/MVV)	0.00	0.44	0.45	NA	NA	0.01	XXX
94200	26	A	Lung function test (MBC/MVV)	0.11	0.03	0.03	0.03	0.03	0.01	XXX
94240		A	Residual lung capacity	0.26	0.72	0.76	NA	NA	0.02	XXX
94240	TC	A	Residual lung capacity	0.00	0.64	0.69	NA	NA	0.01	XXX
94240	26	A	Residual lung capacity	0.26	0.08	0.07	0.08	0.07	0.01	XXX
94250		A	Expired gas collection	0.11	0.46	0.53	NA	NA	0.02	XXX
94250	TC	A	Expired gas collection	0.00	0.43	0.50	NA	NA	0.01	XXX
94250	26	A	Expired gas collection	0.11	0.03	0.03	0.03	0.03	0.01	XXX
94260		A	Thoracic gas volume	0.13	0.65	0.69	NA	NA	0.02	XXX
94260	TC	A	Thoracic gas volume	0.00	0.61	0.66	NA	NA	0.01	XXX
94260	26	A	Thoracic gas volume	0.13	0.04	0.03	0.04	0.03	0.01	XXX
94350		A	Lung nitrogen washout curve	0.26	0.57	0.64	NA	NA	0.02	XXX
94350	TC	A	Lung nitrogen washout curve	0.00	0.49	0.57	NA	NA	0.01	XXX
94350	26	A	Lung nitrogen washout curve	0.26	0.08	0.07	0.08	0.07	0.01	XXX
94360		A	Measure airflow resistance	0.26	0.83	0.87	NA	NA	0.02	XXX
94360	TC	A	Measure airflow resistance	0.00	0.75	0.80	NA	NA	0.01	XXX
94360	26	A	Measure airflow resistance	0.26	0.08	0.07	0.08	0.07	0.01	XXX

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94370		A	Breath airway closing volume	0.26	0.57	0.62	NA	NA	0.02	XXX
94370	TC	A	Breath airway closing volume	0.00	0.49	0.55	NA	NA	0.01	XXX
94370	26	A	Breath airway closing volume	0.26	0.08	0.07	0.08	0.07	0.01	XXX
94375		A	Respiratory flow volume loop	0.31	0.64	0.68	NA	NA	0.02	XXX
94375	TC	A	Respiratory flow volume loop	0.00	0.55	0.60	NA	NA	0.01	XXX
94375	26	A	Respiratory flow volume loop	0.31	0.09	0.08	0.09	0.08	0.01	XXX
94400		A	CO2 breathing response curve	0.40	0.95	0.97	NA	NA	0.02	XXX
94400	TC	A	CO2 breathing response curve	0.00	0.83	0.86	NA	NA	0.01	XXX
94400	26	A	CO2 breathing response curve	0.40	0.12	0.11	0.12	0.11	0.01	XXX
94450		A	Hypoxia response curve	0.40	1.34	1.06	NA	NA	0.02	XXX
94450	TC	A	Hypoxia response curve	0.00	1.19	0.95	NA	NA	0.01	XXX
94450	26	A	Hypoxia response curve	0.40	0.15	0.11	0.15	0.11	0.01	XXX
94452		A	Hast w/report	0.31	1.07	1.16	NA	NA	0.02	XXX
94452	TC	A	Hast w/report	0.00	0.98	1.08	NA	NA	0.01	XXX
94452	26	A	Hast w/report	0.31	0.09	0.08	0.09	0.08	0.01	XXX
94453		A	Hast w/oxygen titrate	0.40	1.47	1.59	NA	NA	0.02	XXX
94453	TC	A	Hast w/oxygen titrate	0.00	1.36	1.48	NA	NA	0.01	XXX
94453	26	A	Hast w/oxygen titrate	0.40	0.11	0.11	0.11	0.11	0.01	XXX
94610		A	Surfactant admin thru tube	1.16	0.46	0.40	0.46	0.40	0.05	XXX
94620		A	Pulmonary stress test/simple	0.64	0.74	1.12	NA	NA	0.03	XXX
94620	TC	A	Pulmonary stress test/simple	0.00	0.55	0.93	NA	NA	0.01	XXX
94620	26	A	Pulmonary stress test/simple	0.64	0.19	0.19	0.19	0.19	0.02	XXX
94621		A	Pulm stress test/complex	1.42	2.62	2.86	NA	NA	0.05	XXX
94621	TC	A	Pulm stress test/complex	0.00	2.18	2.39	NA	NA	0.01	XXX
94621	26	A	Pulm stress test/complex	1.42	0.44	0.47	0.44	0.47	0.04	XXX
94640		A	Airway inhalation treatment	0.00	0.41	0.37	NA	NA	0.01	XXX
94642		C	Aerosol inhalation treatment	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94644		A	Cbt, 1st hour	0.00	1.00	0.95	NA	NA	0.01	XXX
94645		A	Cbt, each addl hour	0.00	0.32	0.35	NA	NA	0.01	XXX
94660		A	Pos airway pressure, CPAP	0.76	0.79	0.77	0.24	0.21	0.04	XXX
94662		A	Neg press ventilation, cnp	0.76	NA	NA	0.21	0.20	0.04	XXX
94664		A	Evaluate pt use of inhaler	0.00	0.39	0.38	NA	NA	0.01	XXX
94667		A	Chest wall manipulation	0.00	0.54	0.53	NA	NA	0.01	XXX
94668		A	Chest wall manipulation	0.00	0.53	0.52	NA	NA	0.01	XXX
94680		A	Exhaled air analysis, o2	0.26	1.10	1.24	NA	NA	0.02	XXX
94680	TC	A	Exhaled air analysis, o2	0.00	1.01	1.16	NA	NA	0.01	XXX

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94680	26	A	Exhaled air analysis, o2	0.26	0.09	0.08	0.09	0.08	0.01	XXX
94681		A	Exhaled air analysis, o2/co2	0.20	1.04	1.34	NA	NA	0.02	XXX
94681	TC	A	Exhaled air analysis, o2/co2	0.00	0.97	1.28	NA	NA	0.01	XXX
94681	26	A	Exhaled air analysis, o2/co2	0.20	0.07	0.06	0.07	0.06	0.01	XXX
94690		A	Exhaled air analysis	0.07	1.10	1.24	NA	NA	0.02	XXX
94690	TC	A	Exhaled air analysis	0.00	1.07	1.22	NA	NA	0.01	XXX
94690	26	A	Exhaled air analysis	0.07	0.03	0.02	0.03	0.02	0.01	XXX
94720		A	Monoxide diffusing capacity	0.26	0.99	1.08	NA	NA	0.02	XXX
94720	TC	A	Monoxide diffusing capacity	0.00	0.91	1.01	NA	NA	0.01	XXX
94720	26	A	Monoxide diffusing capacity	0.26	0.08	0.07	0.08	0.07	0.01	XXX
94725		A	Membrane diffusion capacity	0.26	0.93	1.34	NA	NA	0.02	XXX
94725	TC	A	Membrane diffusion capacity	0.00	0.85	1.27	NA	NA	0.01	XXX
94725	26	A	Membrane diffusion capacity	0.26	0.08	0.07	0.08	0.07	0.01	XXX
94750		A	Pulmonary compliance study	0.23	1.71	1.70	NA	NA	0.02	XXX
94750	TC	A	Pulmonary compliance study	0.00	1.64	1.64	NA	NA	0.01	XXX
94750	26	A	Pulmonary compliance study	0.23	0.07	0.06	0.07	0.06	0.01	XXX
94760		T	Measure blood oxygen level	0.00	0.06	0.06	NA	NA	0.01	XXX
94761		T	Measure blood oxygen level	0.00	0.10	0.10	NA	NA	0.01	XXX
94762		A	Measure blood oxygen level	0.00	0.26	0.61	NA	NA	0.01	XXX
94770		A	Exhaled carbon dioxide test	0.15	0.82	0.78	NA	NA	0.02	XXX
94770	TC	A	Exhaled carbon dioxide test	0.00	0.77	0.74	NA	NA	0.01	XXX
94770	26	A	Exhaled carbon dioxide test	0.15	0.05	0.04	0.05	0.04	0.01	XXX
94772		C	Breath recording, infant	0.00	0.00	0.00	NA	NA	0.00	XXX
94772	TC	C	Breath recording, infant	0.00	0.00	0.00	NA	NA	0.00	XXX
94772	26	C	Breath recording, infant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94774		C	Ped home apnea rec, compl	0.00	0.00	0.00	0.00	0.00	0.00	YYY
94775		C	Ped home apnea rec, hk-up	0.00	0.00	0.00	0.00	0.00	0.00	YYY
94776		C	Ped home apnea rec, downld	0.00	0.00	0.00	0.00	0.00	0.00	YYY
94777		C	Ped home apnea rec, report	0.00	0.00	0.00	0.00	0.00	0.00	YYY
94799		C	Pulmonary service/procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
94799	TC	C	Pulmonary service/procedure	0.00	0.00	0.00	NA	NA	0.00	XXX
94799	26	C	Pulmonary service/procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95004		A	Percut allergy skin tests	0.01	0.14	0.14	NA	NA	0.01	XXX
95010		A	Percut allergy titrate test	0.15	0.31	0.31	NA	NA	0.01	XXX
95012		A	Exhaled nitric oxide meas	0.00	0.47	0.52	NA	NA	0.01	XXX
95015		A	Id allergy titrate-drug/bug	0.15	0.20	0.20	NA	NA	0.01	XXX

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95024		A	Id allergy test, drug/bug	0.01	0.16	0.17	NA	NA	0.01	XXX
95027		A	Id allergy titrate-airborne	0.01	0.10	0.11	NA	NA	0.01	XXX
95028		A	Id allergy test-delayed type	0.00	0.32	0.30	NA	NA	0.01	XXX
95044		A	Allergy patch tests	0.00	0.13	0.15	NA	NA	0.01	XXX
95052		A	Photo patch test	0.00	0.14	0.17	NA	NA	0.01	XXX
95056		A	Photosensitivity tests	0.00	1.02	0.98	NA	NA	0.01	XXX
95060		A	Eye allergy tests	0.00	0.78	0.67	0.78	0.67	0.01	XXX
95065		A	Nose allergy test	0.00	0.60	0.59	0.60	0.59	0.01	XXX
95070		A	Bronchial allergy tests	0.00	0.67	1.05	NA	NA	0.01	XXX
95071		A	Bronchial allergy tests	0.00	0.83	1.31	NA	NA	0.01	XXX
95075		A	Ingestion challenge test	0.95	0.75	0.75	0.36	0.33	0.03	XXX
95115		A	Immunotherapy, one injection	0.00	0.22	0.26	NA	NA	0.01	XXX
95117		A	Immunotherapy injections	0.00	0.26	0.32	NA	NA	0.01	XXX
95120		I	Immunotherapy, one injection	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95125		I	Immunotherapy, many antigens	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95130		I	Immunotherapy, insect venom	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95131		I	Immunotherapy, insect venoms	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95132		I	Immunotherapy, insect venoms	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95133		I	Immunotherapy, insect venoms	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95134		I	Immunotherapy, insect venoms	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95144		A	Antigen therapy services	0.06	0.25	0.25	0.02	0.02	0.01	XXX
95145		A	Antigen therapy services	0.06	0.32	0.35	0.02	0.02	0.01	XXX
95146		A	Antigen therapy services	0.06	0.59	0.62	0.02	0.02	0.01	XXX
95147		A	Antigen therapy services	0.06	0.58	0.60	0.02	0.02	0.01	XXX
95148		A	Antigen therapy services	0.06	0.85	0.88	0.02	0.02	0.01	XXX
95149		A	Antigen therapy services	0.06	1.14	1.17	0.02	0.02	0.01	XXX
95165		A	Antigen therapy services	0.06	0.25	0.25	0.02	0.02	0.01	XXX
95170		A	Antigen therapy services	0.06	0.18	0.18	0.02	0.02	0.01	XXX
95180		A	Rapid desensitization	2.01	1.61	1.78	0.83	0.87	0.05	XXX
95199		C	Allergy immunology services	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95250		A	Glucose monitoring, cont	0.00	3.54	3.60	NA	NA	0.01	XXX
95251		A	Gluc monitor, cont, phys i&r	0.85	0.35	0.26	0.35	0.26	0.03	XXX
95803		A	Actigraphy testing	1.00	2.37	2.37	NA	NA	0.04	XXX
95803	TC	A	Actigraphy testing	0.00	2.00	2.00	NA	NA	0.01	XXX
95803	26	A	Actigraphy testing	1.00	0.37	0.37	0.37	0.37	0.03	XXX
95805		A	Multiple sleep latency test	1.88	6.30	8.74	NA	NA	0.08	XXX

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95805	TC	A	Multiple sleep latency test	0.00	5.70	8.16	NA	NA	0.03	XXX
95805	26	A	Multiple sleep latency test	1.88	0.60	0.58	0.60	0.58	0.05	XXX
95806		A	Sleep study unatt&resp efft	1.66	3.70	3.79	NA	NA	0.07	XXX
95806	TC	A	Sleep study unatt&resp efft	0.00	3.15	3.27	NA	NA	0.02	XXX
95806	26	A	Sleep study unatt&resp efft	1.66	0.55	0.52	0.55	0.52	0.05	XXX
95807		A	Sleep study, attended	1.66	9.49	11.18	NA	NA	0.12	XXX
95807	TC	A	Sleep study, attended	0.00	8.98	10.68	NA	NA	0.07	XXX
95807	26	A	Sleep study, attended	1.66	0.51	0.50	0.51	0.50	0.05	XXX
95808		A	Polysomnography, 1-3	2.65	16.15	15.28	NA	NA	0.15	XXX
95808	TC	A	Polysomnography, 1-3	0.00	15.25	14.46	NA	NA	0.07	XXX
95808	26	A	Polysomnography, 1-3	2.65	0.90	0.82	0.90	0.82	0.08	XXX
95810		A	Polysomnography, 4 or more	3.52	15.82	17.08	NA	NA	0.18	XXX
95810	TC	A	Polysomnography, 4 or more	0.00	14.70	16.04	NA	NA	0.08	XXX
95810	26	A	Polysomnography, 4 or more	3.52	1.12	1.04	1.12	1.04	0.10	XXX
95811		A	Polysomnography w/cpap	3.79	17.53	18.94	NA	NA	0.21	XXX
95811	TC	A	Polysomnography w/cpap	0.00	16.33	17.82	NA	NA	0.09	XXX
95811	26	A	Polysomnography w/cpap	3.79	1.20	1.12	1.20	1.12	0.12	XXX
95812		A	Eeg, 41-60 minutes	1.08	8.24	6.10	NA	NA	0.05	XXX
95812	TC	A	Eeg, 41-60 minutes	0.00	7.82	5.73	NA	NA	0.02	XXX
95812	26	A	Eeg, 41-60 minutes	1.08	0.42	0.37	0.42	0.37	0.03	XXX
95813		A	Eeg, over 1 hour	1.73	8.85	6.86	NA	NA	0.08	XXX
95813	TC	A	Eeg, over 1 hour	0.00	8.17	6.27	NA	NA	0.03	XXX
95813	26	A	Eeg, over 1 hour	1.73	0.68	0.59	0.68	0.59	0.05	XXX
95816		A	Eeg, awake and drowsy	1.08	7.48	5.50	NA	NA	0.06	XXX
95816	TC	A	Eeg, awake and drowsy	0.00	7.05	5.13	NA	NA	0.02	XXX
95816	26	A	Eeg, awake and drowsy	1.08	0.43	0.37	0.43	0.37	0.04	XXX
95819		A	Eeg, awake and asleep	1.08	8.66	6.13	NA	NA	0.05	XXX
95819	TC	A	Eeg, awake and asleep	0.00	8.23	5.76	NA	NA	0.02	XXX
95819	26	A	Eeg, awake and asleep	1.08	0.43	0.37	0.43	0.37	0.03	XXX
95822		A	Eeg, coma or sleep only	1.08	7.77	5.87	NA	NA	0.05	XXX
95822	TC	A	Eeg, coma or sleep only	0.00	7.34	5.50	NA	NA	0.02	XXX
95822	26	A	Eeg, coma or sleep only	1.08	0.43	0.37	0.43	0.37	0.03	XXX
95824		C	Eeg, cerebral death only	0.00	0.00	0.00	NA	NA	0.00	XXX
95824	TC	C	Eeg, cerebral death only	0.00	0.00	0.00	NA	NA	0.00	XXX
95824	26	A	Eeg, cerebral death only	0.74	0.29	0.26	0.29	0.26	0.04	XXX
95827		A	Eeg, all night recording	1.08	16.87	11.18	NA	NA	0.10	XXX

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95827	TC	A	Eeg, all night recording	0.00	16.45	10.81	NA	NA	0.06	XXX
95827	26	A	Eeg, all night recording	1.08	0.42	0.37	0.42	0.37	0.04	XXX
95829		A	Surgery electrocorticogram	6.20	35.48	29.17	NA	NA	0.16	XXX
95829	TC	A	Surgery electrocorticogram	0.00	32.98	27.01	NA	NA	0.04	XXX
95829	26	A	Surgery electrocorticogram	6.20	2.50	2.16	2.50	2.16	0.12	XXX
95830		A	Insert electrodes for EEG	1.70	3.74	3.25	0.64	0.57	0.10	XXX
95831		A	Limb muscle testing, manual	0.28	0.49	0.44	0.11	0.10	0.02	XXX
95832		A	Hand muscle testing, manual	0.29	0.47	0.39	0.13	0.11	0.02	XXX
95833		A	Body muscle testing, manual	0.47	0.50	0.49	0.13	0.16	0.01	XXX
95834		A	Body muscle testing, manual	0.60	0.66	0.56	0.20	0.19	0.02	XXX
95851		A	Range of motion measurements	0.16	0.30	0.29	0.05	0.05	0.01	XXX
95852		A	Range of motion measurements	0.11	0.29	0.25	0.04	0.04	0.01	XXX
95857		A	Tensilon test	0.53	0.78	0.64	0.24	0.21	0.03	XXX
95860		A	Muscle test, one limb	0.96	1.53	1.30	NA	NA	0.03	XXX
95860	TC	A	Muscle test, one limb	0.00	1.12	0.93	NA	NA	0.01	XXX
95860	26	A	Muscle test, one limb	0.96	0.41	0.37	0.41	0.37	0.02	XXX
95861		A	Muscle test, 2 limbs	1.54	2.16	1.74	NA	NA	0.05	XXX
95861	TC	A	Muscle test, 2 limbs	0.00	1.51	1.15	NA	NA	0.01	XXX
95861	26	A	Muscle test, 2 limbs	1.54	0.65	0.59	0.65	0.59	0.04	XXX
95863		A	Muscle test, 3 limbs	1.87	2.62	2.06	NA	NA	0.06	XXX
95863	TC	A	Muscle test, 3 limbs	0.00	1.85	1.38	NA	NA	0.01	XXX
95863	26	A	Muscle test, 3 limbs	1.87	0.77	0.68	0.77	0.68	0.05	XXX
95864		A	Muscle test, 4 limbs	1.99	2.81	2.42	NA	NA	0.06	XXX
95864	TC	A	Muscle test, 4 limbs	0.00	1.99	1.68	NA	NA	0.01	XXX
95864	26	A	Muscle test, 4 limbs	1.99	0.82	0.74	0.82	0.74	0.05	XXX
95865		A	Muscle test, larynx	1.57	1.70	1.51	NA	NA	0.04	XXX
95865	TC	A	Muscle test, larynx	0.00	0.99	0.88	NA	NA	0.01	XXX
95865	26	A	Muscle test, larynx	1.57	0.71	0.63	0.71	0.63	0.03	XXX
95866		A	Muscle test, hemidiaphragm	1.25	1.70	1.34	NA	NA	0.05	XXX
95866	TC	A	Muscle test, hemidiaphragm	0.00	1.20	0.86	NA	NA	0.01	XXX
95866	26	A	Muscle test, hemidiaphragm	1.25	0.50	0.48	0.50	0.48	0.04	XXX
95867		A	Muscle test cran nerv unilat	0.79	1.46	1.19	NA	NA	0.03	XXX
95867	TC	A	Muscle test cran nerv unilat	0.00	1.12	0.89	NA	NA	0.01	XXX
95867	26	A	Muscle test cran nerv unilat	0.79	0.34	0.30	0.34	0.30	0.02	XXX
95868		A	Muscle test cran nerve bilat	1.18	1.86	1.53	NA	NA	0.04	XXX
95868	TC	A	Muscle test cran nerve bilat	0.00	1.37	1.09	NA	NA	0.01	XXX

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95868	26	A	Muscle test cran nerve bilat	1.18	0.49	0.44	0.49	0.44	0.03	XXX
95869		A	Muscle test, thor paraspinal	0.37	1.40	0.99	NA	NA	0.02	XXX
95869	TC	A	Muscle test, thor paraspinal	0.00	1.24	0.85	NA	NA	0.01	XXX
95869	26	A	Muscle test, thor paraspinal	0.37	0.16	0.14	0.16	0.14	0.01	XXX
95870		A	Muscle test, nonparaspinal	0.37	1.33	0.95	NA	NA	0.02	XXX
95870	TC	A	Muscle test, nonparaspinal	0.00	1.18	0.81	NA	NA	0.01	XXX
95870	26	A	Muscle test, nonparaspinal	0.37	0.15	0.14	0.15	0.14	0.01	XXX
95872		A	Muscle test, one fiber	2.88	2.16	1.72	NA	NA	0.09	XXX
95872	TC	A	Muscle test, one fiber	0.00	1.01	0.78	NA	NA	0.01	XXX
95872	26	A	Muscle test, one fiber	2.88	1.15	0.94	1.15	0.94	0.08	XXX
95873		A	Guide nerv destr, elec stim	0.37	1.35	0.99	NA	NA	0.02	ZZZ
95873	TC	A	Guide nerv destr, elec stim	0.00	1.17	0.82	NA	NA	0.01	ZZZ
95873	26	A	Guide nerv destr, elec stim	0.37	0.18	0.17	0.18	0.17	0.01	ZZZ
95874		A	Guide nerv destr, needle emg	0.37	1.27	0.92	NA	NA	0.02	ZZZ
95874	TC	A	Guide nerv destr, needle emg	0.00	1.11	0.77	NA	NA	0.01	ZZZ
95874	26	A	Guide nerv destr, needle emg	0.37	0.16	0.15	0.16	0.15	0.01	ZZZ
95875		A	Limb exercise test	1.10	1.84	1.49	NA	NA	0.05	XXX
95875	TC	A	Limb exercise test	0.00	1.41	1.10	NA	NA	0.01	XXX
95875	26	A	Limb exercise test	1.10	0.43	0.39	0.43	0.39	0.04	XXX
95900		A	Motor nerve conduction test	0.42	1.20	1.06	NA	NA	0.02	XXX
95900	TC	A	Motor nerve conduction test	0.00	1.02	0.90	NA	NA	0.01	XXX
95900	26	A	Motor nerve conduction test	0.42	0.18	0.16	0.18	0.16	0.01	XXX
95903		A	Motor nerve conduction test	0.60	1.29	1.12	NA	NA	0.03	XXX
95903	TC	A	Motor nerve conduction test	0.00	1.05	0.91	NA	NA	0.01	XXX
95903	26	A	Motor nerve conduction test	0.60	0.24	0.21	0.24	0.21	0.02	XXX
95904		A	Sense nerve conduction test	0.34	1.09	0.96	NA	NA	0.02	XXX
95904	TC	A	Sense nerve conduction test	0.00	0.95	0.83	NA	NA	0.01	XXX
95904	26	A	Sense nerve conduction test	0.34	0.14	0.13	0.14	0.13	0.01	XXX
95905		A	Motor/sens nrve conduct test	0.05	2.03	2.03	NA	NA	0.02	XXX
95905	TC	A	Motor/sens nrve conduct test	0.00	2.01	2.01	NA	NA	0.01	XXX
95905	26	A	Motor/sens nrve conduct test	0.05	0.02	0.02	0.02	0.02	0.01	XXX
95920		A	Intraop nerve test add-on	2.11	2.22	1.95	NA	NA	0.07	ZZZ
95920	TC	A	Intraop nerve test add-on	0.00	1.38	1.20	NA	NA	0.01	ZZZ
95920	26	A	Intraop nerve test add-on	2.11	0.84	0.75	0.84	0.75	0.06	ZZZ
95921		A	Autonomic nerv function test	0.90	1.26	1.12	NA	NA	0.03	XXX
95921	TC	A	Autonomic nerv function test	0.00	0.93	0.81	NA	NA	0.01	XXX

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95921	26	A	Autonomic nerv function test	0.90	0.33	0.31	0.33	0.31	0.02	XXX
95922		A	Autonomic nerv function test	0.96	1.75	1.50	NA	NA	0.03	XXX
95922	TC	A	Autonomic nerv function test	0.00	1.39	1.17	NA	NA	0.01	XXX
95922	26	A	Autonomic nerv function test	0.96	0.36	0.33	0.36	0.33	0.02	XXX
95923		A	Autonomic nerv function test	0.90	3.18	2.48	NA	NA	0.04	XXX
95923	TC	A	Autonomic nerv function test	0.00	2.83	2.16	NA	NA	0.01	XXX
95923	26	A	Autonomic nerv function test	0.90	0.35	0.32	0.35	0.32	0.03	XXX
95925		A	Somatosensory testing	0.54	4.04	2.99	NA	NA	0.02	XXX
95925	TC	A	Somatosensory testing	0.00	3.83	2.80	NA	NA	0.01	XXX
95925	26	A	Somatosensory testing	0.54	0.21	0.19	0.21	0.19	0.01	XXX
95926		A	Somatosensory testing	0.54	3.90	2.91	NA	NA	0.03	XXX
95926	TC	A	Somatosensory testing	0.00	3.69	2.72	NA	NA	0.01	XXX
95926	26	A	Somatosensory testing	0.54	0.21	0.19	0.21	0.19	0.02	XXX
95927		A	Somatosensory testing	0.54	3.35	2.83	NA	NA	0.02	XXX
95927	TC	A	Somatosensory testing	0.00	3.14	2.63	NA	NA	0.01	XXX
95927	26	A	Somatosensory testing	0.54	0.21	0.20	0.21	0.20	0.01	XXX
95928		A	C motor evoked, uppr limbs	1.50	5.25	4.02	NA	NA	0.07	XXX
95928	TC	A	C motor evoked, uppr limbs	0.00	4.66	3.50	NA	NA	0.02	XXX
95928	26	A	C motor evoked, uppr limbs	1.50	0.59	0.52	0.59	0.52	0.05	XXX
95929		A	C motor evoked, lwr limbs	1.50	5.67	4.35	NA	NA	0.07	XXX
95929	TC	A	C motor evoked, lwr limbs	0.00	5.08	3.82	NA	NA	0.02	XXX
95929	26	A	C motor evoked, lwr limbs	1.50	0.59	0.53	0.59	0.53	0.05	XXX
95930		A	Visual evoked potential test	0.35	3.39	2.73	NA	NA	0.02	XXX
95930	TC	A	Visual evoked potential test	0.00	3.24	2.60	NA	NA	0.01	XXX
95930	26	A	Visual evoked potential test	0.35	0.15	0.13	0.15	0.13	0.01	XXX
95933		A	Blink reflex test	0.59	1.54	1.20	NA	NA	0.03	XXX
95933	TC	A	Blink reflex test	0.00	1.30	0.99	NA	NA	0.01	XXX
95933	26	A	Blink reflex test	0.59	0.24	0.21	0.24	0.21	0.02	XXX
95934		A	H-reflex test	0.51	1.11	0.86	NA	NA	0.02	XXX
95934	TC	A	H-reflex test	0.00	0.90	0.67	NA	NA	0.01	XXX
95934	26	A	H-reflex test	0.51	0.21	0.19	0.21	0.19	0.01	XXX
95936		A	H-reflex test	0.55	0.75	0.62	NA	NA	0.02	XXX
95936	TC	A	H-reflex test	0.00	0.53	0.42	NA	NA	0.01	XXX
95936	26	A	H-reflex test	0.55	0.22	0.20	0.22	0.20	0.01	XXX
95937		A	Neuromuscular junction test	0.65	1.14	0.91	NA	NA	0.04	XXX
95937	TC	A	Neuromuscular junction test	0.00	0.88	0.68	NA	NA	0.01	XXX

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95937	26	A	Neuromuscular junction test	0.65	0.26	0.23	0.26	0.23	0.03	XXX
95950		A	Ambulatory eeg monitoring	1.51	6.84	5.20	NA	NA	0.07	XXX
95950	TC	A	Ambulatory eeg monitoring	0.00	6.25	4.68	NA	NA	0.02	XXX
95950	26	A	Ambulatory eeg monitoring	1.51	0.59	0.52	0.59	0.52	0.05	XXX
95951		C	EEG monitoring/videorecord	0.00	0.00	0.00	NA	NA	0.00	XXX
95951	TC	C	EEG monitoring/videorecord	0.00	0.00	0.00	NA	NA	0.00	XXX
95951	26	A	EEG monitoring/videorecord	5.99	2.37	2.09	2.37	2.09	0.35	XXX
95953		A	EEG monitoring/computer	3.30	10.28	8.06	NA	NA	0.14	XXX
95953	TC	A	EEG monitoring/computer	0.00	8.98	6.93	NA	NA	0.02	XXX
95953	26	A	EEG monitoring/computer	3.30	1.30	1.13	1.30	1.13	0.12	XXX
95954		A	EEG monitoring/giving drugs	2.45	6.11	4.67	NA	NA	0.11	XXX
95954	TC	A	EEG monitoring/giving drugs	0.00	5.45	4.08	NA	NA	0.03	XXX
95954	26	A	EEG monitoring/giving drugs	2.45	0.66	0.59	0.66	0.59	0.08	XXX
95955		A	EEG during surgery	1.01	3.73	2.89	NA	NA	0.04	XXX
95955	TC	A	EEG during surgery	0.00	3.34	2.56	NA	NA	0.01	XXX
95955	26	A	EEG during surgery	1.01	0.39	0.33	0.39	0.33	0.03	XXX
95956		A	Eeg monitoring, cable/radio	3.08	18.16	16.59	NA	NA	0.22	XXX
95956	TC	A	Eeg monitoring, cable/radio	0.00	17.01	15.53	NA	NA	0.12	XXX
95956	26	A	Eeg monitoring, cable/radio	3.08	1.15	1.06	1.15	1.06	0.10	XXX
95957		A	EEG digital analysis	1.98	8.07	5.78	NA	NA	0.08	XXX
95957	TC	A	EEG digital analysis	0.00	7.30	5.09	NA	NA	0.01	XXX
95957	26	A	EEG digital analysis	1.98	0.77	0.69	0.77	0.69	0.07	XXX
95958		A	EEG monitoring/function test	4.24	8.78	6.71	NA	NA	0.19	XXX
95958	TC	A	EEG monitoring/function test	0.00	7.20	5.24	NA	NA	0.03	XXX
95958	26	A	EEG monitoring/function test	4.24	1.58	1.47	1.58	1.47	0.16	XXX
95961		A	Electrode stimulation, brain	2.97	4.15	3.26	NA	NA	0.11	XXX
95961	TC	A	Electrode stimulation, brain	0.00	2.94	2.18	NA	NA	0.01	XXX
95961	26	A	Electrode stimulation, brain	2.97	1.21	1.08	1.21	1.08	0.10	XXX
95962		A	Electrode stim, brain add-on	3.21	3.08	2.52	NA	NA	0.11	ZZZ
95962	TC	A	Electrode stim, brain add-on	0.00	1.80	1.40	NA	NA	0.01	ZZZ
95962	26	A	Electrode stim, brain add-on	3.21	1.28	1.12	1.28	1.12	0.10	ZZZ
95965		C	Meg, spontaneous	0.00	0.00	0.00	NA	NA	0.00	XXX
95965	TC	C	Meg, spontaneous	0.00	0.00	0.00	NA	NA	0.00	XXX
95965	26	A	Meg, spontaneous	7.99	3.16	2.98	3.16	2.98	0.47	XXX
95966		C	Meg, evoked, single	0.00	0.00	0.00	NA	NA	0.00	XXX
95966	TC	C	Meg, evoked, single	0.00	0.00	0.00	NA	NA	0.00	XXX

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95966	26	A	Meg, evoked, single	3.99	1.58	1.50	1.58	1.50	0.23	XXX
95967		C	Meg, evoked, each addl	0.00	0.00	0.00	NA	NA	0.00	ZZZ
95967	TC	C	Meg, evoked, each addl	0.00	0.00	0.00	NA	NA	0.00	ZZZ
95967	26	A	Meg, evoked, each addl	3.49	1.38	1.23	1.38	1.23	0.21	ZZZ
95970		A	Analyze neurostim, no prog	0.45	1.19	0.97	0.18	0.14	0.03	XXX
95971		A	Analyze neurostim, simple	0.78	0.67	0.72	0.27	0.27	0.05	XXX
95972		A	Analyze neurostim, complex	1.50	1.30	1.21	0.58	0.50	0.10	XXX
95973		A	Analyze neurostim, complex	0.92	0.71	0.59	0.37	0.29	0.06	ZZZ
95974		A	Cranial neurostim, complex	3.00	2.03	1.67	1.13	1.00	0.19	XXX
95975		A	Cranial neurostim, complex	1.70	1.00	0.85	0.67	0.59	0.09	ZZZ
95978		A	Analyze neurostim brain/1h	3.50	2.58	2.09	1.42	1.22	0.28	XXX
95979		A	Analyz neurostim brain addon	1.64	1.04	0.85	0.67	0.58	0.10	ZZZ
95980		A	Io anal gast n-stim init	0.80	NA	NA	0.34	0.28	0.12	XXX
95981		A	Io anal gast n-stim subsq	0.30	0.50	0.46	0.17	0.13	0.02	XXX
95982		A	Io ga n-stim subsq w/reprog	0.65	0.69	0.55	0.31	0.23	0.04	XXX
95990		A	Spin/brain pump refil & main	0.00	2.11	1.72	NA	NA	0.02	XXX
95991		A	Spin/brain pump refil & main	0.77	2.19	1.75	0.29	0.21	0.04	XXX
95992		I	Canalith repositioning proc	0.75	0.38	0.37	0.27	0.26	0.04	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	NA	0.71	0.55	0.08	XXX
96001		A	Motion test w/ft press meas	2.15	NA	NA	0.76	0.63	0.09	XXX
96002		A	Dynamic surface emg	0.41	NA	NA	0.15	0.14	0.02	XXX
96003		A	Dynamic fine wire emg	0.37	NA	NA	0.15	0.11	0.02	XXX
96004		A	Phys review of motion tests	2.14	0.88	0.82	0.88	0.82	0.10	XXX
96020		C	Functional brain mapping	0.00	0.00	0.00	NA	NA	0.00	XXX
96020	TC	C	Functional brain mapping	0.00	0.00	0.00	NA	NA	0.00	XXX
96020	26	A	Functional brain mapping	3.43	1.03	1.27	1.03	1.27	0.23	XXX
96040		B	Genetic counseling, 30 min	0.00	1.04	1.10	NA	NA	0.02	XXX
96101		A	Psycho testing by psych/phys	1.86	0.24	0.39	0.23	0.38	0.05	XXX
96102		A	Psycho testing by technician	0.50	0.97	0.94	0.10	0.12	0.02	XXX
96103		A	Psycho testing admin by comp	0.51	1.09	0.85	0.15	0.14	0.02	XXX
96105		A	Assessment of aphasia	0.00	2.44	2.04	NA	NA	0.03	XXX
96110		A	Developmental test, lim	0.00	0.20	0.19	NA	NA	0.01	XXX
96111		A	Developmental test, extend	2.60	1.00	0.89	0.87	0.79	0.12	XXX
96116		A	Neurobehavioral status exam	1.86	0.58	0.61	0.45	0.47	0.07	XXX
96118		A	Neuropsych tst by psych/phys	1.86	0.57	0.88	0.21	0.37	0.05	XXX

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96119		A	Neuropsych testing by tec	0.55	1.16	1.31	0.07	0.12	0.01	XXX
96120		A	Neuropsych tst admin w/comp	0.51	1.76	1.49	0.14	0.13	0.02	XXX
96125		A	Cognitive test by hc pro	1.70	1.03	0.85	0.62	0.45	0.05	XXX
96150		A	Assess hlth/behave, init	0.50	0.06	0.11	0.05	0.10	0.01	XXX
96151		A	Assess hlth/behave, subseq	0.48	0.06	0.11	0.05	0.10	0.01	XXX
96152		A	Intervene hlth/behave, indiv	0.46	0.06	0.10	0.05	0.09	0.01	XXX
96153		A	Intervene hlth/behave, group	0.10	0.02	0.03	0.01	0.02	0.01	XXX
96154		A	Interv hlth/behav, fam w/pt	0.45	0.05	0.10	0.05	0.09	0.01	XXX
96155		N	Interv hlth/behav fam no pt	0.44	0.16	0.16	0.16	0.16	0.02	XXX
96360		A	Hydration iv infusion, init	0.17	1.12	1.30	NA	NA	0.02	XXX
96361		A	Hydrate iv infusion, add-on	0.09	0.26	0.32	NA	NA	0.01	ZZZ
96365		A	Ther/proph/diag iv inf, init	0.21	1.42	1.60	NA	NA	0.02	XXX
96366		A	Ther/proph/diag iv inf addon	0.18	0.34	0.38	NA	NA	0.01	ZZZ
96367		A	Tx/proph/dg addl seq iv inf	0.19	0.54	0.69	NA	NA	0.01	ZZZ
96368		A	Ther/diag concurrent inf	0.17	0.29	0.35	NA	NA	0.01	ZZZ
96369		A	Sc ther infusion, up to 1 hr	0.21	3.33	3.80	NA	NA	0.02	XXX
96370		A	Sc ther infusion, addl hr	0.18	0.21	0.22	NA	NA	0.01	ZZZ
96371		A	Sc ther infusion, reset pump	0.00	2.16	2.07	NA	NA	0.01	ZZZ
96372		A	Ther/proph/diag inj, sc/im	0.17	0.42	0.41	NA	NA	0.01	XXX
96373		A	Ther/proph/diag inj, ia	0.17	0.32	0.32	NA	NA	0.01	XXX
96374		A	Ther/proph/diag inj, iv push	0.18	1.08	1.26	NA	NA	0.02	XXX
96375		A	Tx/pro/dx inj new drug addon	0.10	0.40	0.50	NA	NA	0.01	ZZZ
96376		X	Tx/pro/dx inj new drug adon	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
96379		C	Ther/prop/diag inj/inf proc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
96401		A	Chemo, anti-neopl, sq/im	0.21	1.47	1.63	NA	NA	0.03	XXX
96402		A	Chemo hormon antineopl sq/im	0.19	0.57	0.77	NA	NA	0.01	XXX
96405		A	Chemo intralesional, up to 7	0.52	1.45	1.73	0.28	0.26	0.02	000
96406		A	Chemo intralesional over 7	0.80	1.98	2.33	0.39	0.35	0.03	000
96409		A	Chemo, iv push, sngl drug	0.24	2.20	2.69	NA	NA	0.04	XXX
96411		A	Chemo, iv push, addl drug	0.20	1.18	1.45	NA	NA	0.02	ZZZ
96413		A	Chemo, iv infusion, 1 hr	0.28	2.86	3.56	NA	NA	0.04	XXX
96415		A	Chemo, iv infusion, addl hr	0.19	0.51	0.64	NA	NA	0.01	ZZZ
96416		A	Chemo prolong infuse w/pump	0.21	3.21	3.99	NA	NA	0.05	XXX
96417		A	Chemo iv infus each addl seq	0.21	1.36	1.69	NA	NA	0.02	ZZZ
96420		A	Chemo, ia, push tecnique	0.17	2.18	2.64	NA	NA	0.06	XXX
96422		A	Chemo ia infusion up to 1 hr	0.17	3.55	4.38	NA	NA	0.06	XXX

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96423		A	Chemo ia infuse each addl hr	0.17	1.57	1.89	NA	NA	0.03	ZZZ
96425		A	Chemotherapy,infusion method	0.17	3.81	4.39	NA	NA	0.07	XXX
96440		A	Chemotherapy, intracavitary	2.37	18.21	15.31	1.05	1.13	0.40	000
96445		A	Chemotherapy, intracavitary	2.20	4.32	5.34	0.94	0.92	0.15	000
96450		A	Chemotherapy, into CNS	1.53	2.86	3.88	0.63	0.78	0.08	000
96521		A	Refill/maint, portable pump	0.21	2.75	3.17	NA	NA	0.04	XXX
96522		A	Refill/maint pump/resvr syst	0.21	2.28	2.65	NA	NA	0.04	XXX
96523		T	Irrig drug delivery device	0.04	0.51	0.62	NA	NA	0.01	XXX
96542		A	Chemotherapy injection	0.75	1.98	2.71	0.37	0.43	0.03	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	3.16	3.24	NA	NA	0.01	XXX
96570		A	Photodynmc tx, 30 min add-on	1.10	0.38	0.40	0.38	0.40	0.13	ZZZ
96571		A	Photodynamic tx, addl 15 min	0.55	0.15	0.18	0.15	0.18	0.03	ZZZ
96900		A	Ultraviolet light therapy	0.00	0.47	0.52	NA	NA	0.01	XXX
96902		B	Trichogram	0.41	0.17	0.16	0.15	0.14	0.02	XXX
96904		R	Whole body photography	0.00	1.49	1.73	NA	NA	0.01	XXX
96910		A	Photochemotherapy with UV-B	0.00	1.65	1.71	NA	NA	0.01	XXX
96912		A	Photochemotherapy with UV-A	0.00	2.12	2.20	NA	NA	0.01	XXX
96913		A	Photochemotherapy, UV-A or B	0.00	2.98	3.04	NA	NA	0.01	XXX
96920		A	Laser tx, skin < 250 sq cm	1.15	3.17	3.29	0.69	0.62	0.03	000
96921		A	Laser tx, skin 250-500 sq cm	1.17	3.27	3.23	0.69	0.59	0.03	000
96922		A	Laser tx, skin > 500 sq cm	2.10	4.21	4.34	1.27	1.07	0.06	000
96999		C	Dermatological procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97001		A	Pt evaluation	1.20	0.77	0.72	NA	NA	0.04	XXX
97002		A	Pt re-evaluation	0.60	0.48	0.44	NA	NA	0.02	XXX
97003		A	Ot evaluation	1.20	1.00	0.86	NA	NA	0.04	XXX
97004		A	Ot re-evaluation	0.60	0.73	0.62	NA	NA	0.02	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	0.08	0.07	NA	NA	0.01	XXX
97012		A	Mechanical traction therapy	0.25	0.17	0.15	NA	NA	0.01	XXX
97014		I	Electric stimulation therapy	0.18	0.21	0.19	NA	NA	0.01	XXX
97016		A	Vasopneumatic device therapy	0.18	0.29	0.25	NA	NA	0.01	XXX
97018		A	Paraffin bath therapy	0.06	0.19	0.16	NA	NA	0.01	XXX
97022		A	Whirlpool therapy	0.17	0.40	0.33	NA	NA	0.01	XXX
97024		A	Diathermy eg, microwave	0.06	0.10	0.09	NA	NA	0.01	XXX

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97026		A	Infrared therapy	0.06	0.08	0.07	NA	NA	0.01	XXX
97028		A	Ultraviolet therapy	0.08	0.10	0.09	NA	NA	0.01	XXX
97032		A	Electrical stimulation	0.25	0.24	0.20	NA	NA	0.01	XXX
97033		A	Electric current therapy	0.26	0.53	0.44	NA	NA	0.01	XXX
97034		A	Contrast bath therapy	0.21	0.24	0.21	NA	NA	0.01	XXX
97035		A	Ultrasound therapy	0.21	0.12	0.11	NA	NA	0.01	XXX
97036		A	Hydrotherapy	0.28	0.53	0.45	NA	NA	0.01	XXX
97039		C	Physical therapy treatment	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97110		A	Therapeutic exercises	0.45	0.38	0.33	NA	NA	0.01	XXX
97112		A	Neuromuscular reeducation	0.45	0.41	0.36	NA	NA	0.01	XXX
97113		A	Aquatic therapy/exercises	0.44	0.64	0.54	NA	NA	0.01	XXX
97116		A	Gait training therapy	0.40	0.33	0.29	NA	NA	0.01	XXX
97124		A	Massage therapy	0.35	0.32	0.28	NA	NA	0.01	XXX
97139		C	Physical medicine procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97140		A	Manual therapy	0.43	0.34	0.30	NA	NA	0.01	XXX
97150		A	Group therapeutic procedures	0.27	0.26	0.23	NA	NA	0.01	XXX
97530		A	Therapeutic activities	0.44	0.45	0.40	NA	NA	0.01	XXX
97532		A	Cognitive skills development	0.44	0.26	0.23	NA	NA	0.01	XXX
97533		A	Sensory integration	0.44	0.32	0.29	NA	NA	0.01	XXX
97535		A	Self care mngment training	0.45	0.44	0.39	NA	NA	0.01	XXX
97537		A	Community/work reintegration	0.45	0.33	0.30	NA	NA	0.01	XXX
97542		A	Wheelchair mngment training	0.45	0.34	0.31	NA	NA	0.01	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	1.32	1.09	0.14	0.23	0.04	XXX
97598		A	Active wound care > 20 cm	0.80	1.53	1.26	0.19	0.30	0.05	XXX
97602		B	Wound(s) care non-selective	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97605		A	Neg press wound tx, < 50 cm	0.55	0.48	0.42	0.13	0.15	0.06	XXX
97606		A	Neg press wound tx, > 50 cm	0.60	0.49	0.43	0.14	0.16	0.07	XXX
97750		A	Physical performance test	0.45	0.39	0.35	NA	NA	0.02	XXX
97755		A	Assistive technology assess	0.62	0.32	0.29	NA	NA	0.02	XXX
97760		A	Orthotic mgmt and training	0.45	0.51	0.44	NA	NA	0.02	XXX
97761		A	Prosthetic training	0.45	0.39	0.34	NA	NA	0.02	XXX
97762		A	C/o for orthotic/prosth use	0.25	0.89	0.72	NA	NA	0.01	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	0.53	0.23	0.26	0.19	0.22	0.02	XXX

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97803		A	Med nutrition, indiv, subseq	0.45	0.20	0.24	0.16	0.19	0.02	XXX
97804		A	Medical nutrition, group	0.25	0.10	0.10	0.09	0.10	0.01	XXX
97810		N	Acupunct w/o stimul 15 min	0.60	0.35	0.35	0.22	0.22	0.03	XXX
97811		N	Acupunct w/o stimul addl 15m	0.50	0.22	0.22	0.18	0.18	0.02	ZZZ
97813		N	Acupunct w/stimul 15 min	0.65	0.36	0.37	0.24	0.24	0.03	XXX
97814		N	Acupunct w/stimul addl 15m	0.55	0.27	0.27	0.20	0.20	0.03	ZZZ
98925		A	Osteopathic manipulation	0.45	0.37	0.32	0.17	0.14	0.02	000
98926		A	Osteopathic manipulation	0.65	0.46	0.41	0.23	0.21	0.02	000
98927		A	Osteopathic manipulation	0.87	0.58	0.51	0.29	0.26	0.03	000
98928		A	Osteopathic manipulation	1.03	0.65	0.58	0.34	0.31	0.04	000
98929		A	Osteopathic manipulation	1.19	0.76	0.66	0.41	0.36	0.05	000
98940		A	Chiropractic manipulation	0.45	0.25	0.23	0.13	0.12	0.01	000
98941		A	Chiropractic manipulation	0.65	0.32	0.29	0.19	0.18	0.02	000
98942		A	Chiropractic manipulation	0.87	0.38	0.36	0.25	0.25	0.02	000
98943		N	Chiropractic manipulation	0.40	0.23	0.23	0.15	0.14	0.02	XXX
98960		B	Self-mgmt educ & train, 1 pt	0.00	0.62	0.65	NA	NA	0.01	XXX
98961		B	Self-mgmt educ/train, 2-4 pt	0.00	0.30	0.31	NA	NA	0.01	XXX
98962		B	Self-mgmt educ/train, 5-8 pt	0.00	0.22	0.23	NA	NA	0.01	XXX
98966		N	Hc pro phone call 5-10 min	0.25	0.12	0.12	0.09	0.08	0.01	XXX
98967		N	Hc pro phone call 11-20 min	0.50	0.21	0.21	0.18	0.18	0.02	XXX
98968		N	Hc pro phone call 21-30 min	0.75	0.31	0.29	0.27	0.26	0.04	XXX
98969		N	Online service by hc pro	0.00	0.00	0.00	0.00	0.00	0.00	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
99051		B	Med serv, eve/wkend/holiday	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99053		B	Med serv 10pm-8am, 24 hr fac	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99056		B	Med service out of office	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
99060		B	Out of office emerg med serv	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

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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	1.10	0.40	0.38	NA	NA	0.05	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
99143		C	Mod cs by same phys, < 5 yrs	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99144		C	Mod cs by same phys, 5 yrs +	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99145		C	Mod cs by same phys add-on	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
99148		C	Mod cs diff phys < 5 yrs	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99149		C	Mod cs diff phys 5 yrs +	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99150		C	Mod cs diff phys add-on	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
99170		A	Anogenital exam, child	1.75	1.81	2.06	0.70	0.77	0.09	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	0.06	0.06	NA	NA	0.01	XXX
99174		N	Ocular photoscreening	0.00	0.66	0.69	NA	NA	0.01	XXX
99175		A	Induction of vomiting	0.00	0.55	0.61	NA	NA	0.01	XXX
99183		A	Hyperbaric oxygen therapy	2.34	3.07	2.87	0.81	0.69	0.19	XXX
99190		X	Special pump services	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99191		X	Special pump services	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99192		X	Special pump services	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99195		A	Phlebotomy	0.00	2.07	1.99	NA	NA	0.04	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	0.48	0.61	0.57	0.22	0.18	0.03	XXX
99202		A	Office/outpatient visit, new	0.93	0.97	0.88	0.40	0.35	0.05	XXX
99203		A	Office/outpatient visit, new	1.42	1.31	1.19	0.59	0.50	0.10	XXX
99204		A	Office/outpatient visit, new	2.43	1.80	1.61	1.00	0.82	0.17	XXX
99205		A	Office/outpatient visit, new	3.17	2.09	1.91	1.24	1.04	0.20	XXX
99211		A	Office/outpatient visit, est	0.18	0.31	0.34	0.07	0.06	0.01	XXX
99212		A	Office/outpatient visit, est	0.48	0.61	0.57	0.20	0.17	0.03	XXX
99213		A	Office/outpatient visit, est	0.97	0.88	0.79	0.39	0.32	0.05	XXX
99214		A	Office/outpatient visit, est	1.50	1.24	1.14	0.58	0.49	0.07	XXX

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99215		A	Office/outpatient visit, est	2.11	1.58	1.45	0.82	0.70	0.10	XXX
99217		A	Observation care discharge	1.28	NA	NA	0.60	0.54	0.06	XXX
99218		A	Observation care	1.28	NA	NA	0.47	0.42	0.06	XXX
99219		A	Observation care	2.14	NA	NA	0.80	0.69	0.10	XXX
99220		A	Observation care	2.99	NA	NA	1.08	0.97	0.15	XXX
99221		A	Initial hospital care	1.92	NA	NA	0.71	0.59	0.13	XXX
99222		A	Initial hospital care	2.61	NA	NA	0.99	0.81	0.16	XXX
99223		A	Initial hospital care	3.86	NA	NA	1.45	1.20	0.21	XXX
99231		A	Subsequent hospital care	0.76	NA	NA	0.28	0.25	0.04	XXX
99232		A	Subsequent hospital care	1.39	NA	NA	0.52	0.45	0.06	XXX
99233		A	Subsequent hospital care	2.00	NA	NA	0.73	0.64	0.09	XXX
99234		A	Observ/hosp same date	2.56	NA	NA	0.95	0.88	0.16	XXX
99235		A	Observ/hosp same date	3.41	NA	NA	1.27	1.13	0.17	XXX
99236		A	Observ/hosp same date	4.26	NA	NA	1.55	1.38	0.21	XXX
99238		A	Hospital discharge day	1.28	NA	NA	0.61	0.54	0.05	XXX
99239		A	Hospital discharge day	1.90	NA	NA	0.89	0.76	0.08	XXX
99241		I	Office consultation	0.64	0.66	0.66	0.24	0.24	0.05	XXX
99242		I	Office consultation	1.34	1.10	1.10	0.51	0.51	0.10	XXX
99243		I	Office consultation	1.88	1.46	1.46	0.71	0.71	0.13	XXX
99244		I	Office consultation	3.02	1.96	1.96	1.14	1.14	0.16	XXX
99245		I	Office consultation	3.77	2.30	2.30	1.38	1.38	0.21	XXX
99251		I	Inpatient consultation	1.00	NA	NA	0.32	0.32	0.05	XXX
99252		I	Inpatient consultation	1.50	NA	NA	0.52	0.52	0.09	XXX
99253		I	Inpatient consultation	2.27	NA	NA	0.84	0.84	0.11	XXX
99254		I	Inpatient consultation	3.29	NA	NA	1.23	1.23	0.13	XXX
99255		I	Inpatient consultation	4.00	NA	NA	1.44	1.44	0.18	XXX
99281		A	Emergency dept visit	0.45	NA	NA	0.12	0.10	0.02	XXX
99282		A	Emergency dept visit	0.88	NA	NA	0.23	0.19	0.05	XXX
99283		A	Emergency dept visit	1.34	NA	NA	0.33	0.29	0.07	XXX
99284		A	Emergency dept visit	2.56	NA	NA	0.57	0.50	0.16	XXX
99285		A	Emergency dept visit	3.80	NA	NA	0.76	0.72	0.22	XXX
99288		B	Direct advanced life support	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99291		A	Critical care, first hour	4.50	2.50	2.41	1.37	1.24	0.25	XXX
99292		A	Critical care, addl 30 min	2.25	0.92	0.86	0.69	0.62	0.13	ZZZ
99304		A	Nursing facility care, init	1.64	0.78	0.62	0.78	0.62	0.10	XXX
99305		A	Nursing facility care, init	2.35	1.05	0.82	1.05	0.82	0.15	XXX

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99306		A	Nursing facility care, init	3.06	1.30	1.01	1.30	1.01	0.17	XXX
99307		A	Nursing fac care, subseq	0.76	0.41	0.34	0.41	0.34	0.03	XXX
99308		A	Nursing fac care, subseq	1.16	0.64	0.53	0.64	0.53	0.05	XXX
99309		A	Nursing fac care, subseq	1.55	0.83	0.68	0.83	0.68	0.06	XXX
99310		A	Nursing fac care, subseq	2.35	1.17	0.95	1.17	0.95	0.10	XXX
99315		A	Nursing fac discharge day	1.13	0.57	0.47	0.57	0.47	0.05	XXX
99316		A	Nursing fac discharge day	1.50	0.72	0.59	0.72	0.59	0.06	XXX
99318		A	Annual nursing fac assessmnt	1.71	0.82	0.63	0.82	0.63	0.07	XXX
99324		A	Domicil/r-home visit new pat	1.01	0.44	0.45	NA	NA	0.05	XXX
99325		A	Domicil/r-home visit new pat	1.52	0.60	0.60	NA	NA	0.07	XXX
99326		A	Domicil/r-home visit new pat	2.63	1.11	0.94	NA	NA	0.12	XXX
99327		A	Domicil/r-home visit new pat	3.46	1.47	1.20	NA	NA	0.16	XXX
99328		A	Domicil/r-home visit new pat	4.09	1.63	1.37	NA	NA	0.18	XXX
99334		A	Domicil/r-home visit est pat	1.07	0.52	0.46	NA	NA	0.05	XXX
99335		A	Domicil/r-home visit est pat	1.72	0.79	0.66	NA	NA	0.07	XXX
99336		A	Domicil/r-home visit est pat	2.46	1.10	0.89	NA	NA	0.10	XXX
99337		A	Domicil/r-home visit est pat	3.58	1.54	1.23	NA	NA	0.17	XXX
99339		B	Domicil/r-home care supervis	1.25	0.77	0.76	NA	NA	0.06	XXX
99340		B	Domicil/r-home care supervis	1.80	1.03	1.01	NA	NA	0.09	XXX
99341		A	Home visit, new patient	1.01	0.43	0.44	NA	NA	0.05	XXX
99342		A	Home visit, new patient	1.52	0.57	0.59	NA	NA	0.08	XXX
99343		A	Home visit, new patient	2.53	0.96	0.91	NA	NA	0.13	XXX
99344		A	Home visit, new patient	3.38	1.43	1.19	NA	NA	0.16	XXX
99345		A	Home visit, new patient	4.09	1.72	1.40	NA	NA	0.19	XXX
99347		A	Home visit, est patient	1.00	0.46	0.44	NA	NA	0.05	XXX
99348		A	Home visit, est patient	1.56	0.67	0.61	NA	NA	0.07	XXX
99349		A	Home visit, est patient	2.33	1.05	0.86	NA	NA	0.10	XXX
99350		A	Home visit, est patient	3.28	1.43	1.16	NA	NA	0.16	XXX
99354		A	Prolonged service, office	1.77	0.83	0.74	0.67	0.60	0.08	ZZZ
99355		A	Prolonged service, office	1.77	0.79	0.72	0.63	0.57	0.08	ZZZ
99356		A	Prolonged service, inpatient	1.71	NA	NA	0.69	0.59	0.08	ZZZ
99357		A	Prolonged service, inpatient	1.71	NA	NA	0.69	0.59	0.08	ZZZ
99358		B	Prolong service w/o contact	2.10	0.80	0.77	0.80	0.77	0.10	XXX
99359		B	Prolong serv w/o contact add	1.00	0.40	0.38	0.40	0.38	0.05	ZZZ
99360		X	Physician standby services	1.20	NA	NA	0.44	0.42	0.06	XXX
99363		B	Anticoag mgmt, init	1.65	1.57	1.59	0.60	0.57	0.08	XXX

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99364		B	Anticoag mgmt, subseq	0.63	0.48	0.48	0.23	0.22	0.03	XXX
99366		B	Team conf w/pat by hc pro	0.82	0.32	0.30	0.30	0.28	0.04	XXX
99367		B	Team conf w/o pat by phys	1.10	NA	NA	0.40	0.38	0.05	XXX
99368		B	Team conf w/o pat by hc pro	0.72	NA	NA	0.26	0.25	0.03	XXX
99374		B	Home health care supervision	1.10	0.71	0.71	0.40	0.39	0.05	XXX
99375		I	Home health care supervision	1.73	1.00	1.10	0.63	0.78	0.08	XXX
99377		B	Hospice care supervision	1.10	0.71	0.71	0.40	0.39	0.05	XXX
99378		I	Hospice care supervision	1.73	1.00	1.18	0.63	0.86	0.08	XXX
99379		B	Nursing fac care supervision	1.10	0.71	0.71	0.40	0.39	0.05	XXX
99380		B	Nursing fac care supervision	1.73	1.00	0.99	0.63	0.62	0.08	XXX
99381		N	Init pm e/m, new pat, inf	1.19	1.20	1.27	0.44	0.42	0.06	XXX
99382		N	Init pm e/m, new pat 1-4 yrs	1.36	1.26	1.32	0.50	0.48	0.06	XXX
99383		N	Prev visit, new, age 5-11	1.36	1.25	1.31	0.50	0.48	0.06	XXX
99384		N	Prev visit, new, age 12-17	1.53	1.31	1.37	0.56	0.55	0.07	XXX
99385		N	Prev visit, new, age 18-39	1.53	1.31	1.37	0.56	0.55	0.07	XXX
99386		N	Prev visit, new, age 40-64	1.88	1.44	1.51	0.69	0.67	0.09	XXX
99387		N	Init pm e/m, new pat 65+ yrs	2.06	1.60	1.66	0.75	0.74	0.10	XXX
99391		N	Per pm reeval, est pat, inf	1.02	1.03	1.05	0.37	0.36	0.05	XXX
99392		N	Prev visit, est, age 1-4	1.19	1.10	1.11	0.44	0.42	0.06	XXX
99393		N	Prev visit, est, age 5-11	1.19	1.09	1.10	0.44	0.42	0.06	XXX
99394		N	Prev visit, est, age 12-17	1.36	1.15	1.16	0.50	0.48	0.06	XXX
99395		N	Prev visit, est, age 18-39	1.36	1.15	1.17	0.50	0.48	0.06	XXX
99396		N	Prev visit, est, age 40-64	1.53	1.22	1.23	0.56	0.55	0.07	XXX
99397		N	Per pm reeval est pat 65+ yr	1.71	1.39	1.39	0.63	0.62	0.08	XXX
99401		N	Preventive counseling, indiv	0.48	0.44	0.48	0.18	0.17	0.02	XXX
99402		N	Preventive counseling, indiv	0.98	0.62	0.67	0.36	0.35	0.05	XXX
99403		N	Preventive counseling, indiv	1.46	0.80	0.85	0.53	0.52	0.07	XXX
99404		N	Preventive counseling, indiv	1.95	0.98	1.03	0.71	0.70	0.09	XXX
99406		A	Behav chng smoking 3-10 min	0.24	0.13	0.12	0.09	0.08	0.01	XXX
99407		A	Behav chng smoking > 10 min	0.50	0.22	0.19	0.18	0.16	0.02	XXX
99408		N	Audit/dast, 15-30 min	0.65	0.28	0.27	0.24	0.23	0.03	XXX
99409		N	Audit/dast, over 30 min	1.30	0.52	0.50	0.48	0.46	0.06	XXX
99411		N	Preventive counseling, group	0.15	0.25	0.25	0.05	0.05	0.01	XXX
99412		N	Preventive counseling, group	0.25	0.29	0.29	0.09	0.09	0.01	XXX
99420		N	Health risk assessment test	0.00	0.24	0.25	NA	NA	0.01	XXX
99429		N	Unlisted preventive service	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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99441		N	Phone e/m by phys 5-10 min	0.25	0.12	0.12	0.09	0.08	0.01	XXX
99442		N	Phone e/m by phys 11-20 min	0.50	0.21	0.21	0.18	0.18	0.02	XXX
99443		N	Phone e/m by phys 21-30 min	0.75	0.31	0.29	0.27	0.26	0.04	XXX
99444		N	Online e/m by phys	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99450		N	Basic life disability exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99455		R	Work related disability exam	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
99460		A	Init nb em per day, hosp	1.17	NA	NA	0.44	0.37	0.04	XXX
99461		A	Init nb em per day, non-fac	1.26	1.22	1.08	0.46	0.44	0.06	XXX
99462		A	Sbsq nb em per day, hosp	0.62	NA	NA	0.23	0.20	0.03	XXX
99463		A	Same day nb discharge	1.50	NA	NA	0.70	0.58	0.06	XXX
99464		A	Attendance at delivery	1.50	NA	NA	0.50	0.43	0.05	XXX
99465		A	Nb resuscitation	2.93	NA	NA	1.07	1.01	0.16	XXX
99466		A	Ped crit care transport	4.79	NA	NA	1.77	1.52	0.75	XXX
99467		A	Ped crit care transport addl	2.40	NA	NA	0.95	0.77	0.10	ZZZ
99468		A	Neonate crit care, initial	18.46	NA	NA	7.01	5.22	1.12	XXX
99469		A	Neonate crit care, subsq	7.99	NA	NA	2.66	2.36	0.31	XXX
99471		A	Ped critical care, initial	15.98	NA	NA	5.32	4.75	0.64	XXX
99472		A	Ped critical care, subsq	7.99	NA	NA	2.76	2.38	0.35	XXX
99475		A	Ped crit care age 2-5, init	11.25	3.43	3.03	3.43	3.03	0.63	XXX
99476		A	Ped crit care age 2-5, subsq	6.75	2.06	1.82	2.06	1.82	0.38	XXX
99477		A	Init day hosp neonate care	7.00	NA	NA	2.33	2.15	0.28	XXX
99478		A	Ic, lbw inf < 1500 gm subsq	2.75	NA	NA	1.09	0.97	0.13	XXX
99479		A	Ic lbw inf 1500-2500 g subsq	2.50	NA	NA	0.99	0.79	0.12	XXX
99480		A	Ic inf pbw 2501-5000 g subsq	2.40	NA	NA	0.92	0.76	0.12	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

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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
99605		X	Mtms by pharm, np, 15 min	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99606		X	Mtms by pharm, est, 15 min	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99607		X	Mtms by pharm, addl 15 min	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A4641		C	Radiopharm dx agent noc	0	0	0	0	0	0	XXX
A4642		C	In111 satumomab	0	0	0	0	0	0	XXX
A4890		R	Repair/maint cont hemo equip	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9500		C	Tc99m sestamibi	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9501		C	Technetium TC-99m teboroxime	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9502		C	Tc99m tetrofosmin	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9503		C	Tc99m medronate	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9504		C	Tc99m apcitide	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9505		C	TL201 thallium	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9507		C	In111 capromab	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9508		C	I131 iodobenguate, dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9509		C	Iodine I-123 sod iodide mil	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9510		C	Tc99m disofenin	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9512		C	Tc99m pertechnetate	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9516		C	Iodine I-123 sod iodide mic	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9517		C	I131 iodide cap, rx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9521		C	Tc99m exametazime	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9524		C	I131 serum albumin, dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9526		C	Nitrogen N-13 ammonia	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9527		C	Iodine I-125 sodium iodide	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9528		C	Iodine I-131 iodide cap, dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9529		C	I131 iodide sol, dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9530		C	I131 iodide sol, rx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9531		C	I131 max 100uCi	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9532		C	I125 serum albumin, dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9536		C	Tc99m depreotide	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9537		C	Tc99m mebrofenin	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9538		C	Tc99m pyrophosphate	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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A9539		C	Tc99m pentetate	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9540		C	Tc99m MAA	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9541		C	Tc99m sulfur colloid	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9542		C	In111 ibritumomab, dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9543		C	Y90 ibritumomab, rx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9544		C	I131 tositumomab, dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9545		C	I131 tositumomab, rx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9546		C	Co57/58	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9547		C	In111 oxyquinoline	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9548		C	In111 pentetate	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9550		C	Tc99m gluceptate	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9551		C	Tc99m succimer	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9552		C	F18 fdg	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9553		C	Cr51 chromate	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9554		C	I125 iothalamate, dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9555		C	Rb82 rubidium	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9556		C	Ga67 gallium	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9557		C	Tc99m bicisate	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9558		C	Xe133 xenon 10mci	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9559		C	Co57 cyano	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9560		C	Tc99m labeled rbc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9561		C	Tc99m oxidronate	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9562		C	Tc99m mertiatide	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9563		C	P32 Na phosphate	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9564		C	P32 chromic phosphate	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9566		C	Tc99m fanolesomab	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9567		C	Technetium TC-99m aerosol	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9568		C	Technetium tc99m arcitumomab	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9569		C	Technetium TC-99m auto WBC	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9570		C	Indium In-111 auto WBC	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9571		C	Indium IN-111 auto platelet	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9572		C	Indium In-111 pentetreotide	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9580		C	Sodium fluoride F-18	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9600		C	Sr89 strontium	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A9699		C	Radiopharm rx agent noc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0008		X	Admin influenza virus vac	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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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
G0027		X	Semen analysis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0101		A	CA screen;pelvic/breast exam	0.45	0.51	0.50	NA	NA	0.02	XXX
G0102		A	Prostate ca screening; dre	0.17	0.31	0.34	0.07	0.06	0.01	XXX
G0103		X	PSA screening	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0104		A	CA screen;flexi sigmoidscope	0.96	2.43	2.47	0.65	0.62	0.10	000
G0105		A	Colorectal scrn; hi risk ind	3.69	5.87	6.24	1.83	1.82	0.43	000
G0105	53	A	Colorectal scrn; hi risk ind	0.96	2.43	2.47	0.65	0.62	0.10	000
G0106		A	Colon CA screen;barium enema	0.99	4.32	4.40	NA	NA	0.03	XXX
G0106	TC	A	Colon CA screen;barium enema	0.00	4.02	4.04	NA	NA	0.01	XXX
G0106	26	A	Colon CA screen;barium enema	0.99	0.30	0.36	0.30	0.36	0.02	XXX
G0108		A	Diab manage trn per indiv	0.00	0.61	0.64	NA	NA	0.01	XXX
G0109		A	Diab manage trn ind/group	0.00	0.32	0.35	NA	NA	0.01	XXX
G0117		T	Glaucoma scrn hgh risk direc	0.45	0.88	0.79	NA	NA	0.02	XXX
G0118		T	Glaucoma scrn hgh risk direc	0.17	0.88	0.71	NA	NA	0.01	XXX
G0120		A	Colon ca scrn; barium enema	0.99	4.32	4.40	NA	NA	0.03	XXX
G0120	TC	A	Colon ca scrn; barium enema	0.00	4.02	4.04	NA	NA	0.01	XXX
G0120	26	A	Colon ca scrn; barium enema	0.99	0.30	0.36	0.30	0.36	0.02	XXX
G0121		A	Colon ca scrn not hi rsk ind	3.69	5.87	6.24	1.83	1.82	0.43	000
G0121	53	A	Colon ca scrn not hi rsk ind	0.96	2.43	2.47	0.65	0.62	0.10	000
G0122		N	Colon ca scrn; barium enema	0.99	6.06	5.63	NA	NA	0.04	XXX
G0122	TC	N	Colon ca scrn; barium enema	0.00	5.70	5.28	NA	NA	0.01	XXX
G0122	26	N	Colon ca scrn; barium enema	0.99	0.36	0.35	0.36	0.35	0.03	XXX
G0123		X	Screen cerv/vag thin layer	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0124		A	Screen c/v thin layer by MD	0.42	0.34	0.32	0.34	0.32	0.02	XXX
G0127		R	Trim nail(s)	0.17	0.40	0.36	0.04	0.05	0.01	000
G0128		R	CORF skilled nursing service	0.08	0.17	0.15	NA	NA	0.01	XXX
G0130		A	Single energy x-ray study	0.22	0.61	0.63	NA	NA	0.02	XXX
G0130	TC	A	Single energy x-ray study	0.00	0.52	0.56	NA	NA	0.01	XXX
G0130	26	A	Single energy x-ray study	0.22	0.09	0.07	0.09	0.07	0.01	XXX
G0141		A	Scr c/v cyto,autosys and md	0.42	0.34	0.32	0.34	0.32	0.02	XXX
G0143		X	Scr c/v cyto,thinlayer,rescr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0144		X	Scr c/v cyto,thinlayer,rescr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0145		X	Scr c/v cyto,thinlayer,rescr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0147		X	Scr c/v cyto, automated sys	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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G0148		X	Scr c/v cyto, autosys, rescr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0166		A	Extrnl counterpulse, per tx	0.07	3.26	3.93	NA	NA	0.02	XXX
G0168		A	Wound closure by adhesive	0.45	1.87	1.71	0.26	0.23	0.02	000
G0173		X	Linear acc stereo radsur com	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0175		X	OPPS Service,sched team conf	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0176		X	OPPS/PHP;activity therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0177		X	OPPS/PHP; train & educ serv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0179		A	MD recertification HHA PT	0.45	0.57	0.61	NA	NA	0.02	XXX
G0180		A	MD certification HHA patient	0.67	0.67	0.72	NA	NA	0.03	XXX
G0181		A	Home health care supervision	1.73	1.05	1.01	NA	NA	0.07	XXX
G0182		A	Hospice care supervision	1.73	1.06	1.06	NA	NA	0.07	XXX
G0186		C	Dstry eye lesn,fdr vssl tech	0.00	0.00	0.00	0.00	0.00	0.00	YYY
G0202		A	Screeningmammographydigital	0.70	2.81	2.84	NA	NA	0.04	XXX
G0202	TC	A	Screeningmammographydigital	0.00	2.57	2.60	NA	NA	0.01	XXX
G0202	26	A	Screeningmammographydigital	0.70	0.24	0.24	0.24	0.24	0.03	XXX
G0204		A	Diagnosticmammographydigital	0.87	3.41	3.34	NA	NA	0.05	XXX
G0204	TC	A	Diagnosticmammographydigital	0.00	3.11	3.04	NA	NA	0.01	XXX
G0204	26	A	Diagnosticmammographydigital	0.87	0.30	0.30	0.30	0.30	0.04	XXX
G0206		A	Diagnosticmammographydigital	0.70	2.67	2.63	NA	NA	0.04	XXX
G0206	TC	A	Diagnosticmammographydigital	0.00	2.43	2.39	NA	NA	0.01	XXX
G0206	26	A	Diagnosticmammographydigital	0.70	0.24	0.24	0.24	0.24	0.03	XXX
G0219		N	PET img wholbod melano nonco	0.00	0.00	0.00	NA	NA	0.00	XXX
G0219	TC	N	PET img wholbod melano nonco	0.00	0.00	0.00	NA	NA	0.00	XXX
G0219	26	N	PET img wholbod melano nonco	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	NA	NA	0.00	XXX
G0235	TC	N	PET not otherwise specified	0.00	0.00	0.00	NA	NA	0.00	XXX
G0235	26	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	0.20	0.26	NA	NA	0.01	XXX
G0238		A	Oth resp proc, indiv	0.00	0.21	0.27	NA	NA	0.01	XXX
G0239		A	Oth resp proc, group	0.00	0.26	0.29	NA	NA	0.01	XXX
G0245		R	Initial foot exam pt lops	0.88	0.97	0.88	0.40	0.35	0.04	XXX
G0246		R	Followup eval of foot pt lop	0.45	0.61	0.57	0.20	0.17	0.02	XXX
G0247		R	Routine footcare pt w lops	0.50	0.71	0.65	0.16	0.17	0.03	ZZZ
G0248		R	Demonstrate use home inr mon	0.00	2.75	3.83	NA	NA	0.01	XXX
G0249		R	Provide INR test mater/equip	0.00	2.67	3.33	NA	NA	0.01	XXX
G0250		R	MD INR test revie inter mgmt	0.18	0.06	0.08	NA	NA	0.01	XXX

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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	NA	NA	0.00	XXX
G0252	TC	N	PET imaging initial dx	0.00	0.00	0.00	NA	NA	0.00	XXX
G0252	26	N	PET imaging initial dx	1.50	0.55	0.60	0.55	0.60	0.07	XXX
G0255		N	Current percep threshold tst	0.00	0.00	0.00	NA	NA	0.00	XXX
G0255	TC	N	Current percep threshold tst	0.00	0.00	0.00	NA	NA	0.00	XXX
G0255	26	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
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
G0268		A	Removal of impacted wax md	0.61	0.76	0.70	0.29	0.24	0.02	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	0.45	0.20	0.24	0.16	0.19	0.02	XXX
G0271		A	Group MNT 2 or more 30 mins	0.25	0.10	0.10	0.09	0.10	0.01	XXX
G0275		A	Renal angio, cardiac cath	0.25	NA	NA	0.08	0.12	0.01	ZZZ
G0278		A	Iliac art angio,cardiac cath	0.25	NA	NA	0.08	0.12	0.01	ZZZ
G0281		A	Elec stim unattend for press	0.18	0.17	0.14	NA	NA	0.01	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	0.17	0.14	NA	NA	0.01	XXX
G0288		A	Recon, CTA for surg plan	0.00	0.81	2.79	NA	NA	0.01	XXX
G0289		A	Arthro, loose body + chondro	1.48	NA	NA	0.73	0.69	0.21	ZZZ
G0290		E	Drug-eluting stents, single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0291		E	Drug-eluting stents,each add	0.00	0.00	0.00	0.00	0.00	0.00	XXX
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
G0302		X	Pre-op service LVRS complete	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0303		X	Pre-op service LVRS 10-15dos	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0304		X	Pre-op service LVRS 1-9 dos	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0305		X	Post op service LVRS min 6	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0306		X	CBC/diffwbc w/o platelet	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0307		X	CBC without platelet	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0328		X	Fecal blood scrn immunoassay	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0329		A	Electromagntic tx for ulcers	0.06	0.18	0.16	NA	NA	0.01	XXX
G0333		X	Dispense fee initial 30 day	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0337		X	Hospice evaluation preelecti	1.42	0.52	0.52	0.52	0.52	0.07	XXX

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G0339		C	Robot lin-radsurg com, first	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0340		C	Robt lin-radsurg fractx 2-5	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0341		A	Percutaneous islet celltrans	6.98	45.07	14.34	NA	NA	0.36	000
G0342		A	Laparoscopy islet cell trans	11.92	NA	NA	6.71	5.71	0.62	090
G0343		A	Laparotomy islet cell transp	19.85	NA	NA	11.35	9.63	1.03	090
G0364		A	Bone marrow aspirate &biopsy	0.16	0.16	0.16	0.08	0.07	0.01	ZZZ
G0365		A	Vessel mapping hemo access	0.25	5.11	4.98	NA	NA	0.03	XXX
G0365	TC	A	Vessel mapping hemo access	0.00	5.03	4.91	NA	NA	0.01	XXX
G0365	26	A	Vessel mapping hemo access	0.25	0.08	0.07	0.08	0.07	0.02	XXX
G0372		A	MD service required for PMD	0.17	0.07	0.12	0.07	0.05	0.01	XXX
G0378		X	Hospital observation per hr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0379		X	Direct refer hospital observ	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0389		A	Ultrasound exam AAA screen	0.58	2.05	2.34	NA	NA	0.03	XXX
G0389	TC	A	Ultrasound exam AAA screen	0.00	1.87	2.12	NA	NA	0.01	XXX
G0389	26	A	Ultrasound exam AAA screen	0.58	0.18	0.22	0.18	0.22	0.02	XXX
G0396		A	Alcohol/subs interv 15-30mn	0.65	0.27	0.22	0.22	0.18	0.03	XXX
G0397		A	Alcohol/subs interv >30 min	1.30	0.64	0.43	0.59	0.39	0.06	XXX
G0398		C	Home sleep test/type 2 Porta	0.00	0.00	0.00	NA	NA	0.00	XXX
G0398	TC	C	Home sleep test/type 2 Porta	0.00	0.00	0.00	NA	NA	0.00	XXX
G0398	26	C	Home sleep test/type 2 Porta	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0399		C	Home sleep test/type 3 Porta	0.00	0.00	0.00	NA	NA	0.00	XXX
G0399	TC	C	Home sleep test/type 3 Porta	0.00	0.00	0.00	NA	NA	0.00	XXX
G0399	26	C	Home sleep test/type 3 Porta	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0400		C	Home sleep test/type 4 Porta	0.00	0.00	0.00	NA	NA	0.00	XXX
G0400	TC	C	Home sleep test/type 4 Porta	0.00	0.00	0.00	NA	NA	0.00	XXX
G0400	26	C	Home sleep test/type 4 Porta	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0402		A	Initial preventive exam	2.30	1.82	1.32	NA	NA	0.09	XXX
G0403		A	EKG for initial prevent exam	0.17	0.27	0.36	NA	NA	0.02	XXX
G0404		A	EKG tracing for initial prev	0.00	0.21	0.29	NA	NA	0.01	XXX
G0405		A	EKG interpret & report preve	0.17	0.06	0.07	0.06	0.05	0.01	XXX
G0406		A	Telhealth inpt consult 15min	0.76	NA	NA	0.28	0.25	0.04	XXX
G0407		A	Telheath inpt consult 25min	1.39	NA	NA	0.52	0.45	0.06	XXX
G0408		A	Telhealth inpt consult 35min	2.00	NA	NA	0.73	0.64	0.09	XXX
G0409		A	CORF related serv 15 mins ea	0.00	0.22	0.23	NA	NA	0.01	XXX
G0410		X	Grp psych partial hosp 45-50	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0411		X	Inter active grp psych parti	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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CPT[1]/ HCPCS	Mod	Status	Description	Physician Work RVUs[2,3,4]	Fully Implemented Non-Facility PE RVUs[2,4]	Year 2010 Transitional Non-Facility PE RVUs[2,4]	Fully Implemented Facility PE RVUs[2,4]	Year 2010 Transitional Facility PE RVUs[2,4]	Mal-Practice RVUs[2,4]	Global
G0412		A	Open tx iliac spine uni/bil	10.45	NA	NA	7.67	7.05	1.50	090
G0413		A	Pelvic ring fracture uni/bil	15.73	NA	NA	10.77	9.99	2.25	090
G0414		A	Pelvic ring fx treat int fix	14.65	NA	NA	10.41	9.73	2.10	090
G0415		A	Open tx post pelvic fxcture	20.93	NA	NA	13.60	12.34	3.09	090
G0416		A	Sat biopsy prostate 1-20 spc	3.09	13.96	13.96	NA	NA	0.09	XXX
G0416	TC	A	Sat biopsy prostate 1-20 spc	0.00	12.14	12.14	NA	NA	0.01	XXX
G0416	26	A	Sat biopsy prostate 1-20 spc	3.09	1.82	1.82	1.82	1.82	0.08	XXX
G0417		A	Sat biopsy prostate 21-40	5.86	27.26	27.26	NA	NA	0.19	XXX
G0417	TC	A	Sat biopsy prostate 21-40	0.00	23.71	23.71	NA	NA	0.01	XXX
G0417	26	A	Sat biopsy prostate 21-40	5.86	3.55	3.55	3.55	3.55	0.18	XXX
G0418		A	Sat biopsy prostate 41-60	10.30	46.56	46.56	NA	NA	0.31	XXX
G0418	TC	A	Sat biopsy prostate 41-60	0.00	40.50	40.50	NA	NA	0.01	XXX
G0418	26	A	Sat biopsy prostate 41-60	10.30	6.06	6.06	6.06	6.06	0.30	XXX
G0419		A	Sat biopsy prostate: >60	11.61	55.86	55.86	NA	NA	0.34	XXX
G0419	TC	A	Sat biopsy prostate: >60	0.00	48.60	48.60	NA	NA	0.01	XXX
G0419	26	A	Sat biopsy prostate: >60	11.61	7.26	7.26	7.26	7.26	0.33	XXX
G0420		A	Ed svc CKD ind per session	2.12	0.86	0.86	NA	NA	0.08	XXX
G0421		A	Ed svc CKD grp per session	0.50	0.20	0.20	NA	NA	0.02	XXX
G0422		A	Intens cardiac rehab w/exerc	0.60	0.74	0.75	0.74	0.75	0.03	XXX
G0423		A	Intens cardiac rehab no exer	0.60	0.74	0.75	0.74	0.75	0.03	XXX
G0424		A	Pulmonary rehab w exer	0.18	0.46	0.46	0.07	0.07	0.01	XXX
G0425		A	Inpt telehealth consult 30m	1.92	NA	NA	0.71	0.71	0.13	XXX
G0426		A	Inpt telehealth consult 50m	2.61	NA	NA	0.99	0.99	0.16	XXX
G0427		A	Inpt telehealth con 70/>m	3.86	NA	NA	1.45	1.45	0.21	XXX
G0430		X	Drug screen multi class	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0431		X	Drug screen single class	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G3001		X	Admin + supply, tositumomab	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9001		X	MCCD, initial rate	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9002		X	MCCD,maintenance rate	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9003		X	MCCD, risk adj hi, initial	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9004		X	MCCD, risk adj lo, initial	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9005		X	MCCD, risk adj, maintenance	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9006		X	MCCD, Home monitoring	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9007		X	MCCD, sch team conf	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9008		X	Mccd,phys coor-care ovrsght	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9009		X	MCCD, risk adj, level 3	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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G9010		X	MCCD, risk adj, level 4	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9011		X	MCCD, risk adj, level 5	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9012		X	Other Specified Case Mgmt	0.00	0.00	0.00	0.00	0.00	0.00	XXX
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
G9017		X	Amantadine HCL 100mg oral	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9018		X	Zanamivir,inhalation pwd 10m	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9019		X	Oseltamivir phosphate 75mg	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9020		X	Rimantadine HCL 100mg oral	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9033		X	Amantadine HCL oral brand	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9034		X	Zanamivir, inh pwdr, brand	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9035		X	Oseltamivir phosp, brand	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9036		X	Rimantadine HCL, brand	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9041		A	Low vision rehab occupationa	0.69	0.28	0.28	0.28	0.28	0.03	XXX
G9042		A	Low vision rehab orient/mobi	0.25	0.25	0.25	0.25	0.25	0.01	XXX
G9043		A	Low vision lowvision therapi	0.25	0.25	0.25	0.25	0.25	0.01	XXX
G9044		A	Low vision rehabilate teache	0.24	0.19	0.19	0.19	0.19	0.01	XXX
G9140		X	Frontier extended stay demo	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9141		X	Influenza A H1N1,admin w cou	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9142		X	Influenza A H1N1, vaccine	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9143		X	Warfarin respon genetic test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
M0064		A	Visit for drug monitoring	0.37	0.89	0.79	0.06	0.08	0.01	XXX
P3001		A	Screening pap smear by phys	0.42	0.34	0.32	0.34	0.32	0.02	XXX
Q0035		A	Cardiokymography	0.17	0.26	0.32	NA	NA	0.02	XXX
Q0035	TC	A	Cardiokymography	0.00	0.21	0.27	NA	NA	0.01	XXX
Q0035	26	A	Cardiokymography	0.17	0.05	0.05	0.05	0.05	0.01	XXX
Q0091		A	Obtaining screen pap smear	0.37	0.74	0.74	0.14	0.12	0.02	XXX
Q0092		A	Set up port xray equipment	0.00	0.60	0.49	0.60	0.49	0.01	XXX
Q3001		C	Brachytherapy Radioelements	0.00	0.00	0.00	0.00	0.00	0.00	XXX
Q3014		X	Telehealth facility fee	0.00	0.00	0.00	0.00	0.00	0.00	XXX
R0070		C	Transport portable x-ray	0.00	0.00	0.00	0.00	0.00	0.00	XXX
R0075		C	Transport port x-ray multipl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
R0076		B	Transport portable EKG	0.00	0.00	0.00	0.00	0.00	0.00	XXX
V5299		R	Hearing service	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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12. On pages 620144 through 620147 and as corrected in the December 10, 2009 correction notice (74 FR 65457), in Addendum C: Codes With Interim RVUs is corrected to read as follows:

ADDENDUM C: Codes with Interim RVUs

CPT[1]/ HCPCS	Mod	Status	Description	Physician Work RVUs[2,3]	Fully Implemented Non-Facility PE RVUs[2]	Year 2010 Transitional Non-Facility PE RVUs[2]	Fully Implemented Facility PE RVUs[2]	Year 2010 Transitional Facility PE RVUs[2]	Mal-Practice RVUs[2]	Global
14301		A	Skin tissue rearrangement	12.65	14.34	14.34	9.98	9.98	1.57	090
14302		A	Skin tissue rearrange add-on	3.73	2.09	2.09	2.09	2.09	0.46	ZZZ
19340		A	Immediate breast prosthesis	13.99	NA	NA	11.59	5.21	2.02	090
21011		A	Exc face les sc < 2 cm	2.99	5.16	5.16	3.33	3.33	0.33	090
21012		A	Exc face les sc = 2 cm	4.45	NA	NA	4.13	4.13	0.53	090
21013		A	Exc face tum deep < 2 cm	5.42	7.17	7.17	4.69	4.69	0.60	090
21014		A	Exc face tum deep = 2 cm	7.13	NA	NA	6.10	6.10	0.85	090
21015		A	Resect face tum < 2 cm	9.89	NA	NA	7.95	5.49	1.37	090
21016		A	Resect face tum = 2 cm	15.26	NA	NA	10.91	10.91	2.14	090
21025		A	Excision of bone, lower jaw	10.03	12.65	11.67	9.38	8.38	1.06	090
21552		A	Exc neck les sc = 3 cm	6.49	NA	NA	4.74	4.74	0.94	090
21554		A	Exc neck tum deep = 5 cm	11.13	NA	NA	7.32	7.32	1.53	090
21555		A	Exc neck les sc < 3 cm	3.96	6.28	5.96	3.76	3.56	0.57	090
21556		A	Exc neck tum deep < 5 cm	7.66	NA	NA	5.78	4.65	1.06	090
21557		A	Resect neck tum < 5 cm	14.75	NA	NA	9.68	6.15	2.05	090
21558		A	Resect neck tum = 5 cm	21.58	NA	NA	12.94	12.94	3.00	090
21930		A	Exc back les sc < 3 cm	4.94	6.59	6.21	4.12	3.88	0.75	090
21931		A	Exc back les sc = 3 cm	6.88	NA	NA	4.82	4.82	1.04	090
21932		A	Exc back tum deep < 5 cm	9.82	NA	NA	6.94	6.94	1.53	090
21933		A	Exc back tum deep = 5 cm	11.13	NA	NA	7.31	7.31	1.73	090
21935		A	Resect back tum < 5 cm	15.72	NA	NA	9.96	9.39	2.36	090
21936		A	Resect back tum = 5 cm	22.55	NA	NA	13.16	13.16	3.38	090
22900		A	Exc back tum deep < 5 cm	8.32	NA	NA	5.68	4.12	1.26	090
22901		A	Exc back tum deep = 5 cm	10.11	NA	NA	6.36	6.36	1.54	090
22902		A	Exc abd les sc < 3 cm	4.42	6.40	6.40	4.14	4.14	0.52	090
22903		A	Exc abd les sc > 3 cm	6.39	NA	NA	4.63	4.63	0.89	090
22904		A	Resect abd tum < 5 cm	16.69	NA	NA	8.92	8.92	2.61	090
22905		A	Resect abd tum > 5 cm	21.58	NA	NA	11.63	11.63	3.38	090
23071		A	Exc shoulder les sc > 3 cm	5.91	NA	NA	4.52	4.52	0.89	090
23073		A	Exc shoulder tum deep > 5 cm	10.13	NA	NA	7.11	7.11	1.50	090
23075		A	Exc shoulder les sc < 3 cm	4.21	7.04	4.58	3.91	2.33	0.63	090
23076		A	Exc shoulder tum deep < 5 cm	7.41	NA	NA	5.88	5.62	1.11	090
23077		A	Resect shoulder tum < 5 cm	17.66	NA	NA	11.19	10.43	2.64	090
23078		A	Resect shoulder tum > 5 cm	22.55	NA	NA	11.99	11.99	3.54	090
23200		A	Resect clavicle tumor	22.71	NA	NA	15.24	10.02	3.29	090
23210		A	Resect scapula tumor	27.21	NA	NA	17.46	10.96	3.94	090
23220		A	Resect prox humerus tumor	30.21	NA	NA	18.69	12.15	4.38	090
23415		A	Release of shoulder ligament	9.23	NA	NA	7.99	7.45	1.33	090
24071		A	Exc arm/elbow les sc = 3 cm	5.70	NA	NA	4.44	4.44	0.85	090

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24073		A	Ex arm/elbow tum deep > 5 cm	10.13	NA	NA	7.23	7.23	1.48	090
24075		A	Exc arm/elbow les sc < 3 cm	4.24	7.53	7.38	3.99	3.55	0.62	090
24076		A	Ex arm/elbow tum deep < 5 cm	7.41	NA	NA	6.03	5.12	1.09	090
24077		A	Resect arm/elbow tum < 5 cm	15.72	NA	NA	10.29	8.07	2.34	090
24079		A	Resect arm/elbow tum > 5 cm	20.61	NA	NA	11.27	11.27	3.22	090
24150		A	Resect distal humerus tumor	23.46	NA	NA	15.52	10.86	3.40	090
24152		A	Resect radius tumor	19.99	NA	NA	13.81	8.89	2.89	090
25071		A	Exc forearm les sc > 3 cm	5.91	NA	NA	4.74	4.74	0.86	090
25073		A	Exc forearm tum deep = 3 cm	7.13	NA	NA	6.20	6.20	1.00	090
25075		A	Exc forearm les sc < 3 cm	3.96	7.53	4.94	3.96	4.03	0.56	090
25076		A	Exc forearm tum deep < 3 cm	6.74	NA	NA	6.02	5.73	0.94	090
25077		A	Resect forearm/wrist tum<3cm	12.93	NA	NA	9.12	8.22	1.92	090
25078		A	Resect forearm/wrist tum=3cm	17.69	NA	NA	10.19	10.19	2.78	090
25116		A	Remove wrist/forearm lesion	7.56	NA	NA	7.41	7.97	0.98	090
25170		A	Resect radius/ulnar tumor	22.21	NA	NA	14.81	11.05	3.21	090
26111		A	Exc hand les sc > 1.5 cm	5.42	NA	NA	5.01	5.01	0.73	090
26113		A	Exc hand tum deep > 1.5 cm	7.13	NA	NA	6.61	6.61	0.92	090
26115		A	Exc hand les sc < 1.5 cm	3.96	8.04	10.09	4.36	4.45	0.52	090
26116		A	Exc hand tum deep < 1.5 cm	6.74	NA	NA	6.41	5.84	0.88	090
26117		A	Exc hand tum ra < 3 cm	10.13	NA	NA	8.60	7.15	1.36	090
26118		A	Exc hand tum ra > 3 cm	14.81	NA	NA	11.84	11.84	2.16	090
26250		A	Extensive hand surgery	15.21	NA	NA	11.45	7.49	2.21	090
26260		A	Resect prox finger tumor	11.16	NA	NA	8.81	6.55	1.61	090
26262		A	Resect distal finger tumor	8.29	NA	NA	7.39	5.61	1.19	090
26480		A	Transplant hand tendon	6.90	NA	NA	11.32	11.26	0.89	090
27043		A	Exc hip pelvis les sc > 3 cm	6.88	NA	NA	4.80	4.80	1.04	090
27045		A	Exc hip/pelv tum deep > 5 cm	11.13	NA	NA	7.43	7.43	1.66	090
27047		A	Exc hip/pelvis les sc < 3 cm	4.94	6.55	7.03	4.12	4.56	0.75	090
27048		A	Exc hip/pelv tum deep < 5 cm	8.85	NA	NA	6.34	5.21	1.33	090
27049		A	Resect hip/pelv tum < 5 cm	21.55	NA	NA	12.42	9.54	3.18	090
27059		A	Resect hip/pelv tum > 5 cm	29.35	NA	NA	15.99	15.99	4.25	090
27075		A	Resect hip tumor	32.71	NA	NA	19.21	18.43	4.73	090
27076		A	Resect hip tum incl acetabul	40.21	NA	NA	22.93	16.12	5.83	090
27077		A	Resect hip tum w/innom bone	45.21	NA	NA	26.23	22.49	6.55	090
27078		A	Rsect hip tum incl femur	32.21	NA	NA	19.83	12.20	4.66	090
27327		A	Exc thigh/knee les sc < 3 cm	3.96	7.16	6.40	3.83	3.76	0.59	090
27328		A	Exc thigh/knee tum deep <5cm	8.85	NA	NA	6.52	4.86	1.33	090
27329		A	Resect thigh/knee tum < 5 cm	15.72	NA	NA	10.38	9.36	2.34	090
27337		A	Exc thigh/knee les sc > 3 cm	5.91	NA	NA	4.55	4.55	0.89	090
27339		A	Exc thigh/knee tum deep >5cm	11.13	NA	NA	7.64	7.64	1.66	090

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27364		A	Resect thigh/knee tum >5 cm	24.49	NA	NA	14.57	14.57	3.65	090
27365		A	Resect femur/knee tumor	32.21	NA	NA	19.84	13.44	4.67	090
27615		A	Resect leg/ankle tum < 5 cm	15.72	NA	NA	10.33	8.66	2.31	090
27616		A	Resect leg/ankle tum > 5 cm	19.63	NA	NA	12.34	12.34	2.87	090
27618		A	Exc leg/ankle tum < 3 cm	3.96	7.02	6.60	3.75	3.92	0.54	090
27619		A	Exc leg/ankle tum deep <5 cm	6.91	NA	NA	5.29	5.50	0.90	090
27632		A	Exc leg/ankle les sc > 3 cm	5.91	NA	NA	4.47	4.47	0.83	090
27634		A	Exc leg/ankle tum deep >5 cm	10.13	NA	NA	6.81	6.81	1.32	090
27645		A	Resect tibia tumor	27.21	NA	NA	17.46	12.02	3.94	090
27646		A	Resect fibula tumor	23.21	NA	NA	15.49	10.58	3.36	090
27647		A	Resect talus/calcaneus tum	20.26	NA	NA	8.43	7.17	1.49	090
28039		A	Exc foot/toe tum sc > 1.5 cm	5.42	7.01	7.01	3.38	3.38	0.40	090
28041		A	Exc foot/toe tum deep >1.5cm	7.13	NA	NA	4.43	4.43	0.54	090
28043		A	Exc foot/toe tum sc < 1.5 cm	3.96	6.31	4.99	2.95	2.89	0.29	090
28045		A	Exc foot/toe tum deep <1.5cm	5.45	7.48	6.84	3.81	3.49	0.41	090
28046		A	Resect foot/toe tumor < 3 cm	12.38	NA	NA	6.95	6.28	1.22	090
28047		A	Resect foot/toe tumor > 3 cm	17.45	NA	NA	7.07	7.07	0.98	090
28120		A	Part removal of ankle/heel	8.27	10.21	8.49	5.86	4.58	0.84	090
28122		A	Partial removal of foot bone	7.72	8.99	8.33	5.15	5.03	0.60	090
28171		A	Resect tarsal tumor	16.41	NA	NA	6.37	5.59	0.92	090
28173		A	Resect metatarsal tumor	14.16	NA	NA	6.50	5.27	1.15	090
28175		A	Resect phalanx of toe tumor	8.29	NA	NA	4.83	3.97	0.59	090
28725		A	Fusion of foot bones	12.18	NA	NA	7.89	7.49	1.38	090
28730		A	Fusion of foot bones	12.42	NA	NA	9.01	8.39	1.41	090
29581		A	Apply multlay comprs lwr leg	0.60	1.74	1.74	0.23	0.23	0.05	000
31626		A	Bronchoscopy w/markers	4.16	7.29	7.29	1.46	1.46	0.23	000
31627		A	Navigational bronchoscopy	2.00	29.96	29.96	0.73	0.73	0.10	ZZZ
32552		A	Remove lung catheter	2.53	2.05	2.05	1.49	1.49	0.44	010
32553		A	Ins mark thor for rt perq	3.80	11.61	11.61	1.30	1.30	0.65	000
32560		A	Treat pleurodesis w/agent	1.54	4.45	5.21	0.48	0.62	0.20	000
32561		A	Lyse chest fibrin init day	1.39	1.03	1.03	0.43	0.43	0.18	000
32562		A	Lyse chest fibrin subq day	1.24	0.92	0.92	0.39	0.39	0.17	000
33782		A	Nikaidoh proc	60.08	NA	NA	20.69	20.69	10.34	090
33783		A	Nikaidoh proc w/ostia implt	65.08	NA	NA	22.20	22.20	11.20	090
33981		C	Replace vad pump ext	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33982		C	Replace vad intra w/o bp	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33983		C	Replace vad intra w/bp	0.00	0.00	0.00	0.00	0.00	0.00	XXX
36147		A	Access av dial grft for eval	3.72	17.11	17.11	1.21	1.21	0.37	XXX
36148		A	Access av dial grft for proc	1.00	5.56	5.56	0.31	0.31	0.09	ZZZ
36825		A	Artery-vein autograft	15.13	NA	NA	6.81	5.20	2.48	090

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37761		A	Ligate leg veins open	9.13	NA	NA	5.37	5.37	1.44	090
42415		A	Excise parotid gland/lesion	18.12	NA	NA	11.46	10.14	1.78	090
42420		A	Excise parotid gland/lesion	21.00	NA	NA	12.85	11.35	2.08	090
42440		A	Excise submaxillary gland	7.13	NA	NA	5.27	4.70	0.70	090
43281		A	Lap paraesophag hern repair	26.60	NA	NA	12.06	12.06	4.16	090
43282		A	Lap paraesoph her rpr w/mesh	30.10	NA	NA	13.35	13.35	4.69	090
43775		A	Lap sleeve gastrectomy	21.56	NA	NA	11.01	11.01	3.38	090
45171		A	Exc rect tum transanal part	8.13	NA	NA	6.89	6.89	1.11	090
45172		A	Exc rect tum transanal full	12.13	NA	NA	8.36	8.36	1.64	090
46707		A	Repair anorectal fist w/plug	6.39	NA	NA	5.26	5.26	0.66	090
49411		A	Ins mark abd/pel for rt perq	3.82	9.87	9.87	1.43	1.43	0.26	000
49507		A	Prp i/hern init block >5 yr	10.05	NA	NA	5.79	4.94	1.56	090
49521		A	Rerepair ing hernia, blocked	12.44	NA	NA	6.58	5.62	1.92	090
49587		A	Rpr umbil hern, block > 5 yr	8.04	NA	NA	4.98	4.24	1.24	090
51727	26	A	Cystometrogram w/up	2.11	0.75	0.75	0.75	0.75	0.16	000
51728	26	A	Cystometrogram w/vp	2.11	0.73	0.73	0.73	0.73	0.13	000
51729	26	A	Cystometrogram w/vp&up	2.51	0.89	0.89	0.89	0.89	0.18	000
52341		A	Cysto w/ureter stricture tx	5.35	NA	NA	2.22	2.66	0.38	000
52342		A	Cysto w/up stricture tx	5.85	NA	NA	2.39	2.86	0.41	000
52343		A	Cysto w/renal stricture tx	6.55	NA	NA	2.62	3.14	0.47	000
52344		A	Cysto/uretero, stricture tx	7.05	NA	NA	2.91	3.46	0.50	000
52345		A	Cysto/uretero w/up stricture	7.55	NA	NA	3.08	3.67	0.53	000
52346		A	Cystouretero w/renal strict	8.58	NA	NA	3.42	4.08	0.61	000
52400		A	Cystouretero w/congen repr	8.69	NA	NA	2.82	4.28	0.62	090
52500		A	Revision of bladder neck	8.14	NA	NA	4.49	5.24	0.57	090
52640		A	Relieve bladder contracture	4.79	NA	NA	2.82	3.39	0.33	090
53445		A	Insert uro/ves nck sphincter	15.39	NA	NA	7.45	8.75	1.11	090
53855		A	Insert prost urethral stent	1.64	16.22	16.22	0.54	0.54	0.12	000
54410		A	Remove/replace penis prosth	15.18	NA	NA	7.24	8.47	1.09	090
54530		A	Removal of testis	8.46	NA	NA	4.64	5.38	0.64	090
55873		A	Cryoablate prostate	13.60	146.25	146.25	6.32	10.13	1.00	090
57287		A	Revise/remove sling repair	11.15	NA	NA	6.33	6.68	1.08	090
57426		A	Revise prosth vag graft lap	14.30	NA	NA	7.64	7.64	1.77	090
62263		A	Epidural lysis mult sessions	6.54	12.40	10.56	4.35	3.36	0.38	010
62350		A	Implant spinal canal cath	6.05	NA	NA	4.06	3.38	0.77	010
63650		A	Implant neuroelectrodes	7.20	NA	NA	4.27	3.24	0.47	010
63661		A	Remove spine eltrd perq aray	5.08	9.67	9.67	3.18	3.18	0.52	010
63662		A	Remove spine eltrd plate	11.00	NA	NA	6.92	6.92	1.14	090
63663		A	Revise spine eltrd perq aray	7.75	13.34	13.34	4.26	4.26	0.80	010
63664		A	Revise spine eltrd plate	11.52	NA	NA	7.13	7.13	1.18	090

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63685		A	Insrt/redo spine n generator	6.05	NA	NA	4.12	3.50	0.81	010
64490		A	Inj paravert f jnt c/t 1 lev	1.82	3.07	3.07	1.02	1.02	0.15	000
64491		A	Inj paravert f jnt c/t 2 lev	1.16	1.29	1.29	0.46	0.46	0.08	ZZZ
64492		A	Inj paravert f jnt c/t 3 lev	1.16	1.32	1.32	0.49	0.49	0.08	ZZZ
64493		A	Inj paravert f jnt l/s 1 lev	1.52	2.87	2.87	0.90	0.90	0.10	000
64494		A	Inj paravert f jnt l/s 2 lev	1.00	1.24	1.24	0.39	0.39	0.06	ZZZ
64495		A	Inj paravert f jnt l/s 3 lev	1.00	1.27	1.27	0.42	0.42	0.06	ZZZ
64708		A	Revise arm/leg nerve	6.36	NA	NA	5.98	5.32	0.85	090
64831		A	Repair of digit nerve	9.16	NA	NA	8.05	7.26	1.20	090
65285		A	Repair of eye wound	14.71	NA	NA	12.20	9.92	1.91	090
69100		A	Biopsy of external ear	0.81	1.68	1.80	0.48	0.43	0.08	000
74261	26	A	Ct colonography, w/o dye	2.28	0.69	0.69	0.69	0.69	0.09	XXX
74262	26	A	Ct colonography, w/dye	2.50	0.76	0.76	0.76	0.76	0.10	XXX
74263	26	N	Ct colonography, screen	2.28	0.83	0.83	0.83	0.83	0.09	XXX
75565	26	A	Card mri vel flw map add-on	0.25	0.09	0.09	0.09	0.09	0.01	ZZZ
75571	26	A	Ct hrt w/o dye w/ca test	0.58	0.18	0.18	0.18	0.18	0.01	XXX
75572	26	A	Ct hrt w/3d image	1.75	0.56	0.56	0.56	0.56	0.04	XXX
75573	26	A	Ct hrt w/3d image, congen	2.55	0.77	0.77	0.77	0.77	0.06	XXX
75574	26	A	Ct angio hrt w/3d image	2.40	0.76	0.76	0.76	0.76	0.06	XXX
75791	26	A	Av dialysis shunt imaging	1.71	0.53	0.53	0.53	0.53	0.07	XXX
76536	26	A	Us exam of head and neck	0.56	0.18	0.19	0.18	0.19	0.02	XXX
77338	26	A	Design mlc device for imrt	4.29	1.83	1.83	1.83	1.83	0.17	XXX
78451	26	A	Ht muscle image spect, sing	1.38	0.42	0.42	0.42	0.42	0.04	XXX
78452	26	A	Ht muscle image spect, mult	1.62	0.52	0.52	0.52	0.52	0.04	XXX
78453	26	A	Ht muscle image,planar,sing	1.00	0.31	0.31	0.31	0.31	0.04	XXX
78454	26	A	Ht musc image, planar, mult	1.34	0.40	0.40	0.40	0.40	0.04	XXX
88387	26	A	Tiss exam molecular study	0.62	0.24	0.24	0.24	0.24	0.01	XXX
88388	26	A	Tiss ex molecul study add-on	0.45	0.08	0.08	0.08	0.08	0.01	XXX
92526		A	Oral function therapy	1.34	0.65	1.38	0.52	0.27	0.05	XXX
92540	26	A	Basic vestibular evaluation	1.50	0.64	0.64	0.64	0.64	0.03	XXX
92550		A	Tympanometry & reflex thresh	0.35	0.21	0.21	NA	NA	0.01	XXX
92570		A	Acoustic immittance testing	0.55	0.30	0.30	0.25	0.25	0.02	XXX
92597		A	Oral speech device eval	1.26	0.67	1.61	0.61	0.41	0.05	XXX
92610		A	Evaluate swallowing function	1.30	0.79	1.79	0.57	0.57	0.05	XXX
92611		A	Motion fluoroscopy/swallow	1.34	0.97	1.97	NA	NA	0.06	XXX
93701		A	Bioimpedance, cv analysis	0.00	0.55	0.71	NA	NA	0.01	XXX
93750		A	Interrogation vad, in person	0.92	0.47	0.47	0.30	0.30	0.04	XXX
94011		A	Up to 2 yrs old, spirometry	2.00	NA	NA	0.63	0.63	0.10	XXX
94012		A	= 2 yrs, spiromtry w/dilator	3.10	NA	NA	0.94	0.94	0.17	XXX
94013		A	= 2 yrs, lung volumes	0.66	NA	NA	0.18	0.18	0.03	XXX

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95905	26	A	Motor/sens nrve conduct test	0.05	0.02	0.02	0.02	0.02	0.01	XXX
96570		A	Photodynmc tx, 30 min add-on	1.10	0.38	0.40	0.38	0.40	0.13	ZZZ
96571		A	Photodynamic tx, addl 15 min	0.55	0.15	0.18	0.15	0.18	0.03	ZZZ
99358		B	Prolong service w/o contact	2.10	0.80	0.77	0.80	0.77	0.10	XXX
99359		B	Prolong serv w/o contact add	1.00	0.40	0.38	0.40	0.38	0.05	ZZZ

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13. On pages 62150, 62151, 62153, 62156, 62159, 62161, and 62170, Addendum G: CY 2010 ESRD Wage Index for Urban Areas Based on CBSA

Labor Market Areas, we are correcting the following wage index values:

CBSA Code	Wage index
11340	0.9544
12580	1.0804
16020	0.9569
16180	1.1139
21500	0.9286
27860	0.8168
31140	0.9482
47300	1.0811

14. On page 62178, Addendum I: List of CPT [1]/HCPCS Used To Define Certain Designated Health Categories[2] Under Section 1877 of the Social Security Act, the addendum is corrected by adding the following entry in numerical order after the entry "92508 Speech/hearing therapy":

92520	Laryngeal function studies

IV. Waiver of Proposed Rulemaking and Delay in Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive the notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons for it in the rule.

Section 553(d) of the APA ordinarily requires a 30-day delay in the effective date of final rules after the date of their publication. This 30-day delay in effective date can be waived, however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued.

This document merely corrects typographical and technical errors made in FR Doc. E9–26502, the CY 2010 PFS final rule with comment period (74 FR 61738) and in FR Doc. E9–29256, the December 10, 2009 correction notice (74 FR 65449), and is (with limited exceptions not relevant to these corrections, but noted in the rule), effective on January 1, 2010. The provisions of the final rule with comment period have been subjected previously to notice and comment procedures. The corrections contained in this document are consistent with, and do not make substantive changes to, the payment methodologies and policies adopted in the CY 2010 PFS final rule with comment period. As such, these corrections are being made to ensure the CY 2010 PFS final rule with comment period accurately reflects the policies adopted in that rule. Therefore, we find for good cause that it is unnecessary and would be contrary to the public interest to undertake further notice and comment procedures to incorporate these corrections into the CY 2010 PFS final rule with comment period.

For the same reasons, we are also waiving the 30-day delay in effective date for these corrections. We believe that it is in the public interest to ensure that the CY 2010 PFS final rule with comment period accurately states our policies as of the date they take effect. Therefore, we find that delaying the effective date of these corrections beyond the effective date of the final rule with comment period would be contrary to the public interest. In so doing, we find good cause to waive the 30-day delay in the effective date.

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

Dated: May 3, 2010.

Dawn L. Smalls,

Executive Secretary to the Department.

[FR Doc. 2010–10814 Filed 5–5–10; 11:15 am]

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