6–30–99
Vol. 64 No. 125

Wednesday
June 30, 1999

United States
Government
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U.S. Government Printing Office
(ISSN 0097–6326)

6–30–99
Vol. 64 No. 125
Pages 34967–35558

Federal Register

Wednesday
June 30, 1999

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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revisions of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and general officers of the Department to delegate, through the Under Secretary for Natural Resources and Environment, to the Chief of the Forest Service the authority vested in the Secretary pursuant to Title V of the Department of the Interior and Related Agencies Appropriations Act of 1998 (Title V), Pub. L. 105–83, relating to the New World Mine acquisition and other priority land acquisitions, exchanges, and maintenance.

EFFECTIVE DATE: June 30, 1999.

FOR FURTHER INFORMATION CONTACT: Terry Harwood, Executive Director, Hazardous Materials Policy Council, United States Department of Agriculture, 324 25th Street, Ogden, Utah 84401, telephone (801) 625–5196.

SUPPLEMENTARY INFORMATION: Pursuant to Title V of the Department of the Interior and Related Agencies Appropriations Act of 1998 (Title V), Pub. L. 105–83, Congress made available to the Secretary of Agriculture $167,000,000 for priority land acquisitions, land exchange agreements, and other activities consistent with the Land and Water Conservation Fund Act of 1965, as amended, and critical maintenance. Of those funds made available to the Secretary, not to exceed $65,000,000 may be used by the Secretary to acquire identified lands and interests in lands from Crown Butte Mines, Inc. (Crown Butte), in the New World Mining District to protect and preserve Yellowstone National Park pursuant to sections 502 and 504 of Title V, and $12,000,000 may be used by the Secretary for the rehabilitation and maintenance of the Beartooth Highway in Montana and Wyoming pursuant to section 502 of Title V. Pursuant to section 502(d), immediately upon receipt of payment from the United States for the lands and interests in lands, Crown Butte shall deposit $22,500,000 in an interest bearing account in a private, Federally-chartered financial institution that shall be acceptable to the Secretary and available to carry out certain response and restoration actions in the New World Mining District (New World Mine Response and Restoration Account). This document amends the formal delegations of authority by the Secretary of Agriculture and general officers of the Department to reflect the previous internal delegation by the Secretary, through the Under Secretary for Natural Resources and Environment, to the Chief of the Forest Service with the exception of the authority to approve disbursements from the New World Mine Response and Restoration Account under section 502(d) and the authority to prepare and approve the New World Mine Response and Restoration Plan, including the coordination of the response and restoration activities of the Forest Service and the other Federal and State agencies, and make quarterly reports to Congress under section 502(f), which are reserved to the Under Secretary for Natural Resources and Environment.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order Nos. 12866 and 12988. In addition, this action is not a rule as defined by the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., and thus, is exempt from the provisions of that Act. Accordingly, as authorized by section 808 of the Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. 104–121, this rule may be made effective upon publication in the **Federal Register**.

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

Accordingly, 7 CFR part 2 is amended as follows:

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

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

Authority: 7 U.S.C. 6912(a)(1); 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR, 1949–1953 Comp., p. 1024.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretaries and Assistant Secretaries

2. In § 2.20 paragraph (a)(1)(viii) is added to read as follows:

§ 2.20 Under Secretary for Natural Resources and Environment

(a) * * *

(1) * * *

(viii) Exercise the functions of the Secretary of Agriculture authorized in Title V of the Department of the Interior and Related Agencies Appropriations Act of 1998, Pub. L. 105–83, relating to the acquisition of the New World Mine and other priority land acquisitions, land exchanges, and other activities.

* * * * *

Subpart J—Delegations of Authority by the Under Secretary for Natural Resources and Environment

3. In § 2.60, paragraphs (a)(47) and (b)(7) are added to read as follows:

§ 2.60 Chief, Forest Service.

(a) * * *

(47) Exercise the functions of the Secretary of Agriculture authorized in Title V of the Department of the Interior and Related Agencies Appropriations Act of 1998, Pub. L. 105–83, relating to the acquisition so the New World Mines and other priority land acquisitions, land exchanges, and other activities.

(b) * * *

* * * * *

(7) The authority to approve disbursements from the New World Mine Response and Restoration Account and the authority to prepare and approve the New World Mine Response and Restoration Plan, including the coordination of the response and restoration activities of the Forest Service and the other Federal and State agencies, and make quarterly reports to

Congress under section 502(d) and (f) of Title V of the Department of the Interior and Related Agencies Appropriations Act of 1998, Pub. L. 105–83.

Dated: June 16, 1999.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 99–16523 Filed 6–29–99; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Federal Housing Enterprise Oversight

12 CFR Part 1730

RIN 2550–AA07

Debt Collection

AGENCY: Office of Federal Housing Enterprise Oversight, HUD.

ACTION: Interim regulation with request for comments.

SUMMARY: The Office of Federal Housing Enterprise Oversight (OFHEO) is issuing an interim regulation that sets forth procedures for use by OFHEO in collecting debts owed to the Federal Government. The Federal Claims Collection Act of 1966, as amended by the Debt Collection Act of 1982 and the Debt Collection Improvement Act of 1996, requires agencies to issue a regulation on their debt collection procedures. The interim regulation includes procedures for collection of debts through salary offset, administrative offset, and tax refund offset. OFHEO requests comments on the interim regulation.

DATES: The interim regulation is effective June 30, 1999. Written comments on the interim regulation must be received by August 30, 1999.

ADDRESSES: Send written comments concerning the interim regulation to Anne E. Dewey, General Counsel, Office of Federal Housing Enterprise Oversight, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. Written comments may also be sent to Ms. Dewey by electronic mail at RegComments@OFHEO.gov.

FOR FURTHER INFORMATION CONTACT: Isabella W. Sammons, Associate General Counsel, telephone (202) 414–3751 (not a toll-free number); or Gail Palestine, Financial Management Officer, telephone (202) 414–3816 (not a toll-free number), Office of Federal Housing Enterprise Oversight, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. The telephone number for the Telecommunications Device for the Deaf is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Discussion of the Interim Regulation

The interim regulation implements the requirements of the Federal Claims Collection Act, Pub. L. 89–508. 80 Stat. 308 (1966), as amended by the Debt Collection Act of 1982, Pub. L. 97–365, 96 Stat. 1749 (1982), and the Debt Collection Improvement Act of 1966, Pub. L. 104–134, 110 Stat. 1321 (1996). The interim regulation provides that OFHEO will attempt to collect debts owed to the Federal Government either directly or by salary offset, administrative offset, or tax refund offset.

Subpart A of the interim regulation addresses the collection of debts in general and incorporates the debt collection procedures of the Federal Claims Collection Standards (FCCS) at 4 CFR chapter II. A revised FCCS has been proposed jointly by the Department of Justice and the Department of the Treasury. 62 FR 68476–01, Dec. 31, 1997. OFHEO will amend, as necessary, its Debt Collection regulation after the revised FCCS has been issued as a final regulation.

Subpart A also provides, in accordance with applicable law and regulations, that OFHEO will transfer debts that are delinquent for over 180 days to the Secretary of the Department of the Treasury for collection or other appropriate action. It further provides that debts that are delinquent for less than 180 days may be referred to debt collection centers for collection.

Subpart B of the interim regulation sets forth the procedures that will be used by OFHEO to collect debts owed to the Federal Government by OFHEO employees and former OFHEO employees who are employed by other agencies. When an employee of an agency is indebted to the Federal Government, the agency may collect the debt by salary offset, that is, by deductions from the current pay account of the employee. 5 U.S.C. 5514(a)(1).

The procedures for salary offset are governed by 5 U.S.C. 5514, and by Office of Personnel Management (OPM) regulations at 5 CFR part 550, subpart K (63 FR 72098, Dec. 31, 1998). Agencies are required to promulgate their own salary offset regulations, 5 U.S.C. 5514(b)(1), that must conform with the OPM regulations and be approved by OPM before they become effective. 5 CFR 550.1105(a)(1). The salary offset provisions of subpart B of the interim regulation have been reviewed and approved by OPM.

Subpart C of the interim regulation sets forth the procedures that OFHEO will use to collect debts by administrative offset, if salary offset is not applicable or appropriate. Under this method of collection, an agency collects a debt from a debtor by withholding money that is either payable to the debtor or held by the Federal Government for the debtor. 31 U.S.C. 3716. Subpart C is consistent with the procedures of administrative offset set forth in 31 U.S.C. 3716 and the FCCS.

Subpart D of the interim regulation sets forth the procedures used for collection by the tax refund offset. If collection by salary offset or administrative offset is not feasible, an agency must seek to recover monies owed it by requesting that the Internal Revenue Service reduce a tax refund to a debtor by the amount of the debt and pay such monies to the agency. 31 U.S.C. 3720A, 26 CFR 301.6402–6. In order to use the tax refund offset method of collection, the Internal Revenue Service requires that the agency promulgate temporary or permanent regulations covering all three collection methods: salary offset, administrative offset, and tax refund offset. 31 U.S.C. 3720A(b)(4), 26 CFR 301.6402–6(b). The publication of this interim regulation satisfies that requirement.

Effective Date and Request for Comments

OFHEO has determined that this interim regulation pertains to agency practice and procedure and is interpretative in nature. The procedures contained in the interim regulation for salary offset, administrative offset, and tax refund offset are mandated by law and by regulations promulgated by OPM, jointly by the Department of the Treasury and the Department of Justice, and by the IRS. Therefore, the interim regulation is not subject to the Administrative Procedure Act (APA) and the requirements of the APA for a notice and comment period and for a delayed effective date. 5 U.S.C. 553(b) and (c). Nevertheless, OFHEO requests comments from the public and will take all comments into consideration before promulgating the final regulation. Copies of all comments received will be available for examination by the public at the Office of Federal Housing Enterprise Oversight, Fourth Floor, 1700 G Street, NW., Washington, DC 20552.

Regulatory Impact

Executive Order 12866, Regulatory Planning and Review

This interim regulation is not classified as a significant rule under Executive Order 12866 because it will not result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or foreign markets. Accordingly, no regulatory impact assessment is required and this interim regulation has not been submitted to the Office of Management and Budget for review.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that a regulation that has a significant economic impact on a substantial number of small entities, small businesses, or small organizations must include an initial regulatory flexibility analysis describing the regulation's impact on small entities. Such an analysis need not be undertaken if the agency has certified that the regulation will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). OFHEO has considered the impact of this interim regulation under the Regulatory Flexibility Act. Of the few debts that have been owed to OFHEO, most have been owed by individuals rather than business entities. Therefore, the General Counsel of OFHEO certifies that the interim regulation is not likely to have a significant economic impact on a substantial number of small business entities.

Paperwork Reduction Act

This interim regulation does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Unfunded Mandates Reform Act of 1995

This interim regulation does not require the preparation of an assessment statement in accordance with the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531. Assessment statements are not required for regulations that incorporate requirements specifically set forth in law. As explained in the preamble, this regulation implements specific statutory requirements. In addition, this regulation does not include a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year.

Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), OFHEO has submitted a report containing this interim regulation and other required information to each House of Congress and the Comptroller General of the United States before publication of this interim regulation in the **Federal Register**. The interim regulation is not a major rule as defined at 5 U.S.C. 804(2).

List of Subjects in 12 CFR Part 1730

Administrative practice and procedure, Debt collection.

For the reasons stated in the preamble, part 1730 is added to chapter XVII, title 12 of the Code of Federal Regulations to read as follows:

PART 1730—DEBT COLLECTION

Subpart A—General

Sec.

1730.1 Authority and scope.
1730.2 Definitions.
1730.3 Collection of debts and referrals to the Department of the Treasury.
1730.4—1730.19 [Reserved]

Subpart B—Salary Offset

1730.20 Authority and scope.
1730.21 Notice requirements before salary offset where OFHEO is the creditor agency.
1730.22 Review of OFHEO records related to the debt.
1730.23 Opportunity for a hearing where OFHEO is the creditor agency.
1730.24 Certification when OFHEO is the creditor agency.
1730.25 Voluntary repayment agreements as alternative to salary offset where OFHEO is the creditor agency.
1730.26 Special review where OFHEO is creditor agency.
1730.27 Notice of salary offset where OFHEO is the paying agency.
1730.28 Procedures for salary offset where OFHEO is the paying agency.
1730.29 Coordinating salary offset with other agencies.
1730.30 Interest, penalties, and administrative costs.
1730.31 Refunds.
1730.32 Request from a creditor agency for the services of a hearing official.
1730.33 Non-waiver of rights by payment.
1730.34–1730.39 [Reserved]

Subpart C—Administrative Offset

1730.40 Authority and scope.
1730.41 Offset prior to completion of procedures.
1730.42 Procedures.
1730.43 Interest.
1730.44 Refunds.
1730.45 Requests for administrative offset to other Federal agencies.
1730.46 Requests for administrative offset from other Federal agencies.
1730.47 Administrative offset against amounts payable from Civil Service Retirement and Disability Fund.
1730.48—1730.49 [Reserved]

Subpart D—Tax Refund Offset

1730.50 Authority and scope.
1730.51 Definitions.
1730.52 Procedures.

Authority: 5 U.S.C. 5514; 26 U.S.C. 6402(d); 31 U.S.C. 3701–3720A.

Subpart A—General

§ 1730.1 Authority and scope.

(a) *Authority.* The Office of Federal Housing Enterprise Oversight (OFHEO) issues this part 1730 under the authority of 5 U.S.C. 5514 and 31 U.S.C. 3701–3720A, and in conformity with the FCCS at 4 CFR chapter II; the regulations on salary offset issued by the Office of Personnel Management at 5 CFR part 550, subpart K; and the regulations on tax refund offset issued by the Internal Revenue Service at 26 CFR 301.6402–6.

(b) *Scope.* (1) This part 1730 applies to debts that are owed to the Federal Government by Federal employees, other persons, organizations, or entities that are indebted to OFHEO, and by Federal employees of OFHEO who are indebted to other agencies, except for those debts listed in paragraph (b)(2) of this section.

(2) Subparts B and C of this part 1730 do not apply to:

(i) Debts or claims arising under the Internal Revenue Code (26 U.S.C. 1 *et seq.*) or the tariff laws of the United States;

(ii) Any case to which the Contract Disputes Act (41 U.S.C. 601 *et seq.*) applies;

(iii) Any case where collection of a debt is explicitly provided for or provided by another statute, *e.g.* travel advances under 5 U.S.C. 5705 and employee training expenses under 5 U.S.C. 4108, or, as provided for by title 11 of the United States Code, when the claims involve bankruptcy;

(iv) Any debt based in whole or in part on conduct in violation of the antitrust laws or involving fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any party having an interest in the claim, unless the Department of

Justice authorizes OFHEO to handle the collection;

(v) Claims between agencies; or

(vi) A claim that has been outstanding for more than 10 years after the creditor agency's right to collect the debt first accrued, unless facts material to the Federal Government's right to collect were not known and could not reasonably have been known by the officials charged with the responsibility for discovery and collection of such debts.

(3) Nothing in this part 1730 precludes the compromise, suspension, or termination of collection actions, where appropriate under the FCCS, or the use of alternative dispute resolution methods if they are not inconsistent with applicable law and regulations.

(4) Nothing in this part 1730 precludes an employee from requesting waiver of an erroneous payment under 5 U.S.C. 5584, 10 U.S.C. 2774, or 32 U.S.C. 716, or from questioning the amount or validity of a debt, in the manner set forth in this part 1730.

§ 1730.2 Definitions.

The following definitions apply to the terms used in this part 1730, unless the term is defined elsewhere in this part 1730.

(a) *Administrative offset* means an action, pursuant to 31 U.S.C. 3716, in which the Federal Government withholds funds payable to, or held by the Federal Government for a person, organization, or other entity in order to collect a debt from that person, organization, or other entity. Such funds include funds payable by the Federal Government on behalf of a State Government.

(b) *Agency* means a department, agency, court, court administrative office, or instrumentality in the executive, judicial, or legislative branch of the Federal Government, including government corporations.

(c) *Claim* or *debt* (used interchangeably in this part 1730) means any amount of funds or property that has been determined by an agency official to be due the Federal Government by a person, organization, or entity, except another agency. It also means any amount of money, funds, or property owed by a person to a State, the District of Columbia, American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Commonwealth of Puerto Rico. A claim or debt includes:

(1) Funds owed on account of loans made, insured, or guaranteed by the Federal Government, including any deficiency or any difference between the price obtained by the Federal Government in the sale of a property and the amount owed to the Federal Government on a mortgage on the property;

(2) Expenditures of non-appropriated funds;

(3) Overpayments, including payments disallowed by audits performed by the Inspector General of the agency administering the program;

(4) Any amount the Federal Government is authorized by statute to collect for the benefit of any person;

(5) The unpaid share of any non-Federal partner in a program involving a Federal payment, and a matching or cost-sharing payment by the non-Federal partner;

(6) Any fines or penalties assessed by an agency; and

(7) Other amounts of money or property owed to the Federal Government.

(d) *Certification* means a written statement received by a paying agency from a creditor agency that request the paying agency to offset the salary of an employee and specifies that required procedural protections have been afforded the employee.

(e) *Compromise* means the settlement or forgiveness of a debt.

(f) *Creditor agency* means the agency to which the debt is owed, including a debt collection center when acting in behalf of a creditor agency in matters pertaining to the collection of a debt.

(g) *Debt.* See *Claim* or *debt* in paragraph (c) of this section.

(h) *Debt collection center* means the Department of the Treasury or any other agency or division designated by the Secretary of the Treasury with authority to collect debts on behalf of creditor agencies in accordance with 31 U.S.C. 3711(g).

(i) *Debtor* means the person, organization, or entity owing money to the Federal Government.

(j) *Disposable pay* means that part of current basic pay, special pay, incentive pay, retired pay, or retainer pay (or in the case of an employee not entitled to basic pay, other authorized pay) remaining after the deduction of any amount required by law to be withheld (other than deductions to execute garnishment orders in accordance with 5 CFR parts 581 and 582). Among the legally required deductions that OFHEO must apply first to determine disposable pay are levies pursuant to the Internal Revenue Code (title 26, United States Code) and deductions described in 5 CFR 581.105 (b) through (f), as follows:

(1) Federal employment taxes;

(2) Amounts withheld for the United States Soldiers' and Airmen's Home;

(3) Amounts deducted for Medicare;

(4) Fines and forfeiture ordered by a court-martial or by a commanding officer;

(5) Federal, State, or local income taxes to the extent authorized or required by law, but no greater than would be the case if the employee claimed all dependents to which her or she is entitled and such additional amounts for which the employee presents evidence of a tax obligation supporting the additional withholding;

(6) Health insurance premiums;

(7) Normal retirement contributions, including employee contributions to the Thrift Savings Plan; and

(8) Normal life insurance premiums, *e.g.,* Serviceman's Group Life Insurance and "Basic Life" Federal Employee's Group Life Insurance premiums, not including amounts deducted for supplementary coverage.

(k) *Employee* means a current employee of OFHEO or other agency, including a current member of the Armed Forces or a Reserve of the Armed Forces of the United States.

(l) *FCCS* means the Federal Claims Collection Standards at 4 CFR chapter II.

(m) *Hearing official* means an individual who is responsible for conducting any hearing with respect to the existence or amount of a debt claimed and for rendering a decision on the basis of such hearing. A hearing official may not be under the supervision or control of the Director of OFHEO when OFHEO is the creditor agency but may be an administrative law judge.

(n) *Notice of Intent* means a written notice of a creditor agency to a debtor that states that the debtor owes a debt to the creditor agency and apprises the debtor of the applicable procedural rights.

(o) *Notice of salary offset* means a written notice from the paying agency to an employee after a certification has been issued by a creditor agency that informs the employee that salary offset will begin at the next officially established pay interval.

(p) *Paying agency* means an agency of the Federal Government that employs the individual who owes a debt to an agency of the Federal Government.

(q) *Salary offset* means an administrative offset to collect a debt under 5 U.S.C. 5514 by deductions at one or more officially established pay intervals from the current pay account of an employee without his or her consent.

(r) *Waiver* means the cancellation, remission, forgiveness, or non-recovery of a debt allegedly owed by an employee

to OFHEO or another agency as permitted or required by 5 U.S.C. 5584 or 8346(b), 10 U.S.C. 2774, 32 U.S.C. 716, or any other law.

§ 1730.3 Collection of debts and referrals to the Department of the Treasury.

(a) *Collection activity.* The collection of debts directly and by offset shall be pursued in accordance with this part 1730. This part 1730 incorporates all applicable debt collection provisions of the FCCS and supplements the FCCS by the prescription of procedures necessary and appropriate for the operations of OFHEO.

(b) *Referral of delinquent debts.* (1) OFHEO shall transfer to the Secretary of the Department of the Treasury any past due, legally enforceable nontax debt that has been delinquent for a period of 180 days or more so that the Secretary may take appropriate action to collect the debt or terminate collection action in accordance with 31 U.S.C. 3716, 5 U.S.C. 5514, the FCCS, 5 CFR 550.1108, and 31 CFR part 285.

(2) OFHEO may transfer any past due, legally enforceable nontax debt that has been delinquent for less than a period of 180 days to a debt collection center for collection in accordance with 31 U.S.C. 3716, 5 U.S.C. 5514, 5 CFR 550.1108, 31 CFR part 285, and the FCCS.

§§ 1730.4–1730.19 [Reserved]

Subpart B—Salary Offset

§ 1730.20 Authority and scope.

(a) *Authority.* OFHEO may collect debts owed by employees to the Federal Government by means of salary offset under the authority of 5 U.S.C. 5514, 5 CFR part 550, subpart K, and this subpart B.

(b) *Scope.* (1) The procedures set forth in this subpart B apply to situations where OFHEO is attempting to collect a debt by salary offset that is owed to it by an individual employed by OFHEO or by another agency; or where OFHEO employs an individual who owes a debt to another agency.

(2) The procedures set forth in this subpart B do not apply to:

(i) Any routine intra-agency adjustment of pay that is attributable to clerical or administrative error or delay in processing pay documents that have occurred within the four pay periods preceding the adjustment, or any adjustment to collect a debt amounting to $50 or less. However, at the time of any such adjustment, or as soon thereafter as possible, OFHEO or its designated payroll agent shall provide the employee with a written notice of the nature and the amount of the adjustment and a point of contact for contesting such adjustment.

(ii) Any negative adjustment to pay that arises from an employee's election of coverage or a change in coverage under a Federal benefits program that requires periodic deductions from pay, if the amount to be recovered was accumulated over four pay periods or less. However, at the time the such adjustment is made, OFHEO or its payroll agent shall provide in the employee's earnings statement a clear and concise statement that informs the employee of the previous overpayment.

§ 1730.21 Notice requirements before salary offset where OFHEO is the creditor agency.

(a) *Notice of Intent.* Deductions from an employee's salary may not be made unless OFHEO provides the employee with a Notice of Intent a minimum of 30 calendar days before the salary offset is initiated.

(b) *Contents of Notice of Intent.* The Notice of Intent shall advise the employee of the following:

(1) OFHEO has reviewed the records relating to the claim and has determined that the employee owes the debt;

(2) OFHEO intends to collect the debt by deductions from the employee's current disposable pay account;

(3) The amount of the debt and the facts giving rise to the debt;

(4) The frequency and amount of the intended deduction (stated as a fixed dollar amount or as a percentage of pay not to exceed 15 percent of disposable pay), and the intention to continue the deductions until the debt and all accumulated interest are paid in full or otherwise resolved;

(5) The name, address, and telephone number of the person to whom the employee may propose a written alternative schedule for voluntary repayment, in lieu of salary offset. The employee shall include a justification for the alternative schedule in his or her proposal. If the terms of the alternative schedule are agreed upon by the employee and OFHEO, the alternative written schedule shall be signed by both the employee and OFHEO;

(6) An explanation of OFHEO's policy concerning interest, penalties, and administrative costs, including a statement that such assessments must be made unless excused in accordance with the FCCS;

(7) The employee's right to inspect and copy all records of OFHEO pertaining to his or her debt that are not exempt from disclosure or to receive copies of such records if he or she is unable personally to inspect the records as the result of geographical or other constraints;

(8) The name, address, and telephone number of the OFHEO employee to whom requests for access to records relating to the debt must be sent;

(9) The employee's right to a hearing conducted by an impartial hearing official with respect to the existence and amount of the debt claimed or the repayment schedule *i.e.,* the percentage of disposable pay to be deducted each pay period, so long as a request is filed by the employee as prescribed in § 1730.23; the name and address of the office to which the request for a hearing should be sent; and the name, address, and telephone number of a person whom the employee may contact concerning procedures for requesting a hearing;

(10) The filing of a request for a hearing on or before the 15th calendar day following receipt of the Notice of Intent will stay the commencement of collection proceedings and a final decision on whether a hearing will be held (if a hearing is requested) will be issued at the earliest practical date;

(11) OFHEO shall initiate certification procedures to implement a salary offset unless the employee files a request for a hearing on or before the 15th calendar day following receipt of the Notice of Intent;

(12) Any knowingly false or frivolous statement, representations, or evidence may subject the employee to:

(i) Disciplinary procedures appropriate under 5 U.S.C. chapter LXXV, 5 CFR part 752, or any other applicable statutes or regulations;

(ii) Penalties under the False Claims Act, 31 U.S.C. 3729–3731, or under any other applicable statutory authority; or

(iii) Criminal penalties under 18 U.S.C. 286, 287, 1001, and 1002, or under any other applicable statutory authority;

(13) Any other rights and remedies available to the employee under statutes or regulations governing the program for which the collection is being made;

(14) Unless there are applicable contractual or statutory provisions to the contrary, amounts paid on or deducted from debts that are later waived or found not to be owed to the Federal Government shall be promptly refunded to the employee; and

(15) Proceedings with respect to the debt are governed by 5 U.S.C. 5514.

§ 1730.22 Review of OFHEO records related to the debt.

(a) *Request for review.* An employee who desires to inspect or copy OFHEO records related to a debt owed by the employee to OFHEO must send a letter

to the individual designated in the Notice of Intent requesting access to the relevant records. The letter must be received in the office of that individual within 15 calendar days after the employee's receipt of the Notice of Intent.

(b) *Review location and time.* In response to a timely request submitted by the employee, the employee shall be notified of the location and time when the employee may inspect and copy records related to his or her debt that are not exempt from disclosure. If the employee is unable personally to inspect such records as the result of geographical or other constraints, OFHEO shall arrange to send copies of such records to the employee.

§ 1730.23 Opportunity for a hearing where OFHEO is the creditor agency.

(a) *Request for a hearing.* (1) *Time-period for submission.* An employee who requests a hearing on the existence or amount of the debt held by OFHEO or on the salary-offset schedule proposed by OFHEO, must send such request to OFHEO. The request for a hearing must be received by OFHEO on or before the 15th calendar day following receipt by the employee of the Notice of Intent.

(2) *Failure to submit timely.* If the employee files a request for a hearing after the expiration of the 15th calendar day, OFHEO may accept the request if the employee can show that the delay was the result of circumstances beyond his or her control or that he or she failed to receive actual notice of the filing deadline.

(3) *Contents of request.* The request for a hearing must be signed by the employee and must fully identify and explain with reasonable specificity all the facts, evidence, and witnesses, if any, that the employee believes support his or her position. The employee must also specify whether he or she requests an oral hearing. If an oral hearing is requested, the employee should explain why a hearing by examination of the documents without an oral hearing would not resolve the matter.

(4) *Failure to request a hearing.* The failure of an employee to request a hearing will be considered an admission by the employee that the debt exits in the amount specified in the Notice of Intent that was provided to the employee under § 1730.21(b).

(b) *Obtaining the services of a hearing official.* (1) *Debtor is not OFHEO employee.* When the debtor is not an OFHEO employee and OFHEO cannot provide a prompt and appropriate hearing before an administrative law judge or other hearing official, OFHEO may request a hearing official from an agent of the paying agency, as designated in 5 CFR part 581, appendix A, or as otherwise designated by the paying agency.

(2) *Debtor is OFHEO employee.* When the debtor is an OFHEO employee, OFHEO may contact any agent of another agency, as designated in 5 CFR part 581, appendix A, or as otherwise designated by the agency, to request a hearing official.

(c) *Procedure.* (1) *Notice of hearing.* After the employee requests a hearing, the hearing official shall notify the employee of the form of the hearing to be provided. If the hearing will be oral, the notice shall set forth the date, time, and location of the hearing, which must occur no more than 30 calendar days after the request is received, unless the employee requests that the hearing be delayed. If the hearing will be conducted by an examination of documents, the employee shall be notified within 30 calendar days that he or she should submit evidence and arguments in writing to the hearing official.

(2) *Oral hearing.* (i) An employee who requests an oral hearing shall be provided an oral hearing if the hearing official determines that the matter cannot be resolved by an examination of the documents alone, as for example, when an issue of credibility or veracity is involved. The oral hearing need not be an adversarial adjudication and rules of evidence need not apply. Witnesses who testify in an oral hearing shall do so under oath or affirmation.

(ii) Oral hearings may take the form of, but are not limited to:

(A) Informal conferences with the hearing official in which the employee and agency representative are given full opportunity to present evidence, witnesses, and argument;

(B) Informal meetings in which the hearing examiner interviews the employee; or

(C) Formal written submissions followed by an opportunity for oral presentation.

(3) *Hearing by examination of documents.* If the hearing official determines that an oral hearing is not necessary, he or she shall make the determination based upon an examination of the documents.

(d) *Record.* The hearing official shall maintain a summary record of any hearing conducted under this section.

(e) *Decision.* (1) The hearing official shall issue a written opinion stating his or her decision, based upon all evidence and information developed during the hearing, as soon as practicable after the hearing, but not later than 60 calendar days after the date on which the request was received by OFHEO, unless the hearing was delayed at the request of the employee, in which case the 60-day decision period shall be extended by the number of days by which the hearing was postponed.

(2) The decision of the hearing official shall be final and is considered to be an official certification regarding the existence and the amount of the debt for purposes of executing salary offset under 5 U.S.C. 5514. If the hearing official determines that a debt may not be collected by salary offset, but OFHEO finds that the debt is still valid, OFHEO may seek collection of the debt through other means in accordance with applicable law and regulations.

(f) *Content of decision.* The written decision shall include:

(1) A summary of the facts concerning the origin, nature, and amount of the debt;

(2) The hearing official's findings, analysis, and conclusions; and

(3) The terms of any repayment schedules, if applicable.

(g) *Failure to appear.* If, in the absence of good cause shown, such as illness, the employee or the representative of OFHEO fails to appear, the hearing official shall proceed with the hearing as scheduled, and make his or decision based upon the oral testimony presented and the documentation submitted by both parties. At the request of both parties, the hearing official may schedule a new hearing date. Both parties shall be given reasonable notice of the time and place of the new hearing.

§ 1730.24 Certification where OFHEO is the creditor agency.

(a) *Issuance.* OFHEO shall issue a certification in all cases where the hearing official determines that a debt exists or the employee admits the existence and amount of the debt, as for example, by failing to request a hearing.

(b) *Contents.* The certification must be in writing and state:

(1) That the employee owes the debt;

(2) The amount and basis of the debt;

(3) The date of the Federal Government's right to collect the debt first accrued;

(4) The date the employee was notified of the debt, the action(s) taken pursuant to OFHEO's regulations, and the dates such actions were taken;

(5) If the collection is to be made by lump-sum payment, the amount and date such payment will be collected;

(6) If the collection is to be made in installments, the amount or percentage of disposable pay to be collected in each installment and, if OFHEO wishes, the

desired commencing date of the first installments, if a date other than the next officially established pay period; and

(7) A statement that OFHEO's regulation on salary offset has been approved by the Office of Personnel Management pursuant to 5 CFR part 550, subpart K.

§ 1730.25 Voluntary repayment agreements as alternative to salary offset where OFHEO is the creditor agency.

(a) *Proposed repayment schedule.* In response to a Notice of Intent, an employee may propose to repay the debt voluntarily in lieu of salary offset by submitting a written proposed repayment schedule to OFHEO. Any proposal under this section must be received by OFHEO within 15 calendar days after receipt of the Notice of Intent.

(b) *Notification of decision.* In response to a timely proposal by the employee, OFHEO shall notify the employee whether the employee's proposed repayment schedule is acceptable. OFHEO has the discretion to accept, reject, or propose to the employee a modification of the proposed repayment schedule.

(1) If OFHEO decides that the proposed repayment schedule is unacceptable, the employee shall have 15 calendar days from the date he or she received notice of the decision in which to file a request for a hearing.

(2) If OFHEO decides that the proposed repayment schedule is acceptable or the employee agrees to a modification proposed by OFHEO, an agreement shall be put in writing and signed by both the employee and OFHEO.

§ 1730.26 Special review where OFHEO is the creditor agency.

(a) *Request for review.* (1) An employee subject to salary offset or a voluntary repayment agreement may, at any time, request a special review by OFHEO of the amount of the salary offset or voluntary repayment, based on materially changed circumstances, including, but not limited to, catastrophic illness, divorce, death, or disability.

(2) The request for special review must include an alternative proposed offset or payment schedule and a detailed statement, with supporting documents, that shows why the current salary offset or payments result in extreme financial hardship to the employee and his or her spouse and dependents. The detailed statement must indicate:

(i) Income from all sources;

(ii) Assets;

(iii) Liabilities;

(iv) Number of dependents;

(v) Expenses for food, housing, clothing, and transportation;

(vi) Medical expenses; and

(vii) Exceptional expenses, if any.

(b) *Evaluation of request.* OFHEO shall evaluate the statement and supporting documents and determine whether the original offset or repayment schedule imposes extreme financial hardship on the employee. OFHEO shall notify the employee in writing within 30 calendar days of such determination, including, if appropriate, a revised offset or payment schedule. If the special review results in a revised offset or repayment schedule, OFHEO shall provide a new certification to the paying agency.

§ 1730.27 Notice of salary offset where OFHEO is the paying agency.

(a) *Notice.* Upon issuance of a proper certification by OFHEO (for debts owed to OFHEO) or upon receipt of a proper certification from another creditor agency, OFHEO shall send the employee a written notice of salary offset.

(b) *Content of notice.* Such written notice of salary offset shall advise the employee of the:

(1) Certification that has been issued by OFHEO or received from another creditor agency;

(2) Amount of the debt and of the deductions to be made; and

(3) Date and pay period when the salary offset will begin.

(c) If OFHEO is not the creditor agency, OFHEO shall provide a copy of the notice of salary offset to the creditor agency and advise the creditor agency of the dollar amount to be offset and the pay period when the offset will begin.

§ 1730.28 Procedures for salary offset where OFHEO is the paying agency.

(a) *Generally.* OFHEO shall coordinate salary deductions under this section and shall determine the amount of an employee's disposable pay and the amount of the salary offset subject to the requirements in this section. Deductions shall begin the pay period following the issuance of the certification by OFHEO or the receipt by OFHEO of the certification from another agency, or as soon thereafter as possible.

(b) *Types of collection.* (1) *Lump-sum payment.* If the amount of the debt is equal to or less than 15 percent of the employee's disposable pay, such debt ordinarily will be collected in one lump-sum payment.

(2) *Installment deductions.* Installment deductions will be made over a period not greater than the anticipated period of employment. The size and frequency of installment deductions will bear a reasonable relation to the size of the debt and the employee's ability to pay. However, the amount deducted for any pay period will not exceed 15 percent of the disposable pay from which the deduction is made unless the employee has agreed in writing to the deduction of a greater amount. The installment payment should normally be sufficient in size and frequency to liquidate the debt in no more than three years. Installment payments of less than $50 should be accepted only in the most unusual circumstances.

(3) *Lump-sum deductions from final check.* In order to liquidate a debt, a lump-sum deduction exceeding 15 percent of disposable pay may be made pursuant to 31 U.S.C. 3716 from any final salary payment due a former employee, whether the former employee was separated voluntarily or involuntarily.

(4) *Lump-sum deductions from other sources.* Whenever an employee subject to salary offset is separated from OFHEO, and the balance of the debt cannot be liquidated by offset of the final salary check, OFHEO may offset any later payments of any kind to the former employee to collect the balance of the debt pursuant to 31 U.S.C. 3716.

(c) *Multiple debts.* (1) Where two or more creditor agencies are seeking salary offset, or where two or more debts are owed to a single creditor agency, OFHEO may, at his or her discretion, determine whether one or more debts should be offset simultaneously within the 15 percent limitation.

(2) In the event that a debt owed OFHEO is certified while an employee is subject to salary offset to repay another agency, OFHEO may, at its discretion, determine whether the debt to OFHEO should be repaid before the debt to the other agency is repaid, repaid simultaneously with the other debt, or repaid after the debt to the other agency.

(3) A levy pursuant to the Internal Revenue Code of 1986 shall take precedence over other deductions under this section, as provided in 5 U.S.C. 5514(d).

§ 1730.29 Coordinating salary offset with other agencies.

(a) *Responsibility of OFHEO as the creditor agency.* (1) OFHEO shall be responsible for:

(i) Arranging for a hearing upon proper request by a Federal employee;

(ii) Preparing the Notice of Intent consistent with the requirements of § 1730.21;

(iii) Obtaining hearing officials from other agencies pursuant to § 1730.23(b); and

(iv) Ensuring that each certification of debt is sent to a paying agency pursuant to § 1730.24(b).

(2) Upon completion of the procedures set forth in §§ 1730.24–1730.26, OFHEO shall submit to the employee's paying agency, if applicable, a certified debt claim and an installment agreement or other instruction on the payment schedule.

(i) If the employee is in the process of separating from the Federal Government, OFHEO shall submit its debt claim to the employee's paying agency for collection by lump-sum deduction from the employee's final check. The paying agency shall certify the total amount of its collection and furnish a copy of the certification to OFHEO and to the employee.

(ii) If the employee is already separated and all payments due from his or her former paying agency have been paid, OFHEO may, unless otherwise prohibited, request that money due and payable to the employee from the Federal Government be administratively offset to collect the debt.

(iii) When an employee transfers to another paying agency, OFHEO shall not repeat the procedures described in §§ 1730.24—1730.26. Upon receiving notice of the employee's transfer, OFHEO shall review the debt to ensure that collection is resumed by the new paying agency.

(b) *Responsibility of OFHEO as the paying agency.* (1) *Complete claim.* When OFHEO receives a certified claim from a creditor agency, the employee shall be given written notice of the certification, the date salary offset will begin, and the amount of the periodic deductions. Deductions shall be scheduled to begin at the next officially established pay interval or as otherwise provided for in the certification.

(2) *Incomplete claim.* When OFHEO receives an incomplete certification of debt from a creditor agency, OFHEO shall return the claim with notice that procedures under 5 U.S.C. 5514 and 5 CFR 550.1104 must be followed, and that a properly certified claim must be received before OFHEO will take action to collect the debt from the employee's current pay account.

(3) *Review.* OFHEO is not authorized to review the merits of the creditor agency's determination with respect to the amount or validity of the debt certified by the creditor agency.

(4) *Employees who transfer from one paying agency to another agency.* If, after the creditor agency has submitted the debt claim to OFHEO, the employee transfers to another agency before the debt is collected in full, OFHEO must certify the total amount collected on the debt. One copy of the certification shall be furnished to the employee and one copy shall be sent to the creditor agency along with notice of the employee's transfer. If OFHEO is aware that the employee is entitled to payments from the Civil Service Retirement and Disability Fund or other similar payments, it must provide written notification to the agency responsible for making such payments that the debtor owes a debt (including the amount) and that the requirements set forth herein and in 5 CFR part 550, subpart k, have been met.

§ 1730.30 Interest, penalties, and administrative costs.

Where OFHEO is the creditor agency, OFHEO shall assess interest, penalties, and administrative costs pursuant to 31 U.S.C. 3717 and the FCCS.

§ 1730.31 Refunds.

(a) Where OFHEO is the creditor agency, OFHEO shall promptly refund any amount deducted under the authority of 5 U.S.C. 5514 when:

(1) OFHEO receives notice that the debt has been compromised or otherwise found not to be owing to the Federal Government; or

(2) An administrative or judicial order directs OFHEO to make a refund.

(b) Unless required by law or contract, refunds under this section shall not bear interest.

§ 1730.32 Request from a creditor agency for the services of a hearing official.

(a) OFHEO may provide qualified personnel to serve as hearing officials upon request of a creditor agency when—

(1) The debtor is employed by OFHEO and the creditor agency cannot provide a prompt and appropriate hearing before a hearing official furnished pursuant to another lawful arrangement; or

(2) The debtor is employed by the creditor agency and that agency cannot arrange for a hearing official.

(b) Services provided by OFHEO to creditor agencies under this section shall be provided on a fully reimbursable basis pursuant to 31 U.S.C. 1535.

§ 1730.33 Non-waiver of rights by payments.

A debtor's payment, whether voluntary or involuntary, of all or any portion of a debt being collected pursuant to this subpart B shall not be construed as a waiver of any rights that the debtor may have under any statute, regulation, or contract, except as otherwise provided by law or contract.

§§ 1730.34–1730.39 [Reserved]

Subpart C—Administrative Offset

§ 1730.40 Authority and scope.

OFHEO may collect a debt owed to the Federal Government from a person, organization, or other entity by administrative offset, pursuant to 31 U.S.C. 3716, where:

(a) The debt is certain in amount;

(b) Administrative offset is feasible, desirable, and not otherwise prohibited;

(c) The applicable statute of limitations has not expired; and

(d) Administrative offset is in the best interest of the Federal Government.

§ 1730.41 Administrative offset prior to completion of procedures.

Prior to the completion of the procedures described in § 1730.42, OFHEO may effect administrative offset if failure to offset would substantially prejudice its ability to collect the debt, and if the time before the payment is to be made does not reasonably permit completion of the procedures described in § 1730.42. Such prior administrative offset shall be followed promptly by the completion of the procedures described in § 1730.42.

§ 1730.42 Procedures.

Unless the procedures described in § 1730.41 are used, prior to collecting any debt by administrative offset or referring such claim to another agency for collection through administrative offset, OFHEO shall provide the debtor with the following:

(a) Written notification of the nature and amount of the debt, the intention of OFHEO to collect the debt through administrative offset, and a statement of the rights of the debtor under this section;

(b) An opportunity to inspect and copy the records of OFHEO related to the debt that are not exempt from disclosure;

(c) An opportunity for review within OFHEO of the determination of indebtedness. Any request for review by the debtor shall be in writing and shall be submitted to OFHEO within 30 calendar days of the date of the notice of the offset. OFHEO may waive the time limits for requesting review for good cause shown by the debtor. OFHEO shall provide the debtor with a reasonable opportunity for an oral hearing when:

(1) An applicable statute authorizes or requires OFHEO to consider waiver of the indebtedness involved, the debtor requests waiver of the indebtedness, and

the waiver determination turns on an issue of credibility or veracity; or

(2) The debtor requests reconsideration of the debt and OFHEO determines that the question of the indebtedness cannot be resolved by review of the documentary evidence, as for example, when the validity of the debt turns on an issue of credibility or veracity. Unless otherwise required by law, an oral hearing under this subpart C is not required to be a formal evidentiary hearing, although OFHEO shall document all significant matters discussed at the hearing. In those cases where an oral hearing is not required by this subpart C, OFHEO shall make its determination on the request for waiver or reconsideration based upon a review of the written record; and

(d) An opportunity to enter into a written agreement for the repayment of the amount of the claim at the discretion of OFHEO.

§ 1730.43 Interest.

OFHEO shall assess interest, penalties, and administrative costs on debts owed to the Federal Government, in accordance with 31 U.S.C. 3717 and the FCCS. OFHEO may also assess interest and related charges on debts that are not subject to 31 U.S.C. 3717 and the FCCS to the extent authorized under the common law or other applicable statutory authority.

§ 1730.44 Refunds.

OFHEO shall refund promptly those amounts recovered by administrative offset but later found not to be owed to the Federal Government.

§ 1730.45 Requests for administrative offset to other Federal agencies.

(a) OFHEO may request that a debt owed to OFHEO be collected by administrative offset against funds due and payable to a debtor by another agency.

(b) In requesting administrative offset, OFHEO, as creditor, shall certify in writing to the agency holding funds of the debtor:

(1) That the debtor owes the debt;

(2) The amount and basis of the debt; and

(3) That OFHEO has complied with the requirements of its own administrative offset regulations and the applicable provisions of the FCCS with respect to providing the debtor with due process.

§ 1730.46 Requests for administrative offset from other Federal agencies.

(a) Any agency may request that funds due and payable to a debtor by OFHEO be administratively offset in order to collect a debt owed to such agency by the debtor.

(b) OFHEO shall initiate the requested administrative offset only upon:

(1) Receipt of written certification from the creditor agency that:

(i) The debtor owes the debt, including the amount and basis of the debt;

(ii) The agency has prescribed regulations for the exercise of administrative offset; and

(iii) The agency has complied with its own administrative offset regulations and with the applicable provisions of the FCCS, including providing any required hearing or review.

(2) A determination by OFHEO that collection by administrative offset against funds payable by OFHEO would be in the best interest of the Federal Government as determined by the facts and circumstances of the particular case and that such administrative offset would not otherwise be contrary to law.

§ 1730.47 Administrative offset against amounts payable from Civil Service Retirement and Disability Fund.

(a) *Request for administrative offset.* Unless otherwise prohibited by law, OFHEO may request that monies that are due and payable to a debtor from the Civil Service Retirement and Disability Fund (Fund) be offset administratively in reasonable amounts in order to collect in one full payment or in a minimal number of payments debt owed to OFHEO by the debtor. Such requests shall be made to the appropriate officials of the Office of Personnel Management in accordance with such regulations as may be prescribed by the Director of the Office of Personnel Management.

(b) *Contents of certification.* When making a request for administrative offset under paragraph (a) of this section, OFHEO shall include a written certification that:

(1) The debtor owes OFHEO a debt, including the amount of the debt;

(2) OFHEO has complied with the applicable statutes, regulations, and procedures of the Office of Personnel Management; and

(3) OFHEO has complied with the requirements of the FCCS, including any required hearing or review.

(c) If OFHEO decides to request administrative offset under paragraph (a) of this section, it shall make the request as soon as practicable after completion of the applicable procedures. This will satisfy any requirement that administrative offset be initiated prior to the expiration of the applicable statute of limitations. At such time as the debtor makes a claim for payments from the Fund, if at least one year has elapsed since the administrative offset request was originally made, the debtor shall be permitted to offer a satisfactory repayment plan in lieu of administrative offset if he or she establishes that changed financial circumstances would render the administrative offset unjust.

(d) If OFHEO collects part or all of the debt by other means before deductions are made or completed pursuant to paragraph (a) of this section, OFHEO shall act promptly to modify or terminate its request for administrative offset under paragraph (a) of this section.

§§ 1730.48–1730.49 [Reserved]

Subpart D—Tax Refund Offset

§ 1730.50 Authority and scope.

The provisions of 26 U.S.C. 6402(d) and 31 U.S.C. 3720A authorize the Secretary of the Treasury to offset a delinquent debt owed the Federal Government from the tax refund due a taxpayer when other collection efforts have failed to recover the amount due.

§ 1730.51 Definitions.

(a)(1) *Debt* means money owed by an individual, organization, or entity from sources which include loans insured or guaranteed by the Federal Government and all other amounts due the Federal Government from fees, leases, services, overpayments, civil and criminal penalties, damages, interest, fines, administrative costs, and all other similar sources.

(2) A debt becomes eligible for tax refund offset procedures if:

(i) It cannot currently be collected pursuant to the salary offset procedures of 5 U.S.C. 5514(a)(1);

(ii) The debt is ineligible for administrative offset under 31 U.S.C. 3716(a) by reason of 31 U.S.C. 3716(c)(2), or it cannot be collected currently by administrative offset under 31 U.S.C. 3716(a); and

(iii) The requirements of this section are otherwise satisfied.

(3) All judgment debts are past due for purposes of this subpart D. Judgment debts remain past due until paid in full.

(b) *Dispute* means a written statement supported by documentation or other evidence that all or part of an alleged debt is not past due or legally enforceable, that the amount is not the amount currently owed, that the outstanding debt has been satisfied, or in the case of a debt reduced to judgment, that the judgement has been satisfied or stayed.

(c) *Notice* means the information sent to the debtor pursuant to § 1730.53. The

date of the notice is that date shown on the notice letter as its date of issuance.

§ 1730.52 Procedures.

(a) *Referral to the Department of the Treasury.* (1) OFHEO may refer any past due, legally enforceable nonjudgment debt of an individual, organization, or entity to the Department of the Treasury for tax refund offset if OFHEO's or the referring agency's rights of action accrued more than three months but less than 10 years before the offset is made.

(2) Debts reduced to judgment may be referred at any time.

(3) Debts in amounts lower than $25 are not subject to referral.

(4) In the event that more than one debt is owed, the tax refund offset procedures shall be applied in the order in which the debts became past due.

(5) OFHEO shall notify the Department of the Treasury of any change in the amount due promptly after receipt of payment or notice of other reductions.

(b) *Notice.* OFHEO shall provide the debtor with written notice of its intent to offset before initiating the offset. Notice shall be mailed to the debtor at the current address of the debtor, as determined from information obtained from the Internal Revenue Service pursuant to 26 U.S.C. 6103(m)(2), (4), (5) or maintained by OFHEO. The notice sent to the debtor shall state the amount of the debt and inform the debtor that:

(1) The debt is past due;

(2) OFHEO intends to refer the debt to the Department of the Treasury for offset from tax refunds that may be due to the taxpayer;

(3) OFHEO intends to provide information concerning the delinquent debt exceeding $100 to a consumer reporting bureau unless such debt has already been disclosed; and

(4) Before the debt is reported to a consumer reporting agency, if applicable, and referred to the Department of the Treasury for offset from tax refunds, the debtor has 65 calendar days from the date of notice to request a review under paragraph (d).

(c) *Report to consumer reporting agency.* If the debtor neither pays the amount due nor presents evidence that the amount is not past due or is satisfied or stayed, OFHEO will report the debt to a consumer reporting agency at the end of the notice period, if applicable, and refer the debt to the Department of the Treasury for offset from the taxpayer's Federal tax refund. OFHEO shall certify to the Department of the Treasury that reasonable efforts have been made by OFHEO to obtain payment of such debt.

(d) *Request for review.* A debtor may request a review by OFHEO if he or she believes that all or part of the debt is not past due or is not legally enforceable, or in the case of a judgment debt, that the debt has been stayed or the amount satisfied, as follows:

(1) The debtor must send a written request for review to OFHEO at the address provided in the notice.

(2) The request must state the amount disputed and reasons why the debtor believes that the debt is not past due, is not legally enforceable, has been satisfied, or if a judgment debt, has been satisfied or stayed.

(3) The request must include any documents that the debtor wishes to be considered or state that additional information will be submitted within the time permitted.

(4) If the debtor wishes to inspect records establishing the nature and amount of the debt, the debtor must make a written request to OFHEO for an opportunity for such an inspection. The office holding the relevant records not exempt from disclosure shall make them available for inspection during normal business hours within one week from the date of receipt of the request.

(5) The request for review and any additional information submitted pursuant to the request must be received by OFHEO at the address stated in the notice within 65 calendar days of the date of issuance of the notice.

(6) In reaching its decision, OFHEO shall review the dispute and shall consider its records and any documentation and arguments submitted by the debtor. OFHEO shall send a written notice of its decision to the debtor. There is no administrative appeal of this decision.

(7) If the evidence presented by the debtor is considered by a non-OFHEO agent or other entities or persons acting on behalf of OFHEO, the debtor shall be accorded at least 30 calendar days from the date the agent or other entity or person determines that all or part of the debt is past due and legally enforceable to request review by OFHEO of any unresolved dispute.

(8) Any debt that previously has been reviewed pursuant to this section or any other section of this part, or that has been reduced to a judgment, may not be disputed except on the grounds of payments made or events occurring subsequent to the previous review or judgment.

Dated: June 22, 1999.

Mark A. Kinsey,

Acting Director, Office of Federal Housing Enterprise Oversight.

[FR Doc. 99–16369 Filed 6–29–99; 8:45 am]

BILLING CODE 4220–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–133–AD; Amendment 39–11213; AD 99–13–51]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–700 and –800 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) T99–13–51 that was sent previously to all known U.S. owners and operators of certain Boeing Model 737–700 and –800 series airplanes by individual telegrams. This AD requires revising the Airplane Flight Manual (AFM) to prohibit operation of the airplane under certain conditions; repetitive inspections of the tab mast fitting of the elevator tab assemblies to detect cracking; an elevator tab freeplay check; and corrective actions, if necessary. This AD also provides for optional terminating action for certain repetitive inspections. This AD requires installing an additional fastener on the tab mast fitting, which terminates the AFM revision and extends certain repetitive inspections. This action is prompted by a report of a severe vibration incident on a Boeing Model 737–800 series airplane; inspection revealed fracturing of the elevator tab mast fitting and excessive freeplay in the elevator tab. The actions specified by this AD are intended to prevent reduced controllability of the airplane due to excessive freeplay in the elevator tab or a free tab.

DATES: Effective July 6, 1999, to all persons except those persons to whom it was made immediately effective by telegraphic AD T99–13–51, issued June 10, 1999, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 6, 1999.

Comments for inclusion in the Rules Docket must be received on or before August 30, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–133–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Gregory L. Schneider, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2028; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: On June 10, 1999, the FAA issued telegraphic AD T99–13–51, which is applicable to certain Boeing Model 737–700 and –800 series airplanes.

Background

On June 2, 1999, the FAA received a report of a severe vibration incident on a Boeing Model 737–800 series airplane, which had accumulated 3,517 total flight hours and 1,284 total flight cycles. The airplane was involved in a high-speed descent with speed brakes extended while operating at an airspeed of 320 knots. During the descent, severe vibration occurred at 250 knots. At 230 knots, the speed brakes were retracted and the vibration stopped. The landing was uneventful.

Inspection of the airplane revealed that the upper flange of the right elevator tab mast fitting, to which the elevator tab push rods are attached, was found fractured. The lower flange of the fitting was not damaged. In addition, excessive freeplay in the elevator tab also was observed and measured during the inspection.

Further analysis confirmed that the damage to the fitting was aggravated by speed brake induced airframe vibrations. Such vibration could lead to damage of the elevator tab mast fitting, excessive freeplay in the tab, and consequent separation of the tab mast fitting from the tab. Excessive freeplay in the tab could result in severe airframe vibrations and consequent damage to the tab, elevator, and horizontal stabilizer. Separation of the elevator tab mast fitting will result in a free tab. These conditions, if not corrected, could result in reduced controllability of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 737–55A1068, dated June 9, 1999, which describes procedures for repetitive high frequency eddy current (HFEC) inspections of the tab mast fitting of the left and right elevator tab assembly to detect cracking, and a one-time elevator tab freeplay check to detect excessive freeplay of the elevator tab; and corrective actions, if necessary. The alert service bulletin also describes procedures for installing an additional high-strength fastener on the tab mast fitting (time-limited modification).

In addition, the alert service bulletin references removing and replacing the cracked tab mast fitting with a new, improved fitting. Such replacement, if accomplished, eliminates the need for the repetitive inspections.

Explanation of Requirements of the Rule

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design, this airworthiness directive is issued to require revising the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to prohibit operation of the airplane at certain airspeeds with the speed brakes extended, and at certain altitudes.

This AD also requires repetitive HFEC inspections of the tab mast fitting of the left and right elevator tab assembly to detect cracking, and a one-time elevator tab freeplay check to detect excessive freeplay of the elevator tab; and corrective actions, if necessary. This AD also provides for optional terminating action for the repetitive HFEC inspections.

Certain actions are required to be accomplished in accordance with the alert service bulletin described previously.

Additionally, this AD requires installing an additional high-strength fastener on the tab mast fitting (time-limited modification). Such installation terminates the AFM revision and allows extension of the repetitive interval for accomplishment of the HFEC inspections.

It should be noted that, although this AD prohibits the deployment of the spoilers at speeds in excess of 310 knots indicated airspeed (IAS), the FAA recognizes that under emergency circumstances, previous pilot training and human factors could result in deployment of the spoilers at such speeds notwithstanding the AFM prohibition. In this event, this AD requires accomplishment of the HFEC inspection of the tab mast fitting and of the check of the tab for freeplay prior to further flight after landing.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual telegrams issued on June 10, 1999, to all known U.S. owners and operators of Boeing Model 737–700 and –800 series airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Interim Action

In the preamble to AD T99–13–51, the FAA indicated that the actions required by that AD were considered to be interim action and that the FAA may consider further rulemaking to require replacement of the tab mast fitting with a new, improved fitting.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that

summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99–NM–133–AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

99–13–51 Boeing: Amendment 39–11213. Docket 99–NM–133–AD.

Applicability: Model 737–700 and –800 series airplanes having line numbers 1 through 190, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (g) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced controllability of the airplane due to excessive freeplay in the elevator tab or a free tab, accomplish the following:

Airplane Flight Manual (AFM) Revision

(a) Within 24 clock hours after the effective date of this AD, revise the Limitations Section of the FAA-approved AFM to include the following information. This may be accomplished by inserting a copy of this AD into the AFM.

Do not operate the airplane at speeds in excess of 310 knots indicated airspeed (IAS) with speed brakes extended. Do not operate the airplane above FL 390.

(b) In the event of deployment of the speed brakes at speeds in excess of 310 knots indicated airspeed (IAS), prior to further flight after landing, accomplish the requirements of paragraph (c) of this AD.

Inspection and Check

(c) Within 10 days after the effective date of this AD, perform a high frequency eddy current (HFEC) inspection of the tab mast fitting of the left and right elevator tab assembly to detect cracking, and a one-time elevator tab freeplay check to detect freeplay of the elevator tab, in accordance with Boeing Alert Service Bulletin 737–55A1068, dated June 9, 1999.

(1) If no cracking is found in the elevator tab mast fitting, repeat the HFEC inspection thereafter at intervals not to exceed 15 days, until accomplishment of the actions required by paragraph (d) of this AD.

(2) If any cracking is found in the elevator tab mast fitting, prior to further flight, accomplish the requirements of paragraph (e) of this AD.

(3) If any freeplay is found that is outside the limits specified in the alert service bulletin, prior to further flight, perform corrective actions in accordance with the alert service bulletin.

Note 2: Boeing Alert Service Bulletin 737–55A1068, dated June 9, 1999, references Boeing Model 737–600/–700/–800 Maintenance Manual (AMM), Subjects 27–09–91, 27–31–00, and 51–21–99; 737 Nondestructive Test (NDT) Manual D6–37239, Part 6, Subject 55–00–00; 737 Structural Repair Manual (SRM) Subject 51–20–81; and Operations Manual Service Bulletin D6–27370–TBC ("Elevator Tab Operational Limitations"), dated June 10, 1999; as additional sources of service information to accomplish certain requirements of this AD.

Time-Limited Modification

(d) Within 90 days after the effective date of this AD, install an additional high-strength fastener on the elevator tab mast fitting in accordance with Boeing Alert Service Bulletin 737–55A1068, dated June 9, 1999. Accomplishment of this modification constitutes terminating action for the requirements of paragraph (b) of this AD. Following accomplishment of the installation, the AFM revision required by paragraph (a) of this AD may be removed from the AFM. Following accomplishment of the installation, repeat the HFEC inspection required by paragraph (c) of this AD thereafter at intervals not to exceed 90 days until accomplishment of paragraph (e) of this AD.

Replacement

(e) Replacement of the elevator tab mast fitting with a new, improved fitting in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, constitutes terminating action for the requirements of this AD.

Spares

(f) As of receipt of this AD, no elevator tab mast fitting, part numbers (P/N) 185A400–1 or 185A400–2, shall be installed on any airplane.

Alternative Methods of Compliance

(g) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

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

Special Flight Permits

(h) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(i) The inspections, check, and time-limited modification shall be done in accordance with Boeing Alert Service Bulletin 737–55A1068, dated June 9, 1999. This incorporation by reference was approved by the Director of the Federal

Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(j) This amendment becomes effective on July 6, 1999, to all persons except those persons to whom it was made immediately effective by telegraphic AD T99–13–51, issued on June 10, 1999, which contained the requirements of this amendment.

Issued in Renton, Washington, on June 22, 1999.

D. L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–16325 Filed 6–29–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–243–AD; Amendment 39–11214; AD 99–14–05]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 777–200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 777–200 series airplanes, that requires inspections to verify correct installation of certain fasteners located on the trailing edges of the horizontal and vertical stabilizer; replacement of the existing fasteners with new fasteners installed with wet sealant; and follow-on actions, if necessary. This amendment is prompted by reports indicating that, during manufacture of the horizontal and vertical stabilizers, certain fasteners attaching the aluminum ribs and brackets to the trailing edges on the empennage were not correctly installed with wet sealant. The actions specified by this AD are intended to prevent corrosion and possible cracking of those aluminum parts, which could result in loss of the attachment of the elevator and rudder to the empennage and consequent reduced controllability of the airplane.

DATES: Effective August 4, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 4, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Stan Wood, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2772; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 777–200 series airplanes was published in the **Federal Register** on October 14, 1998 (63 FR 55065). That action proposed to require inspections to verify correct installation of certain fasteners located on the trailing edges of the horizontal and vertical stabilizer; replacement of the existing fasteners with new fasteners installed with wet sealant; and follow-on actions, if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the proposed rule; another commenter indicates that it is not affected by the proposed rule.

Request To Extend Compliance Time

One commenter (an operator) requests that the FAA extend the proposed compliance time for accomplishment of the actions from five years to six years since the date of manufacture of the airplane. The commenter indicates that its airplanes were delivered in February and March 1996, which would require the inspections to be accomplished within 2.2 years. In support of the request for extension, if approved by the FAA, the commenter states that it will immediately apply corrosion inhibiting compound to the area, inspect the fastener holes for corrosion after oversizing, and remove any detected corrosion.

The FAA does not concur with the commenter's request and proposal. If the fasteners were not correctly installed with wet sealant in production, the application of corrosion inhibiting compound prior to further flight would have limited effectiveness for corrosion prevention. In light of the fact that there is continued degradation of the structure due to corrosion, the FAA has determined that a one year extension is not warranted. No change to the final rule is necessary in this regard.

Request To Revise Cost Impact Information

One commenter requests that the cost impact information for accomplishment of the inspections of the horizontal and vertical stabilizer as stated in the proposed rule be revised to reflect the work hours and associated costs specified in the service bulletin. The commenter also states that the work hours and cost for replacement of any incorrectly installed fasteners, in addition to the cost for the fastener repair kit, should be included in the economic analysis.

The FAA does not concur that a change to the cost impact information is necessary. The inspections of the horizontal and vertical stabilizer that the commenter refers to are inspections that must be accomplished to detect incorrect installation of any fasteners. The cost impact information, restated below, describes only the "direct" costs of the specific actions required by this AD. The number of work hours represents the time necessary to perform only the inspections actually required by this AD. The FAA recognizes that, in accomplishing the requirements of any AD, operators may incur "incidental" costs in addition to the "direct" costs. The cost analysis in AD rulemaking actions, however, typically does not include incidental costs, such as the time required to gain access and close up; planning time; or time necessitated by other administrative actions.

In addition, the economic analysis of the AD is limited to the cost of actions actually required by the rule. It does not consider the costs of "on condition" actions such as replacement of an incorrectly installed fastener if one is detected during a required inspection ("replace, if necessary"). Such "on-condition" replacement would be required to be accomplished regardless of AD direction, in order to correct an unsafe condition identified in an airplane and to ensure operation of that airplane in an airworthy condition, as required by the Federal Aviation Regulations.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 18 airplanes of the affected design in the worldwide fleet. The FAA estimates that 2 airplanes of U.S. registry will be affected by this AD.

It will take approximately 331 work hours per airplane to accomplish the required inspection of the horizontal stabilizer, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this inspection, as required by this AD, on U.S. operators is estimated to be $39,720, or $19,860 per airplane.

It will take approximately 206 work hours per airplane to accomplish the required inspection of the vertical stabilizer, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this inspection, as required by this AD, on U.S. operators is estimated to be $24,720, or $12,360 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

99–14–05 Boeing: Amendment 39–11214. Docket 98–NM–243–AD.

Applicability: Model 777–200 series airplanes, line numbers 15 through 33, excluding line number 18; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent corrosion and possible cracking of the aluminum ribs and brackets of the trailing edges on the empennage, which could result in loss of the attachment of the elevator and rudder to the empennage and consequent reduced controllability of the airplane, accomplish the following:

(a) Within five years since the date of manufacture of the airplane, perform visual inspections of the specified number of fasteners installed in each zone on the aluminum ribs and brackets located on the trailing edges of the horizontal and vertical stabilizer to verify correct installation of fasteners with wet sealant, in accordance with Boeing Alert Service Bulletin 777–55A0005, Revision 1, dated June 4, 1998. Following the inspection, oversize the holes for all removed fasteners, apply primer, and install new, oversize fasteners with wet sealant, in accordance with the alert service bulletin.

(1) If the fasteners are correctly installed with wet sealant, no further action is required for that zone.

(2) If the fasteners are not correctly installed with wet sealant in any zone, remove the remaining fasteners in that zone, oversize the holes, apply primer, and install new, oversize fasteners with wet sealant, in accordance with the alert service bulletin.

(3) If it cannot be determined that the fasteners are correctly installed with wet sealant, remove and inspect the specified number of additional fasteners in that zone, oversize the holes, apply primer, and install new, oversize fasteners with wet sealant, in accordance with the alert service bulletin.

(i) If, after removal, all additional fasteners inspected in that zone are found to be correctly installed with wet sealant, no further action is required for that zone.

(ii) If, after removal, the fasteners in that zone are found to be incorrectly installed, remove all other fasteners in the zone, oversize the holes, apply primer, and install new, oversize fasteners with wet sealant, in accordance with the alert service bulletin.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The actions shall be done in accordance with Boeing Alert Service Bulletin 777–55A0005, Revision 1, dated June 4, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on August 4, 1999.

Issued in Renton, Washington, on June 22, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–16324 Filed 6–29–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ASO–6]

Amendment to Class D and Class E Airspace; San Juan, PR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment modifies Class D airspace at Fernando Luis Ribas Dominicci Airport, San Juan, PR, and Class E5 airspace at Luis Munoz Marin International Airport, San Juan, PR. A Global Positioning System (GPS) Runway (RWY) 9 Standard Instrument Approach Procedure (SIAP) has been developed for Fernando Luis Ribas Dominicci Airport. As a result, additional Class D controlled airspace for the Fernando Luis Ribas Dominicci Airport, extending upward from the surface, and additional Class E5 controlled airspace for the Luis Munoz Marin International airport, extending upward from 700 feet above the surface, is needed to accommodate the SIAP and for Instrument Flight rules (IFR) operations at Fernando Luis Ribas Dominicci Airport. The Class D airspace will increase from a 3-mile, to a 3.9-mile radius of Fernando Luis Ribas Dominicci Airport and within 1 mile each side of the 275° bearing from the Fernando Luis Ribas Dominicci Airport, extending from the 3.9-mile radius to 5.3 miles west of the airport. The Class E5 airspace area for the Luis Munoz Marin International Airport will increase within 1 mile each side of the 275° bearing from the Fernando Luis Ribas Dominicci Airport, extending 2.5 miles west of the 13-mile radius of the Luis Munoz Marin International Airport. The operating status of the Fernando Luis Ribas Dominicci Airport will change from Visual Flight Rules (VFR) to include IFR operations concurrent with the publication of the SIAP.

EFFECTIVE DATE: 0901 UTC, September 9, 1999.

FOR FURTHER INFORMATION CONTACT: Nancy B. Shelton, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5627.

SUPPLEMENTARY INFORMATION:

History

On April 29, 1999, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending Class D airspace at the Fernando Luis Ribas Dominicci Airport, San Juan, PR, and Class E5 airspace at the Luis Munoz Marin International Airport, San Juan, PR, (64 FR 23028). This action provides adequate Class D and Class E5 airspace for IFR operations at Fernando Luis Ribas Dominicci Airport. Designations for Class D airspace and Class E5 airspace areas extending upward from 700 feet or more above the surface are published in FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR part 71.1. The Class D and E designations listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class D airspace at the Fernando Luis Ribas Dominicci Airport and Class E5 airspace at the Luis Munoz Marin International Airport.

The FAA has determined that this regulation only involves an established body of technical regulation 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 rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air). Adoption of the Amendment.

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

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D AND CLASS E AIRSPACE AREAS; AIRWAYS; 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; EO 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 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASO PR D San Juan, PR [Revised]

Fernando Luis Ribas Dominicci Airport
(Lat. 18°27'25" N, long. 66°05'54" W)
Luis Munoz Marin International Airport
(Lat. 18°26'22" N, long. 66°00'07" W)

That airspace extending upward from the surface, to but not including 1,200 feet MSL, within a 3.9-mile radius of San Juan Fernando Luis Ribas Dominicci Airport and within 1 mile each side of the 275° bearing from the Fernando Luis Ribas Dominicci Airport, extending from the 3.9-mile radius to 5.3 miles west of the airport; excluding that portion within the San Juan Luis Munoz Marin International Airport, PR, Class C airspace area. This Class D airspace area is effective during the dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More above the Surface of the Earth.

* * * * *

ASO PR E5 San Juan, PR [Revised]

Luis Munoz Marin International Airport
(Lat. 18°26'22" N, long. 66°00'07" W)
Fernando Luis Ribas Dominicci Airport
(Lat. 18°27'25" N, long. 66°05'54" W)

That airspace extending upward from 700 feet or more above the surface south of lat. 18°23'00"N, within a 17-mile radius of Luis Munoz International Airport and that airspace north of lat. 18°23'00"N, within a 13-mile radius of Luis Munoz Marin International Airport and within 1 mile each side of the 275° bearing from the Fernando Luis Ribas Dominicci Airport, extending 2.5 miles west from the 13-mile radius point.

* * * * *

Issued in College Park, Georgia, on June 10, 1999.

Nancy B. Shelton,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 99–16663 Filed 6–29–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ASO–7]

Amendment of Class E Airspace; Sanford, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment modifies Class E airspace at Sanford, NC. The Sanford-Lee County Brick Field Airport has been relocated approximately 10 miles northeast and the name of the airport has been changed to Sanford-Lee County Regional Airport. An Instrument Landing System (ILS)/Distance Measuring Equipment (DME) Runway (RWY) 3 Standard Instrument Approach Procedure (SIAP) has been developed for Sanford-Lee Country Regional Airport. As a result, additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for Instrument Flight Rules (IFR) operations at Sanford-Lee Country Regional Airport.

EFFECTIVE DATE: 0901 UTC, September 9, 1999.

FOR FURTHER INFORMATION CONTACT: Nancy B. Shelton, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5627.

SUPPLEMENTARY INFORMATION:

History

On May 4, 1999, FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending Class E airspace at Sanford, NC, (64 FR 23807). This action provides adequate Class E airspace for IFR operations at the Sanford-Lee County Regional Airport. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR part 71.1. The Class E designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class E airspace at Sanford, NC, for the Sanford-Lee County Regional Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation, as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subject in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 39 U.S.C. 106(g), 40103, 40113, 30120; EO 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 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More above the Surface of the Earth.

* * * * *

ASO NC E5 Sanford, NC [Revised]

Sanford-Lee County Regional Airport, NC
(Lat. 35°34′57″ N, long. 79°06′05″ W)

That airspace extending upward from 700 feet or more above the surface within a 6.6-mile radius of Sanford-Lee County Regional Airport.

* * * * *

Issued in College Park, Georgia, on June 10, 1999.

Nancy B. Shelton,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 99–16662 Filed 6–29–99; 8:45 am]

BILLING CODE 4910–13–M

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

Exchange Visitor Program

AGENCY: United States Information Agency.

ACTION: Statement of policy.

SUMMARY: The Agency hereby announces its police regarding various program administration issues arising from the pursuit of graduate medical education or training in the United States by foreign medical graduates under the aegis of the Exchange Visitor Program.

EFFECTIVE DATE: This policy statement is effective June 30, 1999.

FOR FURTHER INFORMATION CONTACT: Stanley S. Colvin, Assistant General Counsel, United States Information Agency, 301 4th Street, S.W., Washington, DC 20547; telephone, (202) 619–6531.

SUPPLEMENTARY INFORMATION: Since enactment of the Health Care Professions Act, Pub. L. 94–484, USIA has been responsible for the administration and oversight of exchange programs whereby foreign medical graduates enter the United States to pursue graduate medical eduation or training opportunities at U.S. medical training facilities, most of whom enter the United States to pursue clinical-based medical speciality training. In addition to reviewing the credentials of foreign medical graduates, and pursuant to a long-standing agreement, the Educational Commission for Foreign Medical Graduates (ECFMG) is responsible for the day to day administration of these exchange programs. ECFMG administration of these programs is conducted in conformance with the program and policy guidance of the USIA, which in turn is developed in consultation with the Secretary of Health and Human

Services. Periodically, program administration issues arise and USIA provides appropriate guidance to the ECFMG on how to address such issues. Recently, five specific questions regarding eligibility for program participation have presented themselves.

A foreign medical graduate seeking to pursue graduate medical education must apply for a residency program in one of the recognized speciality or subspeciality fields of medicine. These residency programs are conducted by the various teaching hospitals and medical facilities located throughout the United States. Because such residency programs require the performance of clinical care of patients, the individual states require that the foreign medical graduate be licensed to practice medicine in the particular state. The question of state licensure comes up at both the beginning of a program of graduate medical education as an eligibility criteria and at the end of a program when the foreign medical graduate seeks a waiver of the statutorily-imposed two-year home country physical presence requirement. Because the question of who may practice medicine in any jurisdiction is a unique question of local determination, USIA imposes no regulatory requirement regarding state licensure.

A recurring question regarding eligibility for program participation arises from the statutory requirement that the foreign medical graduate present a statement of need from his or her country of nationality or last legal permanent residence. This statement of need is submitted in a prescribed format and provides assurances to the United States Government that the graduate medical education that the foreign medical graduate will pursue is of use to his or her country of nationality or last legal permanent residence. The foreign medical graduate seeking to pursue graduate medical education does not have a choice regarding which country will submit the statement of need. Such determination is self-executing and fact based. Does the foreign medical graduate reside in his or her country of nationality? If so, the statement of need is submitted from that country. If the foreign medical graduate does not reside in his or her home country, then the statement of need is submitted by his or her country of last legal permanent residence. If the foreign medical graduate cannot submit the appropriate statutorily-mandated statement of need the foreign medical graduate is ineligible for program participation.

An additional area of program administration that has generated substantial interest is the eligibility of foreign medical graduates to continue in J-visa status following the completion of their graduate medical education. This eligibility question arises for those foreign medical graduates who have completed their program and who have also received a waiver of the two-year home country physical presence requirement. These participants are required to adjust their non-immigrant status from the J-visa to the work based H-visa. In doing so, many participants have been delayed in their receipt of the H-visa because of the yearly numerical limitation governing the initial issuance of H-visas. To accommodate these participants, USIA has adopted a policy that participants who have received an IGA or State 20 based waiver and who are sitting for speciality board examinations may continue in J-visa status. These participants are not authorized to work while in this extension period and the extension is limited to the end of the month in which the Board examination is given but not to exceed six months.

Two employment related or work authorization questions arises from the desire of many participants and medical facilities to have the foreign medical graduate participate in residency training as a "chief" resident or work outside of the residency program. First, the number of years of eligibility for program participation and thereby work authorization is totally dependent upon the period of time established by the American Council for Graduate Medical Education as published in the *American Medical Association; Graduate Medical Education Directory*. It appears that many residency programs have attempted to add an additional year of residency training and thereby have the services of the foreign medical graduate for the additional year. Given the requirement that the USIA administer this activity on a national basis and in conjunction with criteria established by the Secretary of Health and Human Services, USIA will not authorize program participation for this additional year unless such additional year is set forth as a requirement in the *American Medical Association; Graduate Medical Education Directory*. Further, a foreign medical graduate is not authorized to "moonlight" and is without work authorization to do so. A foreign medical graduate may receive compensation from the medical training facility for work activities that are an integral part of his or her residency program. The foreign medical graduate is not authorized to work at other medical facilities or emergency rooms at night or on weekends. Such outside employment is a violation of the foreign medical graduate's program status and would subject the foreign medical graduate to termination of his or her program.

Finally, USIA has examined the eligibility of foreign medical graduates who have entered the United States not as alien physicians seeking to pursue graduate medical education or training, but as research scholars holding a J-visa. The Exchange Visitor Program is premised upon the idea that foreign nationals will enter the United States for a specific program purpose such as training or research and then return to their home country to share their impressions and experiences with their countrymen. This premise, which lies at the heart of the Agency's mission, obligates the Agency to administer the program in the manner most likely to achieve this exchange objective. Accordingly, the Agency has informed the ECFMG that individuals who have participated in the Exchange Visitor Program as a research scholar or professor participant during the twelve month period preceding their proposed commencement of a program of graduate medical education are ineligible for sponsorship.

Dated: June 25, 1999.

Les Jin, General Counsel.

[FR Doc. 99–16757 Filed 6–29–99; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 203

[Docket No. FR–4411–F–03]

RIN 2502–AH30

Single Family Mortgage Insurance; Informed Consumer Choice Disclosure Notice: Technical Correction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule; technical correction.

SUMMARY: This rule makes a technical correction to HUD's rule on Informed Consumer Choice Disclosure Notice, published on June 2, 1999, to provide for a compliance date of September 2, 1999 for mortgagees subject to the requirements of this rule.

DATES: *Effective Date:* July 2, 1999.

FOR FURTHER INFORMATION CONTACT: Vance T. Morris, Director, Home

Mortgage Insurance Division, Office of Insured Single Family Housing, Room 9270, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–8000; telephone (202) 708–2700 (this is not a toll-free number). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: On June 2, 1999 (64 FR 29758), HUD published a final rule to implement a recent statutory amendment to HUD's Federal Housing Administration (FHA) Single Family Mortgage Insurance Program. The statutory amendment requires an original lender to provide certain information, in the form of a disclosure notice, to prospective borrowers who have applied for an FHA-insured home mortgage; and that HUD develop this disclosure notice. Specifically, through the disclosure notice, the lender must provide the prospective FHA borrower with an analysis comparing the mortgage costs of the FHA-insured mortgage with the mortgage costs of other similar conventional mortgage products that the lender offers and that the borrower may qualify for. The disclosure notice must also provide information about when the requirement to pay FHA mortgage insurance premiums terminates. This final rule takes effect on July 2, 1999.

In developing the Informed Consumer Choice Disclosure Notice final rule, HUD intended to provide mortgagees with sufficient time to prepare their own disclosure notices, based on HUD's model notice, once HUD issued its rule that provides the model notice. While HUD believed that it could not delay the effective date of the rule, as requested by some commenters, in view of the statutory requirement imposed on HUD to promptly develop the disclosure notice through rulemaking, HUD believes that it is not inconsistent with statutory intent to allow mortgagees the requisite time to design and develop their disclosure notices based on HUD's model notice. The June 2, 1999 inadvertently failed to include this additional time.

Accordingly, this final rule makes a technical correction to the June 2, 1999 final rule to provide that the requirements of new § 203.10 are applicable to any application for mortgage insurance authorized under section 203(b) of the National Housing Act (12 U.S.C. 1709) that the mortgagee receives on or after September 2, 1999 (see § 203.10(e)).

Other Matters

Justification for Final Rulemaking

In general, the Department publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking at 24 CFR part 10. Part 10, however, does provide for exceptions from that general rule where the Department finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when the prior public procedure is "impracticable, unnecessary, or contrary to the public interest" (24 CFR 10.1). The Department finds that good cause exists to publish this final rule for effect without first soliciting public comment, in that prior public procedure is unnecessary. Public procedure is unnecessary because this final rule simply makes a technical correction to its HUD's Informed Consumer Choice regulation to provide covered lenders with the necessary time to prepare their disclosure notices, based on HUD's model notice.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this final rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule only makes a technical correction to HUD's Informed Consumer Choice rule to provide for a compliance date of September 2, 1999 for covered lenders.

Environmental Impact

This final rule is exempt from the environmental review procedures under HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) because of the exemption under § 50.19(c)(1). This final rule only makes a technical correction to an existing regulation.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. No programmatic or policy changes will result from this rule that would affect the relationship between the Federal Government and State and local governments.

List of Subjects in 24 CFR Part 203

Hawaiian Natives, Home improvement, Indians—lands, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

For the reasons discussed in the preamble, HUD amends 24 CFR part 203 as follows:

PART 203—SINGLE FAMILY MORTGAGE INSURANCE

1. The authority citation for 24 CFR part 203 continues to read as follows:

Authority: 12 U.S.C. 1709, 1710, 1715b, and 1715u; 42 U.S.C. 3535(d).

2. Paragraph (e) of § 203.10 is revised to read as follows:

§ 203.10 Informed consumer choice for prospective FHA mortgagors.

* * * * *

(e) *Applicability.* This section applies to any application for mortgage insurance authorized under section 203(b) of the National Housing Act (12 U.S.C. 1709) that the mortgagee receives on or after September 2, 1999.

* * * * *

Dated: June 25, 1999.

William C. Apgar,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 99–16612 Filed 6–25–99; 2:10 pm]

BILLING CODE 4210–27–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Chapter V

Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers: Additional Designations and Removals and Supplementary Information on Specially Designated Narcotics Traffickers; Removal of Appendix B; Redesignation of Appendix C

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Amendment of final rule.

SUMMARY: The Treasury Department is amending appendix A to 31 CFR chapter V by adding the names of 8 individuals and 41 entities and supplementing information concerning 44 individuals who have been designated as specially designated narcotics traffickers. The entries for four individuals previously listed as

specially designated narcotics traffickers are being removed from appendix A. In addition, appendix B to 31 CFR chapter V is being removed and appendix C is being redesignated as appendix B.

EFFECTIVE DATE: June 25, 1999.

FOR FURTHER INFORMATION CONTACT: Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, tel.: 202/622–2520.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

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Background

Appendix A to 31 CFR chapter V contains the names of blocked persons, specially designated nationals, specially designated terrorists, foreign terrorist organizations, and specially designated narcotics traffickers designated pursuant to the various economic sanctions programs administered by the Office of Foreign Assets Control ("OFAC"). Pursuant to Executive Order 12978 of October 21, 1995, "Blocking Assets and Prohibiting Transactions with Significant Narcotics Traffickers" (the "Order"), and § 536.312 of the Narcotics Trafficking Sanctions Regulations, 31 CFR part 536 (the "Regulations"), the following 8 individuals and 41 entities are added to appendix A as persons who have been determined to play a significant role in international narcotics trafficking centered in Colombia, to materially assist in or provide financial support or technological support for, or goods or services in support of other specially designated narcotics traffickers, or to be owned or controlled by, or to act for or on behalf of, persons designated in or pursuant to the Order (collectively, "Specially Designated Narcotics Traffickers" or "SDNTs"). All real and personal property in which the SDNTs have any interest, including but not limited to all accounts, that are or come within the United States or that are or come within the possession or control of U.S. persons, including their overseas branches, are blocked. All transactions by U.S. persons or within the United States in property or interests in property of SDNTs are prohibited unless licensed by the Office of Foreign Assets Control or exempted by statute. Supplementary information is added to existing SDNT entries for 44 individuals and those entries are revised in their entirety.

The entries for four SDNT individuals are being removed from appendix A because OFAC has determined that these individuals no longer meet the criteria for designation as SDNTs. All real and personal property of these individuals, including all accounts in which they have any interest, that had been blocked solely due to the their designation as SDNTs, is unblocked; and all lawful transactions involving U.S. persons and these individuals are permissible.

Designations of foreign persons blocked pursuant to the Order are effective upon the date of determination by the Director of the Office of Foreign Assets Control, acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the **Federal Register**, or upon prior actual notice.

Appendix B to 31 CFR chapter V lists the names of blocked persons, specially designated nationals, specially designated terrorists, foreign terrorist organizations, and specially designated narcotics traffickers geographically by the country or countries in which they are or have been located (where known). The Office of Foreign Assets Control has determined that continued publication of this appendix is unwarranted, because the named persons' known locations are already available in appendix A, and because the absence of a name listing under a particular country is not a reliable basis upon which to conclude that the designated entity, individual, or group is not located or operating there. The public can download the database of country listings provided on OFAC's Internet site (http://www.treas.gov/ofac) for current information on known geographical locations. The public should make further inquiry before concluding that a person is not a designated person, based solely on geographical information, if that person's name and other identifying information match information in appendix A. A new note is added to the notes to the appendices to inform the public of the availability of up-to-date information on OFAC's Internet site.

Because the Regulations involve a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act (5 U.S.C. 553), requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

For the reasons set forth in the preamble, and under the authority of 3 U.S.C. 301; 50 U.S.C. 1601–1651, 1701–1706; E.O. 12978, 60 FR 54579, 3 CFR, 1995 Comp., p. 415, the appendices to 31 CFR chapter V are amended as set forth below:

1. The notes to the appendices to chapter V are amended by adding a note 7 to read as follows:

APPENDICES TO CHAPTER V

Notes: * * *

* * * * *

7. Changes to these appendices are made through amendments published in the **Federal Register**. Frequently updated information on Office of Foreign Assets Control ("OFAC") designations is provided for examination or downloading on OFAC's Internet site (http://www.treas.gov/ofac). Among other data, the Internet site posts changes in designations and identifying information, and provides country–by–country lists of names. Information is also available by fax through OFAC's fax–on–demand system at 202/622–0077 and on various computer bulletin boards serviced by OFAC. Updated information on OFAC designations should be consulted before engaging in transactions subject to the economic sanctions programs in chapter V. (Please call OFAC Compliance Programs Division for current electronic sources of OFAC information: 202/622–2490.)

Appendix A [Amended]

2. Appendix A to 31 CFR chapter V is amended by adding the following

names inserted in alphabetical order in appendix A, section I:

ADMACOOP (a.k.a. COOPERATIVA MULTIACTIVA DE ADMINISTRACION Y MANEJO ADMACOOP), Calle 12B No. 28–58, Bogota, Colombia; Carrera 28A No. 14–29, Bogota, Colombia; NIT # 830030933–6 (Colombia) [SDNT]

ALKALA ASOCIADOS S.A. (f.k.a. INVHERESA S.A.), Calle 1A No. 62A–130, Cali, Colombia; Calle 1A No. 62A–120, Cali, Colombia; Avenida 2N No. 7N–55 of. 501, Cali, Colombia; Calle 70N No. 14–31, Cali, Colombia; NIT # 800108121–0 (Colombia) [SDNT]

BONOMERCAD S.A. (f.k.a. DECACOOP S.A.), Transversal 29 No. 39–92, Bogota, Colombia; NIT # 830018919–3 (Colombia) [SDNT]

C.N.A. PUBLICIDAD LTDA., Calle 74 No. 53–30, Barranquilla, Colombia; NIT # 802002664–9 (Colombia) [SDNT]

CAMPO VERDE LTDA., Carrera 54 No. 75–97 piso 2, Barranquilla, Colombia; NIT # 800204479–2 (Colombia) [SDNT]

CARRILLO QUINTERO, Eugenio, c/o BONOMERCAD S.A., Bogota, Colombia; c/o DECAFARMA S.A., Bogota, Colombia; c/o PATENTES MARCAS Y REGISTROS S.A., Bogota, Colombia; c/o SHARPER S.A., Bogota, Colombia; Cedula No. 73094061 (Colombia) (individual) [SDNT]

CLAUDIA PILAR RODRIGUEZ Y CIA. S.C.S., Calle 17A No. 28A–43, Bogota, Colombia; NIT # 830007201–7 (Colombia) [SDNT]

CLUB AMERICA DE CALI (see CORPORACION DEPORTIVA AMERICA) [SDNT]

CLUB DEPORTIVO AMERICA (see CORPORACION DEPORTIVA AMERICA) [SDNT]

COLCERDOS LTDA. (see COLOMBIANA DE CERDOS LTDA.) [SDNT]

COLOMBIANA DE CERDOS LTDA. (a.k.a. COLCERDOS LTDA.), Km. 3 Via Marsella Parque Industrial, Pereira, Colombia; Apartado Aereo 3786, Pereira, Colombia; NIT # 800018928–0 (Colombia) [SDNT]

COLOR STEREO S.A. (see SONAR F.M. S.A.) [SDNT]

COLOR'S S.A. (see SONAR F.M. S.A.) [SDNT]

COMERCIALIZACION Y FINANCIACION DE AUTOMOTORES S.A. (a.k.a. COMFIAUTOS S.A.), Carrera 4 No. 11–33 of. 303, Cali, Colombia; Avenida 2N No. 7N–55 of. 609, Cali, Colombia; NIT # 800086115–1 (Colombia) [SDNT]

COMFIAUTOS S.A. (see COMERCIALIZACION Y FINANCIACION DE AUTOMOTORES S.A.) [SDNT]

COMPAÑIA ADMINISTRADORA DE VIVIENDA S.A. (f.k.a. INVERSIONES GEMINIS S.A.), Carrera 40 No. 6–24 of. 402B, Cali, Colombia; Carrera 41 No. 6–15/35, Cali, Colombia; NIT # 800032419–1 (Colombia) [SDNT]

CONE S.A. (see CONSTRUCTORA EL NOGAL S.A.) [SDNT]

CONSTRUCCIONES COLOMBO–ANDINAS LTDA., Carrera 8 No. 16–79 of. 504, Bogota, Colombia; Calle 29 No. 36–61, Bogota, Colombia; NIT # 860505252–8 (Colombia) [SDNT]

CONSTRUCTORA EL NOGAL S.A. (f.k.a. CONE S.A.; f.k.a. CONSTRUEXITO S.A.), Avenida 2N No. 7N–55 of. 501, Cali, Colombia; Calle 2A No. 65A–110, apto. 501 B3, Cali, Colombia; NIT # 800051378–9 (Colombia) [SDNT]

CONSTRUEXITO S.A. (see CONSTRUCTORA EL NOGAL S.A.) [SDNT]

COOPERATIVA MULTIACTIVA DE ADMINISTRACION Y MANEJO ADMACOOP (see ADMACOOP) [SDNT]

CORDOBA VALENCIA, Juan Ramon, c/o BONOMERCAD S.A., Bogota, Colombia; c/o PATENTES MARCAS Y REGISTROS S.A., Bogota, Colombia; c/o SHARPER S.A., Bogota, Colombia; Cedula No. 19273511 (Colombia) (individual) [SDNT]

CORPORACION DEPORTIVA AMERICA (a.k.a. CLUB AMERICA DE CALI; a.k.a. CLUB DEPORTIVO AMERICA), Carrera 56 No. 2–70, Cali, Colombia; Avenida Guadalupe No. 2–70, Cali, Colombia; Calle 24N No. 5BN–22, Cali, Colombia; Calle 13 Carrera 70, Cali, Colombia; Sede Cascajal, Cali, Colombia; Sede Naranjal, Cali, Colombia; NIT # 890305773–4 (Colombia) [SDNT]

CORTEZ, Oliverio Abril (see ABRIL CORTEZ, Oliverio) (individual) [SDNT]

CUECA V., Miguel A., c/o ADMACOOP, Bogota, Colombia; c/o FARMACOOP, Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; Cedula No. 11386978 (Colombia) (individual) [SDNT]

D'CACHE S.A., Calle 25N No. 3AN–39, Cali, Colombia; NIT # 800149284–8 (Colombia) [SDNT]

D'ELCON S.A. (see DISTRIBUIDORA DE ELEMENTOS PARA LA CONSTRUCCION S.A.) [SDNT]

DECACOOP S.A. (see BONOMERCAD S.A.) [SDNT]

DECAFARMA S.A., Transversal 29 No. 39–92, Bogota, Colombia; NIT # 800241240–7 (Colombia) [SDNT]

DISTRIBUIDORA DE ELEMENTOS PARA LA CONSTRUCCION S.A. (a.k.a. D'ELCON S.A.), Carrera 23D No. 13B–59, Cali, Colombia; NIT # 800117780–2 (Colombia) [SDNT]

DROGUERIA FARMAHOGAR (see FARMAHOGAR) [SDNT]

EL PASO LTDA. (see MIRALUNA LTDA.) [SDNT]

FARMAHOGAR (a.k.a. DROGUERIA FARMAHOGAR; a.k.a. FARMAHOGAR COPSERVIR 19), Carrera 7 No. 118–38, Bogota, Colombia; Avenida 7 No. 118–46, Bogota, Colombia; NIT # 830011670–3 (Colombia) [SDNT]

FARMAHOGAR COPSERVIR 19 (see FARMAHOGAR) [SDNT]

FIESTA STEREO 91.5 F.M. (see SONAR F.M. E.U. DIETER MURRLE) [SDNT]

GUTIERREZ PADILLA, Clara Ines, c/o ADMACOOP, Bogota, Colombia; c/o DECAFARMA S.A., Bogota, Colombia; c/o FARMACOOP, Bogota, Colombia; Cedula No. 51583831 (Colombia) (individual) [SDNT]

GUTIERREZ PARDO, Elvira Patricia, c/o ADMACOOP, Bogota, Colombia; c/o BONOMERCAD S.A., Bogota, Colombia; c/o PATENTES MARCAS Y REGISTROS S.A., Bogota, Colombia; Cedula No. 39612308 (Colombia) (individual) [SDNT]

INDUSTRIAL DE GESTION DE NEGOCIOS E.U., Calle 5C No. 41–30, Cali, Colombia; NIT # 805005946–5 (Colombia) [SDNT]

INVERSIONES BETANIA LTDA. (see SAN MATEO S.A.) [SDNT]

INVERSIONES BETANIA S.A. (see SAN MATEO S.A.) [SDNT]

INVERSIONES CAMINO REAL S.A. (see INVERSIONES Y CONSTRUCCIONES ABC S.A.) (Colombia) [SDNT]

INVERSIONES EL GRAN CRISOL LTDA. (f.k.a. W. HERRERA Y CIA. S. EN C.), Avenida 2N 7N–55 of. 501, Cali, Colombia; Carrera 24D Oeste No. 6–237, Cali, Colombia; NIT # 800001330–2 (Colombia) [SDNT]

INVERSIONES GEMINIS S.A. (see COMPAÑIA ADMINISTRADORA DE VIVIENDA S.A.) [SDNT]

INVERSIONES INTEGRAL LTDA., Carrera 4 No. 12–41 of. 1403, 1501 Edificio Seguros Bolivar, Cali, Colombia; Apartado Aereo 10077, Cali, Colombia; NIT # 800092770–9 (Colombia) [SDNT]

INVERSIONES INVERVALLE S.A. (see SAN VICENTE S.A.) [SDNT]

INVERSIONES MONDRAGON Y CIA. S.C.S. (f.k.a. MARIELA DE RODRIGUEZ Y CIA. S. EN C.), Calle 12 Norte No. 9N–56/58, Cali, Colombia; NIT # 890328152–1 (Colombia) [SDNT]

INVERSIONES NAMOS Y CIA. LTDA., Carrera 54 No. 75–107, Barranquilla, Colombia; NIT # 800182475–7 (Colombia) [SDNT]

INVERSIONES Y CONSTRUCCIONES ABC S.A. (f.k.a. INVERSIONES CAMINO REAL S.A.), Calle 10 No. 4–47 piso 19, Cali, Colombia; Calle 12 Norte No. 9N–56/58, Cali, Colombia; NIT # 890325389–4 (Colombia) [SDNT]

INVERVALLE S.A. (see SAN VICENTE S.A.) [SDNT]

INVHERESA S.A. (see ALKALA ASOCIADOS S.A.) [SDNT]

K. P. TO JEANS WEAR S. DE H., Calle 78 No. 53–70 Local 218, Barranquilla, Colombia; NIT # 800211718–7 (Colombia) [SDNT]

M.O.C. ECHEVERRY HERMANOS LTDA., Calle 23AN No. 5AN–21, Cali, Colombia; NIT # 800038241–5 (Colombia) [SDNT]

MANJARRES GRANDE, Jorge (see MANJARREZ GRANDE, Jorge) (individual) [SDNT]

MANJARREZ GRANDE, Jorge (a.k.a. MANJARRES GRANDE, Jorge), c/o GRACADAL S.A., Cali, Colombia; c/o INTERAMERICANA DE CONSTRUCCIONES S.A., Cali, Colombia; c/o RADIO UNIDAS F.M. S.A., Cali, Colombia; c/o SERVIFAR S.A., Cali, Colombia; c/o SONAR F.M. S.A., Cali, Colombia; Cedula No. 16632969 (Colombia) (individual) [SDNT]

MARIELA DE RODRIGUEZ Y CIA. S. EN C. (see INVERSIONES MONDRAGON Y CIA. S.C.S.) [SDNT]

MARIELA MONDRAGON DE R. Y CIA. S. EN C., Calle 12 Norte No. 9N–56/58, Cali, Colombia; Avenida 4 Norte No. 8N–67, Cali, Colombia; NIT # 800122032–1 (Colombia) [SDNT]

MATADERO METROPOLITANO LTDA., Km. 3 Via Marsella Parque Industrial, Pereira, Colombia; Carrera 10 No. 34–21 Dosq., Pereira, Colombia; Apartado Aereo 3786, Pereira, Colombia; NIT # 891412986–8 (Colombia) [SDNT]

MIRALUNA LTDA. (f.k.a. EL PASO LTDA.), Carrera 4 No. 12–41 of. 1403, 1501, Cali, Colombia; NIT # 890328836–9 (Colombia) [SDNT]

NASSER DE HASBUN, Claudia Patricia (see NASSER ARANA, Claudia Patricia) (individual) [SDNT]

NASSER DE HAZBUN, Claudia Patricia (see NASSER ARANA, Claudia Patricia) (individual) [SDNT]

PATENTES MARCAS Y REGISTROS S.A. (a.k.a. PATMAR S.A.), Transversal 29 No. 39–92, Bogota, Colombia; NIT # 830016913–0 (Colombia) [SDNT]

PATMAR S.A. (see PATENTES MARCAS Y REGISTROS S.A.) [SDNT]

PRISMA STEREO 89.5 F.M. (see SONAR F.M. E.U. DIETER MURRLE) [SDNT]

PROYECTOS J.A.M. LTDA., Carrera 53 No. 74–16, Barranquilla, Colombia; Carrera 54 No. 72–147, Barranquilla, Colombia; Calle 77 No. 65–37 L–6, Barranquilla, Colombia; NIT # 800234529–0 (Colombia) [SDNT]

PROYECTOS J.A.M. LTDA. Y CIA. S. EN C., Calle 74 No. 53–23 of. 401, Barranquilla, Colombia; Calle 74 No. 53–23 L–503, Barranquilla, Colombia; Carrera 53 No. 74–16 of. 401, Barranquilla, Colombia; Carrera 53 No. 74–16, Barranquilla, Colombia; NIT # 800243483–9 (Colombia) [SDNT]

RADIO UNIDAS FM S.A. (see SONAR F.M. S.A.) [SDNT]

RECONSTRUYE LTDA. (see REPARACIONES Y CONSTRUCCIONES LTDA.) [SDNT]

REPARACIONES Y CONSTRUCCIONES LTDA. (a.k.a. RECONSTRUYE LTDA.), Avenida 6N No. 23DN–16 of. 402, Cali, Colombia; NIT # 800053838–4 (Colombia) [SDNT]

RODRIGUEZ DE MUÑOZ, Haydee (see RODRIGUEZ DE ROJAS, Haydee) (individual) [SDNT]

RODRIGUEZ MONDRAGON, Alexandra (see RODRIGUEZ MONDRAGON, Maria Alexandra) (individual) [SDNT]

RODRIGUEZ OREJUELA, Haydee (see RODRIGUEZ DE ROJAS, Haydee) (individual) [SDNT]

SAN MATEO S.A. (f.k.a. INVERSIONES BETANIA LTDA.; f.k.a. INVERSIONES BETANIA S.A.), Avenida 2N No. 7N–55 of. 501, Cali, Colombia; Carrera 53 No. 13–55 apt. 102B, Cali, Colombia; Carrera 3 No. 12–40, Cali, Colombia; NIT # 890330910–2 (Colombia) [SDNT]

SAN VICENTE S.A. (f.k.a. INVERSIONES INVERVALLE S.A.; f.k.a. INVERVALLE S.A.), Avenida 2N No. 7N–55 of. 501, Cali, Colombia; Calle 70N No. 14–31, Cali, Colombia; Avenida 4 Norte No. 17N–43 L.1, Cali, Colombia; NIT # 800061212–8 (Colombia) [SDNT]

SERVICIOS FARMACEUTICOS SERVIFAR S.A. (a.k.a. SERVIFAR S.A.), Carrera 4 No. 31–96, Cali, Colombia; NIT # 805003968–8 (Colombia) [SDNT]

SERVIFAR S.A. (see SERVICIOS FARMACEUTICOS SERVIFAR S.A.) [SDNT]

SHARPER S.A., Calle 17A No. 28A–43, Bogota, Colombia; Calle 12B No. 28–58, Bogota, Colombia; Calle 12B No. 28–70, Bogota, Colombia; Calle 16 No. 28A–42, Bogota, Colombia; Calle 16 No. 28A–57, Bogota, Colombia; NIT # 830026833–2 (Colombia) [SDNT]

SOCIEDAD COMERCIAL Y DEPORTIVA LTDA., Carrera 34 Diag. 29–86 Estadio Pascual Guerrero, Cali, Colombia; Carrera 34 Diag. 29–05, Cali, Colombia; Carrera 34 Diagonal 29 Estadio, Cali, Colombia; NIT # 800141329–4 (Colombia) [SDNT]

SONAR F.M. E.U. DIETER MURRLE (a.k.a. FIESTA STEREO 91.5 F.M.; a.k.a. PRISMA STEREO 89.5 F.M.), Calle 15 Norte No. 6N–34 of. 1003, Cali, Colombia; Calle 43A No. 1–29 Urb. Sta. Maria del Palmar, Palmira, Colombia; NIT # 805006273–1 (Colombia) [SDNT]

SONAR F.M. S.A. (f.k.a. COLOR STEREO S.A.; f.k.a. COLOR'S S.A.; f.k.a. RADIO UNIDAS FM S.A.), Calle 15 Norte No. 6N–34 piso 15 Edificio Alcazar, Cali, Colombia; Calle 19N No. 2N–29 piso 10 Sur, Cali, Colombia; NIT # 800163602–5 (Colombia) [SDNT]

SOSA RIOS, Diego Alberto (see SOSSA RIOS, Diego Alberto) (individual) [SDNT]

SOSSA RIOS, Diego Alberto (a.k.a. SOSA RIOS, Diego Alberto), Calle 46 No. 13–56 of. 111, Bogota, Colombia; c/o BONOMERCAD S.A., Bogota, Colombia; c/o DECAFARMA S.A., Bogota, Colombia; c/o FARMACOOP, Bogota, Colombia; c/o PENTAPHARMA DE COLOMBIA S.A., Bogota, Colombia; c/o SHARPER S.A., Bogota, Colombia; Cedula No. 71665932 (Colombia) (individual) [SDNT]

TITOS BOLO CLUB, Carrera 51B No. 94–110, Barranquilla, Colombia; NIT # 890108148–6 (Colombia) [SDNT]

URBANIZACIONES Y CONSTRUCCIONES LTDA. (see URBANIZACIONES Y CONSTRUCCIONES LTDA. DE CALI) [SDNT]

URBANIZACIONES Y CONSTRUCCIONES LTDA. DE CALI (f.k.a. URBANIZACIONES Y CONSTRUCCIONES LTDA.), Carrera 4 No. 12–41 of. 1403, Cali, Colombia; NIT # 890306569–2 (Colombia) [SDNT]

VEGA, Rosalba, c/o BONOMERCAD S.A., Bogota, Colombia; c/o PATENTES MARCAS Y REGISTROS S.A., Bogota, Colombia; c/o SHARPER S.A., Cali, Colombia; Cedula No. 21132758 (Colombia) (individual) [SDNT]

VILLA D'ARTE (see VILLA DE ARTE S. DE H.) [SDNT]

VILLA DE ARTE S. DE H. (a.k.a. VILLA D'ARTE), Carrera 54 No. 74–79, Barranquilla, Colombia; Aereo Apartado 51881, Barranquilla, Colombia; NIT # 800125346–2 (Colombia) [SDNT]

W. HERRERA Y CIA. S. EN C. (see INVERSIONES EL GRAN CRISOL LTDA.) [SDNT]

3. Appendix A to 31 CFR chapter V is amended by revising the following existing entries to include additional identifying information in appendix A, section I to read as revised as follows:

ABRIL CORTEZ, Oliverio (f.k.a. CORTEZ, Oliverio Abril), Calle 18A No. 8A–20, Jamundi, Colombia; c/o AGROPECUARIA BETANIA LTDA., Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INVERSIONES EL GRAN CRISOL LTDA., Cali, Colombia; c/o INVERSIONES EL PEÑON S.A., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia; c/o VALLADARES LTDA., Cali, Colombia; c/o W. HERRERA Y CIA. S. EN C., Cali, Colombia; Cedula No. 3002003 (Colombia) (individual) [SDNT]

AGUADO ORTIZ, Luis Jamerson, c/o D'CACHE S.A., Cali, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o FLEXOEMPAQUES LTDA., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES COSMOVALLE LTDA., Cali, Colombia; c/o PLASTICOS CONDOR LTDA., Cali, Colombia; Cedula No. 2935839 (Colombia) (individual) [SDNT]

ARBOLEDA A., Pedro Nicholas (Nicolas), c/o D'CACHE S.A., Cali, Colombia; c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; Cedula No. 16602372 (Colombia) (individual) [SDNT]

AVILA DE MONDRAGON, Ana Dolores, c/o COMPAX LTDA., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES ABC S.A., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES COSMOVALLE LTDA., Cali, Colombia; Cedula No. 29183223 (Colombia) (individual) [SDNT]

BENITEZ CASTELLANOS, Cesar Tulio, c/o D'CACHE S.A., Cali, Colombia; c/o DROGAS LA REBAJA, Cali, Colombia; c/o INVERSIONES MONDRAGON Y CIA. S.C.S., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES ABC S.A., Cali, Colombia; c/o RIONAP COMERCIOS Y REPRESENTACIONES S.A., Quito, Ecuador; Cedula No. 14969366 (Colombia) (individual) [SDNT]

BUITRAGO DE HERRERA, Luz Mery, c/o AGROPECUARIA BETANIA LTDA., Cali, Colombia; c/o AGROPECUARIA Y REFORESTADORA HERREBE LTDA., Cali, Colombia; c/o CONSTRUEXITO S.A., Cali, Colombia; c/o INVERSIONES BETANIA LTDA., Cali, Colombia; c/o INVERSIONES EL GRAN CRISOL LTDA., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia; c/o INVERSIONES INVERVALLE S.A., Cali, Colombia; c/o SOCOVALLE, Cali, Colombia; c/o VALLADARES LTDA., Cali, Colombia; c/o W. HERRERA Y CIA., Cali, Colombia; Cedula No. 29641219 (Colombia) (individual) [SDNT]

CASTRO DE SANTACRUZ, Amparo, c/o COMERCIALIZACION Y FINANCIACION DE AUTOMOTORES S.A., Cali, Colombia; c/o INMOBILIARIA SAMARIA LTDA., Cali, Colombia; c/o INVERSIONES EL PASO LTDA., Cali, Colombia; c/o INVERSIONES INTEGRAL LTDA., Cali, Colombia; c/o INVERSIONES SANTA LTDA., Cali, Colombia; c/o MIRALUNA LTDA., Cali, Colombia; c/o SAMARIA LTDA., Cali, Colombia; c/o URBANIZACIONES Y CONSTRUCCIONES LTDA. DE CALI, Cali, Colombia; DOB 13 January 1948; alt. DOBs 13 January 1946, 14 April 1959; Passports PE027370 (Colombia), AA429676 (Colombia); Cedula No. 38983611 (Colombia) (individual) [SDNT]

CUERO MARTINEZ, Otalvaro, c/o ALKALA ASOCIADOS S.A., Cali, Colombia; c/o INVHERESA S.A., Cali, Colombia; Cedula No. 16599979 (Colombia) (individual) [SDNT]

DAZA RIVERA, Pablo Emilio, c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia; c/o DISTRIBUIDORA MYRAMIZEZ S.A., Bogota, Colombia; c/o DROGAS LA REBAJA, Cali, Colombia; c/o FARMATODO S.A., Bogota, Colombia; c/o INVERSIONES Y CONSTRUCCIONES ABC S.A., Cali, Colombia; c/o LABORATORIOS KRESSFOR, Bogota, Colombia; c/o RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador; Cedula No. 4904545 (Colombia) (individual) [SDNT]

ECHEVERRY TRUJILLO, Martha Lucia, c/o CORPORACION DEPORTIVA AMERICA, Cali, Colombia; c/o M.O.C. ECHEVERRY HERMANOS LTDA., Cali, Colombia; c/o REVISTA DEL AMERICA LTDA., Cali, Colombia; Cedula No. 31151067 (Colombia) (individual) [SDNT]

ECHEVERRY TRUJILLO, Oscar Alberto, Avenida 4N No. 17–23 piso 1, Cali, Colombia; Calle 43N No. 4–05, Cali, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia; c/o M.O.C. ECHEVERRY HERMANOS LTDA., Cali, Colombia; Cedula No. 16272989 (Colombia) (individual) [SDNT]

FIGUEROA DE BRUSATIN, Dacier, c/o INVERSIONES EL GRAN CRISOL LTDA., Cali, Colombia; c/o W. HERRERA Y CIA. S. EN C., Cali, Colombia; Cedula No. 29076093 (Colombia) (individual) [SDNT]

GARCIA MANTILLA, Edgar Alberto (see GARCIA MONTILLA, Edgar Alberto) (individual) [SDNT]

GARCIA MOGAR, Edgar (see GARCIA MONTILLA, Edgar Alberto) (individual) [SDNT]

GARCIA MONTELLA, Edgar Alberto (see GARCIA MONTILLA, Edgar Alberto) (individual) [SDNT]

GARCIA MONTILLA, Edgar Alberto (a.k.a. GARCIA MANTILLA, Edgar Alberto; a.k.a. GARCIA MOGAR, Edgar; a.k.a. GARCIA MONTELLA, Edgar Alberto), c/o COMERCIALIZACION Y FINANCIACION DE AUTOMOTORES S.A., Cali, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o REVISTA DEL AMERICA LTDA., Cali, Colombia; DOB 28 November 1946; Passports AC365457 (Colombia), PE008603 (Colombia), PO564495 (Colombia), AA294885 (Colombia); Cedula No. 14936775 (Colombia) (individual) [SDNT]

GARCIA ROMERO, Audra Yamile, c/o ALKALA ASOCIADOS S.A., Cali, Colombia; c/o INVHERESA S.A., Cali, Colombia; Cedula No. 66765096 (Colombia) (individual) [SDNT]

GIL OSORIO, Alfonso, c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o D'CACHE S.A., Cali, Colombia; c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o FARMATODO S.A., Bogota, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o SERVICIOS SOCIALES LTDA., Barranquilla, Colombia; DOB 17 December 1946; alt. DOB 17 December 1940; Passports 14949229 (Colombia), 14949279 (Colombia), 14949289 (Colombia), AC342060 (Colombia); Cedula No. 14949279 (Colombia) (individual) [SDNT]

IBANEZ LOPEZ, Raul Alberto, c/o AGROPECUARIA LA ROBLEDA S.A., Cali, Colombia; c/o DISTRIBUIDORA DE ELEMENTOS PARA LA CONSTRUCCION S.A., Cali, Colombia; c/o GANADERIAS DEL VALLE S.A., Cali, Colombia; c/o INCOES LTDA., Cali, Colombia; c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia; Cedula No. 16640123 (Colombia) (individual) [SDNT]

LEAL RODRIGUEZ, Jose Guillermo, c/o DECAFARMA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o PENTA PHARMA DE COLOMBIA S.A., Bogota, Colombia; c/o PENTACOOP LTDA., Bogota, Colombia; Cedula No. 89867 (Colombia) (individual) [SDNT]

LIBREROS DIEZ, Orlando, c/o CONSTRUCTORA DIMISA LTDA., Cali,Colombia; c/o DISTRIBUIDORA DE ELEMENTOS PARA LA CONSTRUCCION S.A., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o VALLE COMUNICACIONES LTDA., Cali, Colombia; Cedula No. 16651068 (Colombia) (individual) [SDNT]

MONDRAGON DE RODRIGUEZ, Mariela, c/o COMPAX LTDA., Cali, Colombia; c/o CORPORACION DEPORTIVA AMERICA, Cali, Colombia; c/o INVERSIONES MONDRAGON Y CIA. S.C.S., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES COSMOVALLE LTDA., Cali, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o MARIELA DE RODRIGUEZ Y CIA. S. EN C., Cali, Colombia; c/o MARIELA MONDRAGON DE R. Y CIA. S. EN C., Cali, Colombia; DOB 12 April 1935; Passport 4436059 (Colombia); Cedula No. 29072613 (Colombia) (individual) [SDNT]

MONROY ARCILA, Francisco Jose, c/o COMPAÑIA ADMINISTRADORA DE VIVIENDA S.A., Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INVERSIONES EL PEÑON, Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia; Cedula No. 79153691 (Colombia) (individual) [SDNT]

MUÑOZ RODRIGUEZ, Juan Carlos, c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o GRACADAL S.A., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES ABC S.A., Cali, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; DOB 25 September 1964; Passport 16703148 (Colombia); Cedula No. 16703148 (Colombia) (individual) [SDNT]

MUÑOZ RODRIGUEZ, Soraya, c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES ABC S.A., Cali, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o RADIO UNIDAS FM S.A., Cali, Colombia; DOB 26 July 1967; Passport AC569012 (Colombia); Cedula 31976822 (Colombia) (individual) [SDNT]

NASSER ARANA, Carlos Alberto, Calle 74 No. 53–30, Barranquilla, Colombia; c/o AGRICOLA SONGO LTDA., Barranquilla, Colombia; c/o DESARROLLOS URBANOS "DESARROLLAR" LTDA., Barranquilla, Colombia; c/o EDIFICACIONES DEL CARIBE LTDA., Barranquilla, Colombia; c/o GRAN COMPAÑIA DE HOTELES LTDA., Barranquilla, Colombia; c/o HOTELES E INMUEBLES DE COLOMBIA LTDA., Barranquilla, Colombia; c/o INMOBILIARIA DEL CARIBE LTDA., Barranquilla, Colombia; c/o INMOBILIARIA HOTELERA DEL CARIBE LTDA., Barranquilla, Colombia; c/o INVERSIONES HOTELERAS DEL LITORAL LTDA., Barranquilla, Colombia; c/o INVERSIONES NAMOS Y CIA. LTDA., Barranquilla, Colombia; c/o INVERSIONES PRADO TRADE CENTER LTDA., Barranquilla, Colombia; c/o K. P. TO JEANS WEAR S. DE H., Barranquilla, Colombia; c/o NEGOCIOS Y PROPIEDADES DEL CARIBE LTDA., Barranquilla, Colombia; c/o PROMOCIONES Y CONSTRUCCIONES DEL CARIBE LTDA., Barranquilla, Colombia; c/o PROMOCIONES Y CONSTRUCCIONES DEL CARIBE LTDA. Y CIA. S.C.A., Barranquilla, Colombia; c/o PROMOTORA HOTEL BARRANQUILLA LTDA., Barranquilla, Colombia; c/o SURAMERICANA DE HOTELES LTDA., Barranquilla, Colombia; DOB November 21, 1964; Passport T707770 (Colombia); Passport PE008808 (Colombia); Cedula No. 8745045 (Colombia) (individual) [SDNT]

NASSER ARANA, Claudia Patricia (a.k.a. Claudia Patricia NASSER DE HASBUN; a.k.a. Claudia Patricia NASSER DE HAZBUN), Calle 74 No. 53–30, Barranquilla, Colombia; Carrera 54 No. 74–79, Barranquilla, Colombia; Carrera 54 No. 75–97 piso 2, Barranquilla, Colombia; c/o AGRICOLA SONGO LTDA., Barranquilla, Colombia; c/o CAMPO VERDE LTDA., Barranquilla, Colombia; c/o COMPAÑIA HOTEL DEL PRADO S.A., Barranquilla, Colombia; c/o DESARROLLOS URBANOS "DESARROLLAR" LTDA., Barranquilla, Colombia; c/o EDIFICACIONES DEL CARIBE LTDA., Barranquilla, Colombia; c/o GRAN COMPAÑIA DE HOTELES LTDA., Barranquilla, Colombia; c/o HOTELES E INMUEBLES DE COLOMBIA LTDA., Barranquilla, Colombia; c/o INMOBILIARIA DEL CARIBE LTDA., Barranquilla, Colombia; c/o INMOBILIARIA HOTELERA DEL CARIBE LTDA., Barranquilla, Colombia; c/o INVERSIONES HOTELERAS DEL LITORAL LTDA., Barranquilla, Colombia; c/o INVERSIONES PRADO TRADE CENTER LTDA., Barranquilla, Colombia; c/o NEGOCIOS Y PROPIEDADES DEL CARIBE LTDA., Barranquilla, Colombia; c/o PROMOCIONES Y CONSTRUCCIONES DEL CARIBE LTDA., Barranquilla, Colombia; c/o PROMOCIONES Y CONSTRUCCIONES DEL CARIBE LTDA. Y CIA. S.C.A., Barranquilla, Colombia; c/o PROMOTORA HOTEL BARRANQUILLA LTDA., Barranquilla, Colombia; c/o SURAMERICANA DE HOTELES LTDA., Barranquilla, Colombia; c/o VILLA DE ARTE S. DE H., Barranquilla, Colombia; DOB January 23, 1966; Passport AC751227 (Colombia); Cedula No. 32665137 (Colombia) (individual) [SDNT]

NAVARRO REYES, Fernando, c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DROGAS LA REBAJA BARRANQUILLA S.A., Bogota, Colombia; c/o DROGAS LA REBAJA BOGOTA S.A., Bogota, Colombia; c/o DROGAS LA REBAJA CALI S.A., Cali, Colombia; c/o DROGAS LA REBAJA NEIVA S.A., Neiva, Colombia; c/o DROGAS LA REBAJA PEREIRA S.A., Pereira, Colombia; c/o DROGAS LA REBAJA PRINCIPAL S.A., Cali, Colombia; c/o SERVICIOS FARMACEUTICOS SERVIFAR S.A., Cali, Colombia; Cedula No. 16617177 (Colombia) (individual) [SDNT]

RAMIREZ, James Alberto, c/o ANDINA DE CONSTRUCCIONES S.A., Cali, Colombia; c/o DISMERCOOP, Cali, Colombia; c/o GRACADAL S.A., Cali, Colombia; c/o INTERAMERICANA DE CONSTRUCCIONES S.A., Cali, Colombia; c/o INVERSIONES MONDRAGON Y CIA. S.C.S., Cali, Colombia; c/o INVERSIONES Y CONSTRUCCIONES COSMOVALLE LTDA., Cali, Colombia; c/o SERVICIOS FARMACEUTICOS SERVIFAR S.A., Cali, Colombia; Cedula No. 16691796 (Colombia) (individual) [SDNT]

RAMIREZ CORTES, Delia Nhora (Nora), c/o ADMINISTRACION INMOBILIARIA BOLIVAR S.A., Cali, Colombia; c/o AGROPECUARIA Y REFORESTADORA HERREBE LTDA., Cali, Colombia; c/o COMPAÑIA ADMINISTRADORA DE VIVIENDA S.A., Cali, Colombia; c/o CONSTRUCTORA ALTOS DEL RETIRO LTDA., Bogota, Colombia; c/o CONSTRUEXITO S.A., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INMOBILIARIA BOLIVAR LTDA., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia; c/o INVERSIONES HERREBE LTDA., Cali, Colombia; c/o INVERSIONES INVERVALLE S.A., Cali, Colombia; c/o SOCOVALLE LTDA., Cali, Colombia; c/o VIAJES MERCURIO LTDA., Cali, Colombia; DOB 20 January 1959; Cedula No. 38943729 (Colombia) (individual) [SDNT]

RODAS, Luis Alberto, c/o COMERCIALIZACION Y FINANCIACION DE AUTOMOTORES S.A., Cali, Colombia; c/o CONSTRUCCIONES ASTRO S.A., Cali, Colombia; Cedula No. 16630332 (Colombia) (individual) [SDNT]

RODRIGUEZ ABADIA, William, c/o ANDINA DE CONSTRUCCIONES S.A., Cali, Colombia; c/o ASPOIR DEL PACIFICO Y CIA. LTDA., Cali, Colombia; c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o CLAUDIA PILAR RODRIGUEZ Y CIA. S.C.S., Bogota, Colombia; c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DERECHO INTEGRAL Y CIA. LTDA., Cali, Colombia; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o INTERAMERICANA DE CONSTRUCCIONES S.A., Cali, Colombia; c/o INVERSIONES ARA LTDA., Cali, Colombia; c/o INVERSIONES MIGUEL RODRIGUEZ E HIJO, Cali, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o M. RODRIGUEZ O. Y CIA. S. EN C., Cali, Colombia; c/o MUÑOZ Y RODRIGUEZ Y CIA. LTDA., Cali, Colombia; c/o RADIO UNIDAS FM S.A., Cali, Colombia; c/o REVISTA DEL AMERICA LTDA., Cali, Colombia; c/o RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador; c/o VALORES MOBILIARIOS DE OCCIDENTE S.A., Bogota, Colombia; DOB 31 July 1965; Cedula No. 16716259 (Colombia) (individual) [SDNT]

RODRIGUEZ ARBELAEZ, Maria Fernanda, c/o D'CACHE S.A., Cali, Colombia; c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o DROGAS LA REBAJA BOGOTA S.A., Bogota, Colombia; c/o INTERAMERICANA DE CONSTRUCCIONES S.A., Cali, Colombia; c/o INVERSIONES ARA LTDA., Cali, Colombia; c/o RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador; DOB 28 November 1973; alt. DOB 28 August 1973; Passport AC568974 (Colombia); Cedula No. 66860965 (Colombia) (individual) [SDNT]

RODRIGUEZ DE ROJAS, Haydee (a.k.a. RODRIGUEZ DE MUÑOZ, Haydee; a.k.a. RODRIGUEZ OREJUELA, Haydee), c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o CORPORACION DEPORTIVA AMERICA, Cali, Colombia; c/o CREACIONES DEPORTIVAS WILLINGTON LTDA., Cali, Colombia; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o HAYDEE DE MUÑOZ Y CIA. S. EN C., Cali, Colombia; c/o RADIO UNIDAS FM S.A., Cali, Colombia; DOB 22 September 1940; Cedula No. 38953333 (Colombia) (individual) [SDNT]

RODRIGUEZ MONDRAGON, Humberto, c/o ANDINA DE CONSTRUCCIONES S.A., Cali, Colombia; c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o CLAUDIA PILAR RODRIGUEZ Y CIA. S.C.S., Bogota, Colombia; c/o D'CACHE S.A., Cali, Colombia; c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o FARMATODO S.A., Bogota, Colombia; c/o GRACADAL S.A., Cali, Colombia; c/o INDUSTRIAL DE GESTION DE NEGOCIOS E.U., Cali, Colombia; c/o INTERAMERICANA DE CONSTRUCCIONES S.A., Cali, Colombia; c/o INVERSIONES MONDRAGON Y CIA. S.C.S., Cali, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o MARIELA DE RODRIGUEZ Y CIA. S. EN C., Cali, Colombia; c/o MAXITIENDAS TODO EN UNO, Cali, Colombia; c/o PENTA PHARMA DE COLOMBIA S.A., Bogota, Colombia; c/o RADIO UNIDAS FM S.A., Cali, Colombia; c/o RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador; DOB 21 June 1963; Passport AD387757 (Colombia); Cedula No. 16688683 (Colombia) (individual) [SDNT]

RODRIGUEZ MONDRAGON, Jaime, c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o CORPORACION DEPORTIVA AMERICA, Cali, Colombia; c/o D'CACHE S.A., Cali, Colombia; c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o FARMATODO S.A., Bogota, Colombia; c/o FLEXOEMPAQUES LTDA., Cali, Colombia; c/o GRACADAL S.A., Cali, Colombia; c/o INVERSIONES MONDRAGON Y CIA. S.C.S., Cali, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o MARIELA DE RODRIGUEZ Y CIA. S. EN C., Cali, Colombia; c/o PENTA PHARMA DE COLOMBIA S.A., Bogota, Colombia; c/o PLASTICOS CONDOR LTDA., Cali, Colombia; c/o RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador; Cedula No. 16637592 (Colombia) (individual) [SDNT]

RODRIGUEZ MONDRAGON, Maria Alexandra (a.k.a. RODRIGUEZ MONDRAGON, Alexandra), c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o CORPORACION DEPORTIVA AMERICA, Cali, Colombia; c/o D'CACHE S.A., Cali, Colombia; c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o GRACADAL S.A., Cali, Colombia; c/o INTERAMERICANA DE CONSTRUCCIONES S.A., Cali, Colombia; c/o INVERSIONES MONDRAGON Y CIA. S.C.S., Cali, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o MARIELA DE RODRIGUEZ Y CIA. S. EN C., Cali, Colombia; c/o MARIELA MONDRAGON DE R. Y CIA. S. EN C., Cali, Colombia; c/o PENTA PHARMA DE COLOMBIA S.A., Bogota, Colombia; c/o TOBOGON, Cali, Colombia; DOB 30 May 1969; alt. DOB 05 May 1969; Passport AD359106 (Colombia); Cedula No. 66810048 (Colombia) (individual) [SDNT]

RODRIGUEZ OREJUELA DE GIL, Amparo, c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o CORPORACION DEPORTIVA AMERICA, Cali, Colombia; c/o CREACIONES DEPORTIVAS WILLINGTON LTDA., Cali, Colombia; c/o D'CACHE S.A., Cali, Colombia; c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o RADIO UNIDAS FM S.A., Cali, Colombia; DOB 13 March 1949; Passport AC342062 (Colombia); Cedula No. 31218703 (Colombia) (individual) [SDNT]

RODRIGUEZ RAMIREZ, Claudia Pilar (Patricia), c/o CLAUDIA PILAR RODRIGUEZ Y CIA. S.C.S., Bogota, Colombia; c/o D'CACHE S.A., Cali, Colombia; c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o FARMATODO S.A., Bogota, Colombia; c/o GRACADAL S.A., Cali, Colombia; c/o INTERAMERICANA DE CONSTRUCCIONES S.A., Cali, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; DOB 30 June 1963; alt. DOB 30 August 1963; alt. DOB 1966; Passports 007281 (Colombia), P0555266 (Colombia); Cedula No. 51741013 (Colombia) (individual) [SDNT]

ROJAS MEJIA, Hernan, Calle 2A Oeste No. 24B–45 apt. 503A, Cali, Colombia; Calle 6A No. 9N–34, Cali, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia; c/o CONSTRUCCIONES COLOMBO–ANDINAS LTDA., Bogota, Colombia; c/o INVERSIONES Y CONSTRUCCIONES ABC S.A., Cali, Colombia; DOB 28 August 1948; Cedula No. 16242661 (Colombia) (individual) [SDNT]

ROSALES DIAZ, Hector Emilio, c/o ADMINISTRACION INMOBILIARIA BOLIVAR S.A., Cali, Colombia; c/o COMPAÑIA ADMINISTRADORA DE VIVIENDA S.A., Cali, Colombia; c/o CONCRETOS CALI S.A., Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INVERSIONES EL PEÑON S.A., Cali, Colombia; c/o INVERSIONES GEMINIS S.A., Cali, Colombia; c/o INVERSIONES VILLA PAZ S.A., Cali, Colombia; c/o MERCAVICOLA LTDA., Cali, Colombia; Cedula No. 16588924 (Colombia) (individual) [SDNT]

SANTACRUZ CASTRO, Ana Milena, c/o AUREAL INMOBILIARIA LTDA., Bogota, Colombia; c/o COMERCIALIZACION Y FINANCIACION DE AUTOMOTORES S.A., Cali, Colombia; c/o INMOBILIARIA SAMARIA LTDA., Cali, Colombia; c/o INVERSIONES EL PASO LTDA., Cali, Colombia; c/o INVERSIONES INTEGRAL LTDA., Cali, Colombia; c/o INVERSIONES SANTA LTDA., Cali, Colombia; c/o MIRALUNA LTDA., Cali, Colombia; c/o SAMARIA LTDA., Cali, Colombia; c/o SOCIEDAD CONSTRUCTORA LA CASCADA S.A., Cali, Colombia; c/o URBANIZACIONES Y CONSTRUCCIONES LTDA. DE CALI, Cali, Colombia; DOB 31 March 1965; Passports 31929808 (Colombia), AB151189 (Colombia); Cedula No. 31929808 (Colombia) (individual) [SDNT]

SARRIA HOLGUIN, Ramiro Hernan (Robert), Avenida 6N No. 23D–16 of. L301, Cali, Colombia; Carrera 100 No. 11–60 of. 603, AA 20903, Cali, Colombia; c/o INVERSIONES ARA LTDA., Cali, Colombia; c/o INVERSIONES MIGUEL RODRIGUEZ E HIJO, Cali, Colombia; c/o INVERSIONES RODRIGUEZ ARBELAEZ, Cali, Colombia; c/o INVERSIONES RODRIGUEZ MORENO, Cali, Colombia; c/o REPARACIONES Y CONSTRUCCIONES LTDA., Cali, Colombia; Cedula No. 6078583 (Colombia) (individual) [SDNT]

SEPULVEDA SEPULVEDA, Manuel Salvador, c/o ALKALA ASOCIADOS S.A., Cali, Colombia; c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia; c/o INVHERESA S.A., Cali, Colombia; Cedula No. 16855038 (Colombia) (individual) [SDNT]

SERNA, Maria Norby, c/o ALKALA ASOCIADOS S.A., Cali, Colombia; c/o INVHERESA S.A., Cali, Colombia; Cedula No. 29475049 (Colombia) (individual) [SDNT]

VARGAS LOPEZ, Gustavo Adolfo, c/o AGROPECUARIA LA ROBLEDA S.A., Cali, Colombia; c/o COLOMBIANA DE CERDOS LTDA., Pereira, Colombia; c/o INDUSTRIA MADERERA ARCA LTDA., Cali, Colombia; c/o INVERSIONES VILLA PAZ S.A., Cali, Colombia; c/o MATADERO METROPOLITANO LTDA., Pereira, Colombia; Cedula No. 6457925 (Colombia) (individual) [SDNT]

ZAMBRANO MADRONERO, Carmen Alicia, c/o COSMEPOP, Bogota, Colombia; c/o PATENTES MARCAS Y REGISTROS S.A., Bogota, Colombia; Cedula No. 30738265 (Colombia) (individual) [SDNT]

4. Appendix A to 31 CFR chapter V is amended by removing in their entirety the entries for the following names from appendix A, section I: "ARBELAEZ ALZATE, Rafael", "BARRENEQUE GOMEZ, Jairo (a.k.a. BARRENECHE GOMEZ, Jairo)", "MILLAN RUBIO, Alba Milena", and "ORDOÑEZ MEDINA, Elizabeth".

Appendix B [Removed]

5. Appendix B to 31 CFR chapter V is removed.

Appendix C [Redesignated]

6. Appendix C to 31 CFR chapter V is redesignated as appendix B.

Dated: June 16, 1999.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: June 21, 1999.

Elisabeth A. Bresee,

Assistant Secretary (Enforcement), Department of the Treasury.

[FR Doc. 99–16586 Filed 6–25–99; 9:38 am]

BILLING CODE 4810–25–F

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Chapter V

Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers: Designations of Senior UNITA Officials

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Amendment of final rule.

SUMMARY: The Treasury Department is amending the appendix A to 31 CFR chapter V by adding the names of 10 individuals who have been determined to be senior officials of the National Union for the Total Independence of Angola ("UNITA").

EFFECTIVE DATE: June 25, 1999.

FOR FURTHER INFORMATION CONTACT: Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, tel.: 202/622–2520.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document is available as an electronic file on *The Federal Bulletin Board* the day of publication in the **Federal Register**. By modem, dial 202/512–1387 and type "/GO FAC," or call 202/512–1530 for disk or paper copies. This file is available for downloading without charge in ASCII and Adobe Acrobat® readable (*.PDF) formats. For Internet access, the address for use with the World Wide Web (Home Page), Telnet, or FTP protocol is: fedbbs.access.gpo.gov. The document is also accessible for downloading in ASCII format without charge from Treasury's Electronic Library ("TEL") in the "Research Mall" of the FedWorld bulletin board. By modem, dial 703/321–3339, and select self–expanding file "T11FR00.EXE" in TEL. For Internet access, use one of the following protocols: Telnet = fedworld.gov (192.239.93.3); World Wide Web (Home Page) = http://www.fedworld.gov; FTP = ftp.fedworld.gov (192.239.92.205). Additional information concerning the programs of the Office of Foreign Assets Control is available for downloading from the Office's Internet Home Page: http://www.treas.gov/ofac, or in fax form through the Office's 24–hour fax–on–demand service: call 202/622–0077 using a fax machine, fax modem, or (within the United States) a touch–tone telephone.

Background

Appendix A to 31 CFR chapter V contains the names of blocked persons, specially designated nationals, specially designated terrorists, foreign terrorist organizations, and specially designated narcotics traffickers designated pursuant to the various economic sanctions programs administered by the Office of Foreign Assets Control. Pursuant to Executive Order 13098 of August 18, 1998, "Blocking Property of UNITA and Prohibiting Certain Transactions with respect to UNITA" (E.O. 13098, 63 FR 44771, 3 CFR, 1998 Comp., p. 206—the "Order"), and the UNITA (Angola) Sanctions Regulations (31 CFR part 590—the "Regulations"), the following 10 individuals are added to appendix A as persons who have been determined to be senior officials of UNITA (hereinafter "blocked persons"). All real and personal property in which the blocked persons have any interest, including but not limited to all accounts that are or come within the United States or that are or come within the possession or control of U.S. persons, including their overseas branches, are blocked. All transactions by U.S. persons or within the United States in property or interests in property of blocked persons are prohibited unless licensed by the Office of Foreign Assets Control.

Designations of foreign persons blocked pursuant to the Order are effective upon the date of determination by the Director of the Office of Foreign Assets Control, acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the **Federal Register**, or upon prior actual notice.

Because the Order and Regulations involve a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act (5 U.S.C. 553), requiring

notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

For the reasons set forth in the preamble, and under the authority of 3 U.S.C. 301; 22 U.S.C. 287c; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); E.O. 12865, 58 FR 51005, 3 CFR, 1993 Comp., p.636; E.O. 13069, 62 FR 65989, 3 CFR, 1997 Comp., p. 232; E.O. 13098, 63 FR 44771, 3 CFR, 1998 Comp., p. 206, appendix A to chapter V of 31 CFR is amended as set forth below:

Appendix A [Amended]

1. Appendix A to chapter V of 31 CFR is amended by adding the following names inserted in alphabetical order in appendix A, section I:

CAMALATA, Abilio (see KAMALATA, Abilio Jose Augusto "Numa") (individual) [UNITA]

CANDEIA, Anibal Jose Mateus "Kile" (a.k.a. KANDEYA, Amilcar Jose Mateus; a.k.a. KANDEYA, Anibal), UNITA Representative to the United Kingdom; DOB 21 August 1954; POB Dondi, Huambo Province, Angola; Passport No. PSAE/505893 (Ivory Coast) (individual) [UNITA]

CHILALA, Odeth Ludovina Baca Joaquim (a.k.a. LUDEVINA, Odeth), President of UNITA's League of Angolan Women (Secretary of Women's Organization for UNITA); DOB 5 August 1959; POB Bela Vista, Huambo Province, Angola (individual) [UNITA]

DACHALA, Marcial Adriano, UNITA Information Secretary; DOB 11 August 1956; POB Bela Vista, Huambo Province, Angola (individual) [UNITA]

DEMBO, Antonio Sebastiao, Vice-President of UNITA; DOB 25 August 1944; POB Nambuangongo, Luanda Province, Angola (individual) [UNITA]

GATO, Armindo Lukamba "Gato" (see PAULO, Armindo Lucas "Gato") (individual) [UNITA]

GATO, Paulo Lukamba (see PAULO, Armindo Lucas "Gato") (individual) [UNITA]

KAMALATA, Abilio Jose Augusto "Numa" (a.k.a. CAMALATA, Abilio), General of UNITA; DOB 31 August 1955; POB Cubal, Benguela Province, Angola (individual) [UNITA]

KANDEYA, Amilcar Jose Mateus (see CANDEIA, Anibal Jose Mateus "Kile") (individual) [UNITA]

KANDEYA, Anibal (see CANDEIA, Anibal Jose Mateus "Kile") (individual) [UNITA]

LUDEVINA, Odeth (see CHILALA, Odeth Ludovina Baca Joaquim) (individual) [UNITA]

MULATO, Ernesto Joaquim, UNITA Representative to Germany; DOB 12 August 1940; POB Bembe, Uige Province, Angola (individual) [UNITA]

PAULO, Armindo Lucas "Gato" (a.k.a. GATO, Armindo Lukamba "Gato"; a.k.a. GATO, Paulo Lukamba), UNITA Secretary-General; DOB 13 May 1954; POB Bailundo, Huambo Province, Angola (individual) [UNITA]

SAPALALO, Altino Bango "Bock," General of UNITA; DOB 5 November 1954; POB Andulo, Bie Province, Angola (individual) [UNITA]

SAVIMBI, Jonas Malheiro, President and Founder of UNITA; DOB 3 August 1934; POB Munhango, Bie Province, Angola (individual) [UNITA]

SAKALA, Alcides (see SIMOES, Alcides Sakala) (individual) [UNITA]

SIMOES, Alcides Sakala (a.k.a. SAKALA, Alcides; a.k.a. TCHACALA, Alcides), UNITA Foreign Affairs Secretary; DOB 23 December 1953; POB Bailundo, Huambo Province, Angola (individual) [UNITA]

TCHACALA, Alcides (see SIMOES, Alcides Sakala) (individual) [UNITA]

Dated: June 16, 1999.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: June 21, 1999.

Elisabeth A. Bresee,

Assistant Secretary (Enforcement). Department of the Treasury.

[FR Doc. 99–16587 Filed 6–25–99; 9:50 am]

BILLING CODE 4810–25–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[C6D 13–99–019]

Drawbridge Operation Regulations; Steamboat Slugh, WA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation.

SUMMARY: Notice is hereby given that the Coast Guard has issued a temporary deviation to the regulations governing the opening of the Burlington Northern Santa Fe Railroad Drawbridge over Steamboat Slough, mile 1.0, at Everett, Washington, from a 6 a.m. July 12 to 6 a.m. July 17, 1999. During this period the draw span need not open for the passage of vessels.

DATES: The period of deviation begins at 6 a.m. July 12 and ends at 6 a.m. July 17, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. John E. Mikesell, Chief, Plans and Programs Section, Thirteen Coast Guard District. Telephone number (206) 220–7270.

SUPPLEMENTARY INFORMATION: The only economic consequences involve some rescheduling of infrequent log towing during the temporary deviation. This deviation is for the purpose of accommodating major repair to the draw machinery.

This deviation from normal operating regulations (33 CFR 117.869) is authorized in accordance with the provisions of Title 33 of the Code of Federal Regulations, § 117.35(d).

Dated: 17 June 1999.

Paul M. Blayney,

Rear Admiral, U.S. Coast Guard Commander, 13th Coast Guard District.

[FR Doc. 99–16668 Filed 6–29–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–083]

RIN 2115–AA97

Safety Zone: Staten Island Fireworks, Raritan Bay and Lower New York Bay

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary safety zones for Staten Island fireworks displays located on Raritan Bay and Lower New York Bay. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of Raritan Bay and Lower New York Bay.

DATES: This rule is effective from 8:30 p.m. on July 3, 1999, until 10 p.m. on July 11, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 205, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (718) 354–4193.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4193.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Due to the date the Application for Approval of

Marine Event was received, there was insufficient time to draft and publish an NPRM and publish the final rule 30 days before its effective date. Good cause exists for not publishing an NPRM and for making this regulation effective less than 30 days after **Federal Register** publication. Any delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed to close the waterways and protect the maritime public from the hazards associated with these fireworks displays.

Background and Purpose

The fireworks programs are being sponsored by the Borough of Staten Island. This regulation establishes two safety zones. First, in all waters of Raritan Bay in the vicinity of the Raritan River Cutoff and Ward Point Bend (West) within a 240-yard radius of the fireworks barge located in approximate position 40°30′04″ N 074°15′35″ W (NAD 1983), approximately 240 yards east of Raritan River Cutoff Channel Buoy 2 (LLNR 36595). The safety zone is in effect from 8:30 p.m. until 10 p.m. on Saturday, July 3, 1999. The rain date for this event is Sunday, July 4, 1999, at the same time and place. Second, in all waters of Lower New York Bay within a 360-yard radius of the fireworks barge located in approximate position 40°35′11″ N 074°03′42″ W (NAD 1983), approximately 350 yards east of South Beach, Staten Island. The safety zone is in effect from 8:30 p.m. until 10 p.m. on Saturday, July 10, 1999. The rain date for this event is Sunday, July 11, 1999, at the same time and place. The safety zones prevent vessels from transiting a portion of Raritan Bay in the vicinity of the Raritan River Cutoff, Ward Point Bend (West), and Lower New York Bay. The safety zones are needed to protect boaters from the hazards associated with fireworks launched from two barges in the area. Marine traffic will still be able to transit through the eastern 140 yards of the 230-yard wide Ward Point Bend (West) during the event on July 3, 1999. Traffic that can not transit through the Raritan River Cutoff will be able to transit through Ward Point Bend (West) by using South Amboy Reach, Great Beds Reach, Ward Point Secondary Channel, and Ward Point Bend (East). Marine traffic will still be able to transit through Lower New York Bay during the event off South Beach on July 10, 1999. Additionally, vessels are not precluded from mooring at or getting underway from any marinas or piers at Perth Amboy, New Jersey during the display in the Raritan River Cutoff. Public notifications will be made prior to the event via the Local Notice to Mariners and marine information broadcasts.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. this finding is based on the minimal time that vessels will be restricted from the zone, that vessels are not precluded from getting underway, or mooring at, the marinas and piers in Perth Amboy, New Jersey, that marine traffic may safely transit to the east of the zone on July 3, 1999, marine traffic will still be able to transit through Lower New York Bay during the display on July 10, 1999, and advance notifications which will be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions and with populations of less than 50,000.

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

Collection of Information

This final rule does not provide for a collection of information under the Paperwork under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

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

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104–4, 109 Stat. 48] requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain *Federal mandates*. A Federal mandate is a new or additional enforceable duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, $100 million or more in any one year, the URMA analysis is required. This final rule does not impose Federal mandates on any State, local, or tribal governments, or the private sector.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

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

Regulation

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

PART 165—[AMENDED]

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–6, 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105–383.

2. Add temporary § 165.T01–083 to read as follows:

§ 165.T01–083 Safety Zone: Staten Island Fireworks, Raritan Bay and Lower New York Bay.

(a) *Safety Zones.* The following areas are designated safety zones:

(1) *Safety Zone A:* (1) *Location.* All waters of Raritan Bay in the vicinity of the Raritan River Cutoff and Ward Point Bend (West) within a 240-yard radius of

the fireworks barge in approximate position 40°30′04″ N 074°15′35″ W (NAD 1983), approximately 240 yards east of Raritan River Cutoff Channel Buoy 2 (LLNR 36595).

(ii) *Effective period.* Paragraph (a)(1) of this section is effective from 8:30 p.m. until 10 p.m. on July 3, 1999. If the event is cancelled due to inclement weather, then this paragraph is effective from 8:30 p.m. until 10 p.m. on July 4, 1999.

(2) *Safety Zone B:* (i) *Location.* All waters of Lower New York Bay within a 360-yard radius of the fireworks barge in approximate position 40°35′11″ N 074°03′42″ W (NAD 1983), approximately 350 yards east of South Beach, Staten Island.

(ii) *Effective period.* Paragraph (a)(2) of this section is effective from 8:30 p.m. until 10 p.m. on July 10, 1999. If the event is cancelled due to inclement weather, then this paragraph is effective from 8:30 p.m. until 10 p.m. on July 11, 1999.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) all persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: June 18, 1999.

L.M. Brooks,

Captain, U.S. Coast Guard, Acting Captain of the Port, New York.

[FR Doc. 99–16667 Filed 6–29–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–092]

RIN 2115–AA97

Safety Zone: Madison 4th of July Celebration, Long Island Sound

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone for the Madison 4th of July Celebration to be held off West Wharf, Madison, CT, on July 2, 1999. This action is needed to protect persons, facilities, vessels and others in the maritime community from the safety hazards associated with this fireworks display. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATE: This regulation is effective on July 2, 1999, from 9:30 p.m. until July 3, 1999, at 10:45 p.m.

ADDRESSES: Documents relating to this temporary final rule are available for inspection and copying at U.S. Coast Guard Group Long Island Sound, 120 Woodward Avenue, New Haven, CT 06512. Normal office hours are between 8:00 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be faxed to this address. The fax number is (203) 468–4445.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander T.J. Walker, Chief of Port Operations, Captain of the Port, Long Island Sound at (203) 468–4444.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, good cause exists for not publishing a notice of proposed rulemaking (NPRM) and for making this rule effective in less than 30 days after **Federal Register** publication. The sponsor of the event did not provide the Coast Guard with the final details for the event in sufficient time to publish a NPRM or a final rule 30 days in advance. The delay encountered if normal rulemaking procedures were followed would effectively cancel the event. Cancellation of this event is contrary to the public interest since the fireworks display is for the benefit of the public.

Background and Purpose

The Madison Cultural Arts of Madison, CT is sponsoring a fireworks display off of West Wharf on Long Island Sound, Madison, CT. The fireworks display will occur on July 2, 1999, from 9:30 p.m. until 10:45 p.m. In case of inclement weather, the rain date will be July 3, 1999, at the same time and place. The safety zone covers all waters of Long Island Sound within a 600 foot radius of the fireworks launching barge which will be located off of West Wharf, Madison, CT, in approximate position: 41°16′02″ N, 072°36′25″ W, (NAD 1983). This zone is required to protect the maritime community from the safety dangers associated with this fireworks display. Entry into or movement within this zone will be prohibited unless authorized by the Captain of the Port or his on-scene representative.

Regulatory Evaluation

This temporary final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This safety zone involves only a portion of Long Island Sound and entry into this zone will be restricted for only 1 hour and 15 minutes on July 2 or 3, 1999. Although this regulation prevents traffic from transiting this section of Long Island Sound, the effect of this regulation will not be significant for several reasons: the duration of the event is limited; the event is at a late hour; all vessel traffic may safely pass around this safety zone; and extensive, advance maritime advisories will be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard considered whether this proposal would have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and (2) governmental jurisdictions with populations of less than 50,000.

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

Assistance for Small Entities

Under subsection 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 [Pub. L. 104–121], the Coast Guard wants to assist small entities in understanding this final rule so that they can better evaluate its effects on them and participate in the rulemaking. If your small business or organization would be affected by this final rule and you have questions concerning its provisions or options for compliance, please call LCDR T.J. Walker, telephone (203) 468–4444.

The Ombudsman of Regulatory Enforcement for Small Business and

Agriculture, and 10 Regional Fairness Boards, were established to receive comments from small businesses about enforcement by Federal agencies. The Ombudsman will annually evaluate such enforcement and rate each agency's responsiveness to small business. If your wish to comment on enforcement by the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

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

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612, and has determined that these regulations do not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in aggregate of $100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the lease costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected. No state, local, or tribal government entities will be effected by this rule, so this rule will not result in annual or aggregate costs of $100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under Figure 2–1, paragraph 34(g), of Commandant Instruction, M 16475.C, this rule is categorically excluded from further environmental documentation. A written Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under Addresses.

Other Executive Orders on the Regulatory Process

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

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

E.O. 12875, Enhancing the Intergovernmental Partnership. This final rule meets applicable standards in sections 3(a) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13405, Protection of Children from Environmental Health Risks and Safety Risks. This final rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

List of Subjects in 33 CFR Part 165

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

Regulation

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

PART 165—[AMENDED]

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–6 and 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub.L. 105–383.

2. Add temporary § 165.T01–CGD1–092 to read as follows:

§ 165.T01–CGD1–092 Madison 4th of July Celebration, West Wharf, Long Island Sound, Madison, CT.

(a) *Location.* The safety zone includes all waters of Long Island Sound within a 600 foot radius of the launch barge located off of West Wharf, Madison, CT in approximate position 41°16′02″ N, 072°36′25″ W (NAD 1983).

(b) *Effective date.* This section is effective on July 2, 1999 from 9:30 p.m. until 10:45 p.m. In case of inclement weather, the rain date will be July 3, 1999 at the same time and place.

(c)(1) *Regulations.* The general regulations covering safety zones contained in § 165.23 of this part apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard Vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: June 21, 1999.

P.K. Mitchell,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. 99–16666 Filed 6–29–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–095]

RIN 2115–AA97

Safety Zone: Fenwick Fireworks Display, Long Island Sound

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone for the Fenwick Fireworks Display to be held off Fenwick Pier, Old Saybrook, CT., on July 3, 1999. This action is needed to protect persons, facilities, vessels and others in the maritime community from the safety hazards associated with this fireworks display. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATE: This regulation is effective on July 3, 1999, from 8:45 p.m. until July 4, 1999 at 10:00 p.m.

ADDRESSES: Documents relating to this temporary final rule are available for inspection and copying at U.S. Coast Guard Group Long Island Sound, 120 Woodward Avenue, New Haven, CT 06512. Normal office hours are between 8:00 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be faxed to this address. The fax number is (203) 468–4445.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander T.J. Walker, Chief of Port Operations, Captain of the Port, Long Island Sound at (203) 468–4444.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, good cause exists for not publishing a notice of proposed rulemaking (NPRM) and for making this rule effective in less than 30 days after **Federal Register** publication. The sponsor of the event did not provide the Coast Guard with the final details for the event in sufficient time to

publish a NPRM or a final rule 30 days in advance. The delay encountered if normal rulemaking procedures were followed would effectively cancel the event. Cancellation of this event is contrary to the public interest since the fireworks display is for the benefit of the public.

Background and Purpose

Mr. Arnold L. Chase of West Hartford, CT. is sponsoring a fireworks display off of Fenwick Pier on Long Island Sound, Old Saybrook, CT. The fireworks display will occur on July 3, 1999, from 8:45 pm until 10:00 pm. In case of inclement weather, the rain date will be July 4, 1999 at the same time and place. The safety zone covers all waters of Long Island Sound within a 600 foot radius of the fireworks launching barge which will be located off of Fenwick Pier, Old Saybrook, CT, in approximate position: 41°16′ N, 072°23′ W, (NAD 1983). This zone is required to protect the maritime community from the safety dangers associated with this fireworks display. Entry into or movement within this zone will be prohibited unless authorized by the Captain of the Port or his on-scene representative.

Regulatory Evaluation

This temporary final rule is not a significant regulatory action under section 3(f) of Executive order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(30 of that order. It has been exempted form review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This safety zone involves only a portion of Lond Island Sound and entry into this zone will be restricted for only 1 hour and 15 minutes on July 3 or 4 1999. Although this regulation prevents traffic from transiting this section of Long Island Sound, the effect of this regulation will not be significant for several reasons: the duration of the event is limited; the event is a later hour; all vessel traffic may safely pass around this safety zone; and extensive, advance maritime advisories will be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard considered whether this proposal would have a significant economic impact on a substantial number or small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and (2) governmental jurisdictions with populations of less than 50,000.

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

Assistance for Small Entities

Under subsection 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 [Pub. L. 104–121], the Coast Guard wants to assist small entities in understanding this final rule so that they can better evaluate its effects on them and participate in the rulemaking. If your small business or organization would be affected by this final rule and you have questions concerning its provisions or options for compliance please call LCDR T.J. Walker, telephone (202) 468–4444.

The Ombudsman of Regulatory Enforcement for Small Business and Agriculture, and 10 Regional Fairness Boards, were established to receive comments from small businesses about enforcement by Federal agencies. The Ombudsman will annually evaluate such enforcement and rate each agency's responsiveness to small business. If you wish to comment on enforcement by the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

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

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive order 12612, and has determine that these regulations do no raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in aggregate of $100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected. No state, local, or tribal government entities will be effected by this rule, so this rule will not result in annual or aggregate costs of $100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under Figure 2–1, paragraph 34(g), of Commandant Instruction, M 16475.C, this rule is categorically excluded from further environmental documentation. A written Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under Addresses.

Other Executive Orders on the Regulatory Process

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

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

E.O. 12875, Enhancing the Intergovernmental Partnership. This final rule meets applicable standards in sections 3(a) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13405, Protection of Children from Environmental Health Risks and Safety Risks. This final rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

List of Subjects in 33 CFR Part 165

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

Regulation

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

PART 165—[AMENDED]

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

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

1.46. Section 165.100 is also issued under authority of Sec. 311, Pub.L. 105–383.

2. Add temporary § 165.T01–CGD1–095 to read as follows:

§ 165.T01–CGD1–095 Fenwick Fireworks Display, Old Saybrook, Long Island Sound.

(a) *Location.* The safety zone includes all waters of Long Island Sound within a 600 foot radius of the launch barge located off of Fenwick Pier, Old Saybrook, CT. in approximate position 41°16′ N, 072°23′ W (NAD 1983).

(b) *Effective date.* This section is effective on July 3, 1999, from 8:45 p.m. until 10:00 p.m. In case of inclement weather, the rain date will be July 4, 1999, at the same time and place.

(c)(1) *Regulations.* The general regulations covering safety zones contained in § 165.23 of this part apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard Vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: June 21, 1999.

P.K. Mitchell,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. 99–16665 Filed 6–29–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 59

[AD–FRL–6368–7]

RIN 2060–AE55

National Volatile Organic Compound Emission Standards for Architectural Coatings; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; corrections and amendments.

SUMMARY: On September 11, 1998 (63 FR 48848), EPA published the "National Volatile Organic Compound Emission Standards for Architectural Coatings" under the authority of section 183(e) of the Clean Air Act (Act). In today's action, we're issuing technical corrections and clarifications for that rule. Today's action won't change the volatile organic compound (VOC content limits for architectural coatings or the level of health protection that the rule provides. In compliance with the Paperwork Reduction Act (PRA), today's action also amends the table that lists the Office of Management and Budget (OMB) control numbers issued under the PRA for the architectural coatings regulation.

DATES: The effective date is June 30, 1999.

ADDRESSES: *Technical Support Documents.* The promulgated regulation is supported by two background information documents: one specific to the architectural coatings rule, and one that addresses comments on the study and Report to Congress under section 183(e). You can obtain both documents from the docket for the architectural coatings rule (see below); through the Internet at http://www.epa.gov/ttn/uatw/183e/aim/aimpg.html; or from the U.S. Environmental Protection Agency Library (MD–35), Research Triangle Park, North Carolina 27711, telephone (919) 541–2777. Please refer to "National Volatile Organic Compound Emission Standards for Architectural Coatings—Background for Promulgated Standards," EPA–453/R–98–006b, or "Response to Comments on Section 183(e) Study and Report to Congress," EPA–453/R–98–007.

Docket. Docket No. A–92–18 contains information considered by EPA in developing the promulgated standards and this action. You can inspect the docket and copy materials from 8 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. The docket is located at the EPA's Air and Radiation Docket and Information Center, Waterside Mall, Room M1500, 1st Floor, 401 M Street, SW, Washington, DC 20460; telephone (202) 260–7548 or fax (202) 260–4400. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Herring at (919) 541–5358, Coatings and Consumer Products Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711 (herring.linda@epa.gov). Any correspondence related to compliance with this rule must be submitted to the appropriate EPA Regional Office listed in § 59.409 of 40 CFR Part 59 (see 63 FR 48848, September 11, 1998).

SUPPLEMENTARY INFORMATION: *Regulated Entities.* You may be affected by these rule amendments if you fall into one of the categories in the following table.

Category	NAICS code	SIC code	Examples of regulated entities
Industry	32551 325510	2851	Manufacturers (which includes packagers and repackagers) and importers of architectural coatings that are manufactured for sale or distribution in the U.S., including all U.S. territories.
State/local/tribal governments.	.....	.....	State Departments of Transportation that manufacture their own coatings.

Architectural coatings are coatings that are recommended for field application to stationary structures and their appurtenances, to portable buildings, to pavements, or to curbs.

Use this table only as a guide because this action may also regulate other entities. To determine if it regulates your facility, business, or organization, carefully examine the applicability criteria in § 59.400 of 40 CFR part 59. If you have questions about how it applies, contact Linda Herring (see **FOR FURTHER INFORMATION CONTACT** section of this preamble).

I. Technical Corrections

The EPA published in the **Federal Register** of September 11, 1998 (63 FR 48848), the final rule regulating VOC emissions from architectural coatings. The preamble and rule (FR Doc. 98--22659) contain errors and require clarification. Thus, we're correcting and clarifying the rule as follows.

1. We are adding a definition for the term "megagram" to § 59.401. We are adding this definition at the request of some regulated entities to assist them in understanding and applying the units of measure used in the rule.

2. We are correcting § 59.402(a) by adding a sentence to the end of paragraph (a) to clarify that we'll use

metric units, rather than English units, to determine compliance.

3. We are correcting § 59.402(c)(1), (c)(3) through (c)(8), and (c)(15), to use consistent terminology throughout the section. We are removing the phrases "are also recommended for use as" and "are recommended for use as," and replacing them with the phrase "also meet the definition for."

4. We are correcting § 59.402(c)(13) by adding the word "sealers," which we omitted by mistake in the published rule.

5. We are adding a paragraph (16) to § 59.402(c). This addition corrects an inadvertent overlap between the definitions for zone marking coating and traffic marking coating.

6. We are adding a paragraph (17) to § 59.402(c). This addition corrects an inadvertent overlap between the definitions for rust preventative coatings and primers and undercoaters.

7. We are correcting the definition for the term "Volume Manufactured or Imported" in equation 2, which is referenced in § 59.403(c). This change clarifies that for the exceedance fee, you must include the volume of any water and exempt compounds in the coating and exclude the volume of colorant added to tint bases when calculating the volume manufactured or imported.

8. We are adding a sentence to the end of § 59.404(a)(1). This addition clarifies that you must use metric units, not English units, to determine compliance.

9. We are correcting § 59.404(a)(4) by removing the erroneous cross-reference to § 59.408(f), which does not exist.

10. We are adding a sentence to the end of § 59.404(b) to clarify that the VOC amount used in the tonnage exemption calculations excludes the volume of any colorant added to tint bases.

11. We are correcting the definition for the term "VOC_C" in equation 3, which is referenced in § 59.404(b). This change is necessary to be consistent with the clarifying changes to the terms used in equation 4, described in change numbers 12 and 14 below. The change is intended to distinguish between the term "VOC_C" and the new term "VOC Amount" in equation 4.

12. We are replacing the term "VOC Content" with "VOC Amount" in equation 4, which is referenced in § 59.404(b). We're replacing the term "VOC Content" with "VOC Amount" to distinguish this term from the term "VOC Content." The term "VOC Amount" in equation 4 is used only for calculating the grams VOC per liter of each coating claimed under the tonnage exemption. The VOC amount in equation 4 includes the volume of water and exempt compounds (see change number 13 below). The "VOC Content" in § 59.406 is used for calculating the trams VOC per liter of each coating to determine compliance with the VOC content limits. The VOC content in § 59.406 excludes the volume of any water and exempt compounds, except for low solids stains and low solids wood preservatives.

13. We are correcting the definition for the term "Volume Manufactured or Imported" in equation 4, which is referenced in § 59.404(b), to clarify that for the tonnage exemption, the volume of coating is calculated including the volume of any water and exempt compounds, and excluding the volume of any colorant added to tint bases.

14. We are removing the term and definition of "VOC Content" in equation 4, which is referenced in § 59.404(b), and replacing it with the term and definition of "VOC Amount." We're adding a definition for the new term "VOC Amount" to clarify that for the tonnage exemption, you determine the VOC amount by calculating the grams of VOC in each liter of coating including the volume of any water and exempt compounds. Colorant added to tint bases is not included in this calculation, and the reference to it in the final rule which we are correcting was in error.

15. We are correcting § 59.405(a)(3)(i) and (ii) to allow you to label the VOC content in either metric or English units.

16. We are correcting § 59.407(b)(5) to make this paragraph concerning recordkeeping for the exceedance fee consistent with the definition of "Volume Manufactured or Imported" in Equation 2.

17. We are correcting § 59.407(c)(2) to make this paragraph concerning recordkeeping for the tonnage exemption consistent with the definition for "VOC Amount" in equation 4.

18. We are correcting § 59.407(c)(3), to reflect EPA's intent for the tonnage exemption: Records must be kept of the volume of coating manufactured or imported, not the sales volume.

19. We are correcting the first sentence of § 59.408(b) to reflect EPA's intent that the deadline for submitting the initial notification report for coatings registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) is March 13, 2000; and the deadline for submitting the report for all other coatings subject to the rule is September 13, 1999.

20. We are correcting § 59.408(d)(5) to make this paragraph concerning reporting for the exceedance fee consistent with the revised definition for "Volume Manufactured or Imported" in equation 2.

21. We are correcting § 59.408(e)(2) to make this paragraph concerning reporting for the tonnage exemption consistent with the definition for "VOC Amount" in equation 4.

22. We are correcting § 59.408(e)(3) to reflect EPA's intent that reports be submitted for the volume of coating manufactured or imported, not the sales volume.

23. We are correcting the addresses for EPA Regional Offices. These are administrative changes of addresses of EPA Regional Offices necessary to ensure that submittals by regulated entities reach the correct EPA address.

24. In the third column of table to Subpart D—Volatile Organic Compound (VOC) Content Limits for Architectural Coatings, for Anti-fouling coatings, we are correcting the number of pounds VOC per gallon to read "3.8." The number "3.3" was a typographical error.

We're making these technical corrections effective immediately. By issuing these technical corrections directly as a final rule, we're foregoing an opportunity for public comment on a notice of proposed rulemaking. Section 553(b) of title 5 of the United States Code (U.S.C.) and section 307(b) of the Act permit an agency to forego notice and comment when "the Agency for good cause finds (and incorporates the finding and brief statement of reasons therefore in the rule issues) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." We find that notice and comment regarding these minor technical corrections are unnecessary because the corrections are not controversial and don't substantively change the requirements of the architectural coatings rule. We find that this constitutes good cause under 5 U.S.C. 553(b) and section 307(b) of the Act for a determination that the issuance of a notice of proposed rulemaking is unnecessary.

Amendment to 40 CFR Part 9

Today, we're amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various EPA regulations. The amendment updates the table to list those information collection requirements promulgated under the "National Volatile Organic Compound Emission Standards for Architectural Coatings," which appeared in the **Federal Register** on September 11, 1998, at 63 FR 48848. The affected regulations are codified at 40 CFR part 59. We'll continue to present the OMB control numbers in a

consolidated table format to be codified in 40 CFR part 9 of the EPA's regulations, and in each CFR volume containing EPA regulations. The table lists CFR sections with reporting, recordkeeping, or other information collection requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfy the requirements of the PRA (44 U.S.C. 3501, *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

The ICR was subject to public notice and comment before OMB's approval. Due to the technical nature of the table, we find there is "good cause" under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without prior notice and comment.

Administrative Requirements

A. Docket

The docket is an organized and complete file of all the information that we considered in developing the rule and today's technical amendments. The docket is a dynamic file, since we add material throughout the rulemaking development. The docketing system allows you to identify and locate documents so you can participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated standards and EPA responses to significant comments, the contents of the docket will serve as the record in case of judicial review (see 42 U.S.C. 7607(d)(7)(A)).

B. Paperwork Reduction Act

The OMB has approved the information collection requirements of the previously promulgated rule under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501, *et seq.*, and has assigned OMB Control Number 2060–0393. A copy of the ICR No. 1750.02 may be obtained from Sandy Farmer, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2137), 401 M Street, SW, Washington, DC 20460, or by calling (202) 260–2740. The information collection requirements were effective upon OMB's approval on January 8, 1999.

Today's amendments to the rule will have no effect on the estimates of the information collection burden. The technical changes are clarifications of requirements and don't impose additional requirements. Therefore, we haven't revised the ICR.

Today's action amends 40 CFR part 9 by adding the architectural coatings ICR to section 9.1, OMB approvals under the PRA.

C. Executive Order 12866

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

1. Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
2. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
3. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
4. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The regulation published on September 11, 1998 was considered a "significant regulatory action" under criterion (4) above, based on the novel use of economic incentives (an exceedance fee) for this industry. Therefore, EPA submitted the final rule to OMB for review before publication. Today's amendments to the rule include minor technical corrections and clarifications to several rule requirements. Therefore, EPA determined that this action is not significant and does not require OMB review.

D. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

In compliance with Executive Order 12875, EPA involved State and local governments in the development of the rule published on September 11, 1998. Today's action does not create a mandate upon State, local, or tribal governments because it clarifies and makes minor technical corrections to several rule requirements and it does not impose any additional requirements. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

E. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. The EPA is not aware of any tribal governments that manufacture or import architectural coatings. Nevertheless, today's action does not create a mandate upon tribal governments because it clarifies and makes minor technical corrections to several rule requirements and it does not impose any additional requirements. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

F. Regulatory Flexibility Act/Small Business Regulatory Enforcement Fairness Act of 1996

The Regulatory Flexibility Act (RFA) of 1980 (5 U.S.C. 601, *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), requires EPA to give special consideration to the effect of Federal regulations on small entities and to consider regulatory options that might mitigate any such impacts. As discussed in the preamble to the rule published on September 11, 1998 (63 FR 48874–48875), EPA prepared analyses to support both the proposed and final rules to meet the requirements of the RFA as modified by SBREFA.

For the reasons discussed in the preamble to the rule, EPA believes that the measures adopted in the final rule will significantly mitigate the economic impacts on small businesses that might otherwise have occurred. Today's action is not subject to the requirements of the RFA as modified by SBREFA because it only makes minor technical corrections and clarifications to some of the rule's requirements and it does not impose any additional requirements.

G. Unfunded Mandates Reform Act of 1995

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

The EPA has determined that today's action does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector, in any one year. Therefore, the requirements of sections 202 and 205 of the UMRA do not apply to this action. The EPA has likewise determined that today's amendments to the rule do not include regulatory requirements that would significantly or uniquely affect small governments. Thus, today's action is not subject to the requirements of section 203 of the UMRA.

H. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. § 801, *et seq.*, as added by the SBREFA 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. The EPA will submit a report containing the rule, its amendments, and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. § 804(2).

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., material specifications, test methods, sampling procedures, business practices, etc.) that are developed or adopted by voluntary consensus standard bodies. The NTTAA requires EPA to provide Congress, through OMB, explanations when EPA decides not to use available and applicable voluntary consensus standards.

For the reasons discussed in the preamble to the final rule (63 FR 48876), EPA determined that its analytical test method for determining product compliance under the rule is consistent with the requirements of NTTAA. Today's action does not amend or modify the rule's test method and, therefore, the requirements of the NTTAA do not apply.

J. Executive Order 13045

Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that EPA determines (1) is economically significant as defined under Executive Order 12866, and (2) for which the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, EPA must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by EPA.

Today's action is not subject to Executive Order 13045 because it is not an economically significant regulatory action as defined by Executive Order 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

List of Subjects in 40 CFR Parts 9 and 59

Environmental protection, Air pollution control, Architectural coatings, Consumer and commercial products, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 21, 1999.

Robert Perciasepe,

Assistant Administrator for Air and Radiation.

Technical Corrections

The EPA published in the **Federal Register** of September 11, 1998 (63 FR 48848), the final rule regulating VOC emissions from architectural coatings. The preamble and rule (FR Doc. 98–22659) contain errors and require clarification. Thus, we're correcting and clarifying the preamble and rule as follows.

A. In the **Federal Register** issue of September 11, 1998 in FR Doc. 98-22659, on page 48851, second column,

in the last line of the first paragraph in section II.A., correct the date "March 10, 2000" to read "March 13, 2000."

B. In the rule FR Doc. 98–22659 published on September 11, 1998 (63 FR 48848), make the following corrections.

PART 59—[CORRECTED]

Subpart D—[Corrected]

§ 59.401 [Corrected]

1. On page 48879, in the second column, correct § 59.401 by adding immediately before the definition of *Matallic pigmented coating* the definition for the term "megagram" to read as follows. "*Megagram* means one million grams or 1.102 tons."

§ 59.402 [Corrected]

2. On page 48880, in the third column, correct § 59.402(a) by adding the following sentence to the end of paragraph (a): "Compliance with the VOC content limits will be determined based on the VOC content, as expressed in metric units."

3. On page 48880, in the third column, and page 48881, in the first and third columns, correct § 59.402(c)(1), (c)(3) through (c)(8), and (c)(15), by removing the phrases "are also recommended for use as" and "are recommended for use as," and replacing them with the phrase "also meet the definition for."

4. On page 48881, in the second column, correct § 59.402(c)(13) to read: "Quick-dry primers, sealers, and undercoaters that also meet the definition for primers, sealers, or undercoaters are subject only to the VOC content limit in table 1 of this subpart for quick-dry primers, sealers, and undercoaters."

5. On page 48881, in the third column, add the following new paragraph (c)(16) to § 59.402: "(16) Zone marking coatings that also meet the definition for traffic marking coatings are subject only to the VOC content limit in table 1 of this subpart for zone marking coatings."

6. On page 48881, in the third column, add the following new paragraph (c)(17) to § 59.402: "(17) Rust preventative coatings that also meet the definition for primers or undercoaters are subject only to the VOC content limit in table 1 of this subpart for rust preventative coatings."

§ 59.403 [Corrected]

7. On page 48881, in the first column, correct the definition for the term "Volume Manufactured or Imported" in equation 2, which is referenced in § 59.403(c), to read: "The volume of the coating manufactured or imported per year, in liters, including the volume of any water and exempt compounds and excluding the volume of any colorant added to tint bases. Any volume for which a tonnage exemption in claimed under § 59.404 of this subpart is also excluded."

§ 59.404 [Corrected]

8. On page 48881, in the third column, add the following sentence to the end of § 59.404(a)(1): "Compliance with the tonnage exemption will be determined based on the amount of VOC, as expressed in metric units."

9. On page 48881, in the third column, correct § 59.404(a)(4) to read: "The reporting requirements of § 59.408(b) and (e) of this subpart."

10. On page 48882, in the first column, add the following sentence to the end of § 59.404(b): "The VOC amount shall be determined without colorant that is added after the tint base is manufactured or imported."

11. On page 48882, in the third column, correct the definition for the term "VOC_C" in equation 3, which is referenced in § 59.404(b), to read: "Megagrams of VOC, for each coating (c) claimed under the exemption, as computed by equation 4."

12. On page 48882, in equation 4, which is referenced in § 59.404(b), replace the term "VOC Content" with "VOC Amount."

13. On page 48882, in the first column, correct the definition for the term "Volume Manufactured or Imported" in equation 4, which is referenced in § 59.404(b), to read: "Volume of the coating manufactured or imported, in liters, including the volume of any water and exempt compounds and excluding the volume of any colorant added to tint bases, for the time period the exemption is claimed."

14. On page 48882, in the first column, correct the term and definition of "VOC Content" in equation 4, which is referenced in § 59.404(b), to read as follows: "VOC Amount = Grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compounds."

§ 59.405 [Corrected]

15. On page 48882, in the first column, correct § 59.405(a)(3)(i) and (ii) to read:

"(i) The VOC content of the coating, displayed in units of grams of VOC per liter of coating or in units of pounds of VOC per gallon of coating; or

"(ii) The VOC content limit in table 1 of this subpart with which the coating is required to comply and does comply, displayed in units of grams of VOC per liter of coating or in units of pounds of VOC per gallon of coating."

§ 59.407 [Corrected]

16. On page 48883, in the third column, correct § 59.407(b)(5) to read: "The total volume of each coating manufactured or imported per calendar year, in liters, including the volume of any water and exempt compounds and excluding the volume of any colorant added to tint bases."

17. On page 48883, in the third column, correct § 59.407(c)(2) to read: "The VOC amount as used in equation 4."

18. On page 48883, in the third column, correct § 59.407(c)(3) to read: "The volume manufactured or imported, in liters, for each coating for which the exemption is claimed for the time period the exemption is claimed."

§ 59.408 [Corrected]

19. On page 48884, in the first column, correct the first sentence of § 59.408(b) to read: "Each manufacturer and importer of any architectural coating subject to the provisions of this subpart shall submit an initial notification report no later than the applicable compliance date specified in § 59.400, or within 180 days after the date that the first architectural coating is manufactured or imported, whichever is later."

20. On page 48884, in the second column, correct § 59.408(d)(5) to read: "The total volume of each coating manufactured or imported per calendar year, in liters, including the volume of any water and exempt compounds and excluding the volume of any colorant added to tint bases."

21. On page 48884, in the second column, correct § 59.408(e)(2) to read: "The VOC amount as used in equation 4."

22. On page 48884, in the second column, correct § 59.408(e)(3) to read: "The volume manufactured or imported, in liters, for each coating for which the exemption is claimed for the time period the exemption is claimed."

§ 59.409 [Corrected]

23. On page 48884, in the third column, correct the addresses for EPA Regional Offices as follows:

For Region I, correct the street address by removing "J.F.K. Federal Building, Boston, MA 02203–2211" and replacing it with "One Congress Street, Boston, MA 02114–2023."

For Region II, correct the name of the division by removing "Division of Environmental Planning and

Protection" and replacing it with "Division of Enforcement and Compliance Assistance."

For Region VII, correct the street address by removing "726 Minnesota Avenue" and replacing it with "901 North 5th Street."

Table 1 to Subpart D

24. On page 48886, in the third column of table 1 to Subpart D—Volatile Organic Compound (VOC) Content Limits for Architectural Coatings, for "Anti-fouling coatings," correct the number of pounds VOC per gallon to read "3.8."

Amendment to 40 CFR Part 9

For the reasons set out in the preamble, part 9 of title 40 of the Code of Federal Regulations is amended as follows:

PART 9—OMB APPROVALS UNDER THE PAPERWORK REDUCTION ACT

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135, *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251, *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857, *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

2. In § 9.1 amend the table by removing the heading "National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings" and add in its place the heading "National Volatile Organic Compound Emission Standards for Consumer and Commercial Products"; and by adding new entries under the heading in numerical order to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * * * *	
National Volatile Organic Compound Emission Standards for Consumer and Commercial Products	
* * * * *	
59.405	2060–0393
59.407	2060–0393
59.408	2060–0393
* * * * *	

[FR Doc. 99–16384 Filed 6–29–99; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 009–130c; FRL–6368–4]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This action redesignates the number of a paragraph in Title 40 of the Code of Federal Regulations that appeared in a direct final rule published in the **Federal Register** on June 3, 1999.

EFFECTIVE DATE: This action is effective on August 2, 1999.

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, Rulemaking Office, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1184.

SUPPLEMENTARY INFORMATION: On June 3, 1999, at 64 FR 29790, EPA published a direct final rulemaking action approving San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD), Rule 1010 and Rule 1130 of the California State Implementation Plan (SIP). This action contained amendments to 40 CFR part 52, subpart F. The amendments which incorporated material by reference into § 52.220, Identification of plan, paragraph (c)(199)(i)(D)(4) are being redesignated as (c)(199)(i)(D)(5) in this action.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and, is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the **Federal Register** on July 1, 1982.

Dated: June 14, 1999.

David P. Howekamp,

Acting 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 redesignating the paragraph (c)(199)(i)(D)(*4*) added at 64 FR 29793 on June 3, 1999 as (c)(199)(i)(D)(*5*).

[FR Doc. 99–16386 Filed 6–29–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[GA–33–2–9926a; FRL–6368–6]

Approval and Promulgation of Implementation Plans; Georgia: Approval of Revisions to the Georgia State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On March 15, 1995, the State of Georgia, through the Environmental Protection Division (EPD), submitted revisions to their State Implementation Plan (SIP) regarding permitting exemptions. EPA is granting final approval to these revisions.

DATES: This direct final rule is effective August 30, 1999 without further notice, unless EPA receives adverse comment by July 30, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be addressed to Scott Martin at the EPA Regional Office listed below. Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303–3104.

Air Protection Branch, Georgia Environmental Protection Division, Georgia Department of Natural Resources, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354.

FOR FURTHER INFORMATION CONTACT: Scott M. Martin, Regulatory Planning Section, Air Planning Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 61 Forsyth Street, SW, Atlanta, Georgia 30303–3104. The telephone number is 404–562–9036.

SUPPLEMENTARY INFORMATION: On March 15, 1995, the EPD submitted revisions to the Georgia SIP incorporating revisions to Rules for Air Quality Control Chapter 391–3–1–.03, "Permits." A public hearing for these revisions was held on July 14, 1994, and the revisions became state effective on August 17, 1994. The revisions are described below:

391–3–1–.03 Permits

Section (6) was amended to update the list of sources which are exempt from the requirement to obtain an air quality permit. The exempt sources include, but are not limited to, the following: mobile sources, combustion equipment, equipment used for cooking food, blacksmith forges, funeral homes, small incinerators, boiler water treatment operations, storage tanks, farm equipment, repair shops, non-perchloroethylene dry-cleaning, cold cleaners, equipment used for portable steam cleaning, and portable equipment used for the on-site painting of buildings. Further details regarding source exemptions can be obtained from the regional EPA address listed above.

Final Action

EPA is approving the aforementioned changes to the SIP because they are consistent with the Clean Air Act and EPA requirements.

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective August 30, 1999 without further notice unless the Agency receives adverse comments by July 30, 1999.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on August 30, 1999 and no further action will be taken on the proposed rule.

Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities.

C. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

D. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the

environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

E. 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 final rule will not have a significant impact on a substantial number of small entities because SIP approvals 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 the Federal SIP approval 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).

F. Unfunded Mandates

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 annual costs to State, local, or tribal governments in the aggregate; or to 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 approval action promulgated does not include a Federal mandate that may result in estimated annual 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.

G. Submission to Congress and the Comptroller General

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**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

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 August 30, 1999. 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, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: June 16, 1999.

Phyllis P. Harris,

Acting Regional Administrator, Region 4.

Part 52 of chapter I, title 40, *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 L—Georgia

2. Section 52.570(c) is amended by revising the entry for "391–3–1–.03 Permits" to read as follows :

§ 52.570 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED GEORGIA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Comments
* * *	*	*	*	*
391–3–1–.03	Permits	8/17/94	June 30, 1999	
* * *	*	*	*	*

[FR Doc. 99–16376 Filed 6–29–99; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 210–0103; FRL–6365–3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Modoc County Air Pollution Control District, Siskiyou County Air Pollution Control District, Tehama County Air Pollution Control District, and Tuolumne County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the California State Implementation Plan (SIP). This action is an administrative change which revises the definitions in Modoc County Air Pollution Control District (MCAPCD), Siskiyou County Air Pollution Control District (SCAPCD), Tehama County Air Pollution Control District (TCAPCD), and Tuolumne County Air Pollution Control District (TUCAPCD). The intended effect of approving this action is to incorporate changes to the definitions for clarity and consistency and to update the Exempt Compound list in TCAPCD definition's rule to be consistent with the revised federal and state VOC definitions.

DATES: This rule is effective on August 30, 1999 without further notice, unless EPA receives adverse comments by July 30, 1999. If EPA receives such comment, it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Comments must be submitted to Andrew Steckel at the Region IX office listed below. Copies of these rules, along with EPA's evaluation report for each rule, are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted requests for rule revisions are also available for inspection at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812

Modoc County Air Pollution Control District, 202 West 4th Street, Alturas, CA 96101–3915

Siskiyou County Air Pollution Control District, 1855 Placer Street, Ste. 101, Redding, CA 96001–1759

Tehama County Air Pollution Control District, P.O. Box 38 (1750 Walnut St.), Red Bluff, CA 96080–0038

Tuolumne County Air Pollution Control District, 22365 Airport, Columbia, CA 95310

FOR FURTHER INFORMATION CONTACT: Cynthia G. Allen, Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1189.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules with definition revisions being approved into the California SIP include the following: MCAPCD Rule 1.2, Definitions and 7.1, Definitions (Agricultural Burning); SCAPCD Rule 7.1, Agricultural Burning Definitions; TCAPCD Rule 1:2, Definitions; and TUCAPCD Rules 101, Title; 102, Definitions; and Regulation III, Open Burning, Rule 300, General Definitions. These rules were submitted by the California Air Resources Board to EPA on March 26, 1990 (Tuolumne), December 31, 1990 (Modoc and Siskiyou), and May 13, 1991 (Tehama).

II. Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included MCAPCD, SCAPCD, TCAPCD, and TUCAPCD. 43 FR 8964, 49 CFR 81.305. In response to section 110(a) of the Act and other requirements, the MCAPCD, SCAPCD, TCAPCD, and TUCAPCD submitted many rules which EPA approved into the SIP.

This document addresses EPA's direct-final action for MCAPCD Rules 1.2, Definitions and 7.1, Definitions (Agricultural Burning); SCAPCD Rule 7.1, Agricultural Burning Definitions; TCAPCD Rule 1.2, Definitions; and TUCAPCD Rules 101, Title; 102, Definitions; and Regulation III, Open Burning, Rule 300, General Definitions. These rules were adopted by TUCAPCD on November 22, 1988; by MCAPCD on May 1, 1989; by SCAPCD on July 11, 1989; and by TCAPCD on April 25, 1989. These rules were submitted by the California Air Resources Board to EPA on March 26, 1990 (Tuolumne); December 31, 1990 (Modoc and Siskiyou); and May 13, 1991 (Tehama). These submitted rules were found to be complete on February 28, 1991 (Modoc and Siskiyou), July 10, 1991 (Tehama), and June 20, 1990 (Tuolumne), pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V [1] and are being finalized for approval into the SIP. The following are EPA's summary and final action for these rules:

III. EPA Evaluation and Action

In determining the approvability of a rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements appears in various EPA policy guidance documents. [2]

MCAPCD Rule 1.2, Definitions, is amended by changing the format of the existing rule, and adding and/or revising several definitions. The following new definitions are: A3, Approved Combustibles; B1, Baseline Air Quality; Date; B3, Bulk Plant; C1, Class I Area; C4, Complete Application; C5, Condensed Fumes; D2, Dusts; F1, Fugitive Emissions; I1, Implement of Husbandry; M1, Multi-Component System; N1, Net Emissions Increases; P2, Permit; P4, PM–10; P5, Portable Source; P6, Process; P9, PSD Permit; R1, Regulation; S3, Significance Level; S4, Source Operation; T1, Total Reduced Sulfur (TRS); and T2, Trade Secrets. Rule 7.1, Definitions (Agricultural Burning), is amended by adding the following new definitions: Permit, Agricultural Burning Guidelines, Wildland Vegetation Management Burning, Prescribed Burning, Sensitive Receptor Area, and Burning Permit. Rule 5.3, Definitions, submitted on July 25, 1973 is being superseded by Rule 7.1.

SCAPCD Rule 7.1, Definitions, is amended to include "alumigel" to the list of approved ignition devices.

[1] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(l)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

[2] Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviation, Clarification to appendix D of November 24, 1987 **Federal Register** document" (Blue Book)(notice of availability was published in the **Federal Register** on May 25, 1988), and the existing control technique guidelines (CTGs).

TCAPCD Rule 1.2, Definitions, is amended by adding the following new definitions: Designated Agency, Garbage, and Volatile Organic Compounds (VOC).

TUCAPCD Rule 101, Title, is being amended for clarity and consistency with the Clean Air Act and 40 CFR part 51. Rule 102, Definitions, is amended by adding the following new definitions: Allowable Emissions, Attainment Pollutant, Baseline Concentration, Best Available Control Technology, Breakdown Condition, Criteria Pollutant, Facility, Federal Land Manager, Fugitive Dust, Lowest Achievable Emission Rate, Major Facility, Major Modification, Modification, Nonattainment Pollutant, Potential to Emit, Precursor, Resource Recovery Facility, Secondary Emissions, Source, and Temporary Source. Regulation III, Open Burning, Rule 300, General Definitions, is a new rule and contains general definitions for terms used or referenced in the district rules. This new rule defines the following terms: (A) Agricultural Operation, (B) Agricultural Wastes, (C) APCD, (D) APCO, (E) Approved Ignition Devices, (F) ARB, (G) Brush Treated, (H) Designated Agency, (I) No-Burn Day, (J) Open Out-Door, (K) Permissive Burn Day, (L) Person, (M) Prescribed Burning, (N) Section, (O) Silviculture, and (P) Timber Operations.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, MCAPCD Rule 1.2, Definitions and 7.1, Definitions (Agricultural Burning); SCAPCD Rule 7.1, Agricultural Burning Definitions; TCAPCD Rule 1:2, Definitions; and TUCAPCD Rules 101, Title; 102, Definitions; and Regulation III, Open Burning, Rule 300, General Definitions are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective August 30, 1999 without further notice unless the Agency receives adverse comments by July 30, 1999.

If the EPA receives such comments, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on August 30, 1999 and no further action will be taken on the proposed rule.

IV. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. 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 final rule will not have a significant impact on a substantial number of small entities because SIP approvals 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 the Federal SIP approval 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).

F. Unfunded Mandates

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 annual costs to State, local, or tribal governments in the aggregate; or to 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 approval action promulgated does not include a Federal mandate that may result in estimated annual 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.

G. Submission to Congress and the Comptroller General

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**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

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 August 30, 1999. 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: June 8, 1999.

Nora L. McGee,

Acting 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)(179)(i)(G), (182)(i)(F)(*3*) and (G)(*2*), and (184)(i)(F) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(179) * * *

(i) * * *

(G) Tuolumne County Air Pollution Control District.

(*1*) Rules 101, 102, and Rule 300, adopted November 22, 1988.

* * * * *

(182) * * *

(i) * * *

(F) * * *

(*3*) Rule 1.2 and Rule 7.1, adopted May 1, 1989.

(G) * * *

(*2*) Rule 7.1, adopted July 11, 1989.

* * * * *

(184) * * *

(i) * * *

(F) Tehama County Air Pollution Control District.

(*1*) Rule 1.2, adopted April 25, 1989.

* * * * *

[FR Doc. 99–16374 Filed 6–29–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MS9921: FRL–6348–4]

Approval and Promulgation of Air Quality Implementation Plans; Mississippi Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: EPA is updating the materials submitted by Mississippi that are incorporated by reference (IBR) into the State implementation plan (SIP). The regulations affected by this update have been previously submitted by the State agency and approved by EPA. This update affects the SIP materials that are available for public inspection at the Office of the Federal Register (OFR), the Air and Radiation Docket and Information Center located in Waterside Mall, Washington, D.C., and the Regional Office.

EFFECTIVE DATE: This action is effective June 30, 1999.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations:

Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, GA 30303; Office of Air and Radiation, Docket and Information Center (Air Docket), EPA, 401 M Street, SW, Room M1500, Washington, DC 20460; and

Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Notarianni at the above Region 4 address or at (404) 562–9031.

SUPPLEMENTARY INFORMATION: The SIP is a living document which the state can revise as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on SIP revisions

containing new and/or revised regulations as being part of the SIP. On May 22, 1997, (62 FR 27968) EPA revised the procedures for incorporating by reference Federally-approved SIPs, as a result of consultations between EPA and OFR. The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997, **Federal Register** document.

On July 1, 1997, EPA published a document in the **Federal Register** (62 FR 35441) beginning the new IBR procedure for Mississippi. In this document EPA is doing the first update to the material being IBRed. On July 15, 1997, (62 FR 37724) EPA published a direct final approval document approving revisions to the Mississippi SIP for open burning and prevention of signficant deterioration. In that document EPA also updated the Identification of plan section for the Code of Federal Regulations.

In this document EPA is updating the SIP compilation that is incorporated by reference. EPA took notice and public comment on this rulemaking in July 1997. No comments were received and the rule became effective September 15, 1997.

EPA has determined that today's rule falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs.

Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Immediate notice in the CFR benefits the public by updating citations.

I. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation.

This action is not subject to E.O. 13045 because it approves a state rule implementing a previously promulgated health or safety-based Federal standard, and preserves the existing level of pollution control for the affected areas.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." This rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. 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 final rule will not have a significant impact on a substantial number of small entities because SIP approvals 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 the Federal SIP approval 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).

F. Unfunded Mandates

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 annual costs to State, local, or tribal governments in the aggregate; or to 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 approval action promulgated does not include a Federal mandate that may result in estimated annual 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.

G. Submission to Congress and the Comptroller General

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

H. Petitions for Judicial Review

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Mississippi SIP compilations had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: April 29, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Part 52 of chapter I, title 40, *Code of Federal Regulations*, is amended as follows:

PART 52—[AMENDED]

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

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

Subpart Z—Mississippi

2. Section 52.1270 paragraph (b) is revised to read as follows:

§ 52.1270 Identification of plan.

* * * * *

(b) Incorporation by reference.

(1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to July 1, 1999, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after July 1, 1999, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of July 1, 1999.

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; the Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.; or at the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC. 20460.

* * * * *

[FR Doc. 99–16538 Filed 6–29–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN—9922; FRL–6367–5]

Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Revised Format for Materials Being Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: EPA is revising the format of 40 CFR part 52 for materials submitted by the State of Tennessee that are incorporated by reference (IBR) into the State implementation plan (SIP). The regulations affected by this format change have all been previously submitted by the State agency and approved by EPA.

This format revision will affect the "Identification of plan" sections of 40 CFR part 52, as well as the format of the SIP materials that will be available for public inspection at the Office of the Federal Register (OFR), the Air and Radiation Docket and Information Center located in Waterside Mall, Washington, D.C., and the Regional Office. The sections of 40 CFR part 52 pertaining to provisions promulgated by EPA or State-submitted materials not subject to IBR review remain unchanged.

EFFECTIVE DATE: This action is effective June 30, 1999.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations:

Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, GA 30303;

Office of Air and Radiation, Docket and Information Center (Air Docket), EPA, 401 M Street, SW, Room M1500, Washington, DC 20460; and

Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Steven M. Scofield at the above Region 4 address or at (404) 562–9034.

SUPPLEMENTARY INFORMATION: The supplementary information is organized in the following order:

What is a SIP?
How EPA enforces SIPs.
How the State and EPA update the SIP.
How EPA compiles the SIPs.
How EPA organizes the SIP Compilation.
Where you can find a copy of the SIP Compilation.
The format of the new Identification of Plan Section.
When a SIP revision become federally enforceable.
The historical record of SIP revision approvals.
What EPA is doing in this action.
How this document complies with the Federal Administrative Requirements for rulemaking.

What Is a SIP?

Each state has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring network, attainment demonstrations, and enforcement mechanisms.

How EPA Enforces SIPs

Each state must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them and then submit the SIP to EPA.

Once these control measures and strategies are approved by EPA, after notice and comment, they are incorporated into the federally approved SIP and are identified in Part 52 (Approval and Promulgation of Implementation Plans), Title 40 of the Code of Federal Regulations (40 CFR Part 52). The full text of the state regulation approved by EPA is not reproduced in its entirety in 40 CFR Part 52, but is "incorporated by reference." This means that EPA has approved a given state regulation with a specific effective date. The public is referred to the location of the full text version should they want to know which measures are contained in a given SIP. The information provided allows EPA and the public to monitor the extent to which a state implements the SIP to attain and maintain the NAAQS and to take enforcement action if necessary.

How the State and EPA Update the SIP

The SIP is a living document which the State can revise as necessary to address the unique air pollution problems in the State. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference federally-approved SIPs, as a result of consultations between EPA and OFR.

EPA began the process of developing

1. A revised SIP document for each state that would be incorporated by reference under the provisions of 1 CFR part 51;

2. A revised mechanism for announcing EPA approval of revisions to an applicable SIP and updating both the IBR document and the CFR; and

3. A revised format of the "Identification of plan" sections for each applicable subpart to reflect these revised IBR procedures.

The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997, **Federal Register** document.

How EPA Compiles the SIPs

The federally-approved regulations and source specific permits (entirely or portions of), submitted by each state agency have been compiled by EPA into a "SIP Compilation." The SIP Compilation contains the updated regulations and source specific permits approved by EPA through previous rule making actions in the **Federal Register**. The compilations are contained in 3-ring binders and will be updated, primarily on an annual basis.

How EPA Organizes the SIP Compilation

Each State Compilation contains two parts. Part 1 contains the regulations and Part 2 contains the source specific requirements that have been approved as part of the SIP. Each part has a table of contents identifying each regulation or each source specific permit. The table of contents in the compilation corresponds to the table of contents published in 40 CFR part 52 for each state. The Regional EPA Offices have the primary responsibility for ensuring accuracy and updating the compilations.

Where You Can Find a Copy of the SIP Compilation

The Region 4 EPA Office developed and will maintain the compilation for the State of Tennessee. A copy of the full text of each State's current compilation will also be maintained at the Office of Federal Register and EPA's Air Docket and Information Center.

The Format of the New Identification of Plan Section

In order to better serve the public, EPA revised the organization of the "Identification of plan" section and included additional information to clarify the enforceable elements of the SIP.

The revised Identification of plan section contains five subsections:

(a) Purpose and scope
(b) Incorporation by reference
(c) EPA approved regulations
(d) EPA approved source specific permits
(e) EPA approved nonregulatory provisions such as transportation control measures, statutory provisions, control strategies, monitoring networks, etc.

When a SIP Revision Becomes Federally Enforceable

All revisions to the applicable SIP become federally enforceable as of the effective date of the revisions to paragraphs (c), (d), or (e) of the applicable identification of plan found in each subpart of 40 CFR part 52.

The Historical Record of SIP Revision Approvals

To facilitate enforcement of previously approved SIP provisions and provide a smooth transition to the new SIP processing system, EPA retains the original Identification of Plan section, previously appearing in the CFR as the first or second section of part 52 for each state subpart. After an initial two year period, EPA will review its experience with the new system and enforceability of previously approved SIP measures, and will decide whether or not to retain the Identification of Plan appendices for some further period.

What EPA Is Doing in This Action

Today's rule constitutes a "housekeeping" exercise to ensure that all revisions to the State programs that have occurred are accurately reflected in 40 CFR part 52. State SIP revisions are controlled by EPA regulations at 40 CFR part 51. When EPA receives a formal SIP revision request, the Agency must publish the proposed revision in the **Federal Register** and provide for public comment before approval.

EPA has determined that today's rule falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately

(thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs.

Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations.

How This Document Complies With the Federal Administrative Requirements for Rule Making

A. Executive Order 12866

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

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E. O. 13084 do not apply to this rule.

D. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

E. 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 final rule will not have a significant impact on a substantial number of small entities because SIP approvals 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 the Federal SIP approval 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).

F. Unfunded Mandates

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 annual costs to State, local, or tribal governments in the aggregate; or to 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 approval action promulgated does not include a Federal mandate that may result in estimated annual 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.

G. Submission to Congress and the Comptroller General

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**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Tennessee compilation has previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: April 30, 1999.

A. Stanely Meiburg,

Acting Regional Administrator, Region 4.

Part 52 of chapter I, title 40, *Code of Federal Regulations,* is amended as follows:

PART 52—[Amended]

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

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

Subpart RR—Tennessee

2. Section 52.2220 is redesignated as § 52.2239 and the section heading and paragraph (a) are revised to read as follows:

§ 52.2239 Original Identification of plan section.

(a) This section identifies the original "Tennessee Air Pollution Control Implementation Plan" and all revisions submitted by Tennessee that were federally approved prior to December 1, 1998.

* * * * *

3. A new § 52.2220 is added to read as follows:

§ 52.2220 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State implementation plan for Tennessee under section 110 of the Clean Air Act, 42 U.S.C. 7401, and 40 CFR part 51 to meet national ambient air quality standards.

(b) Incorporation by reference.

(1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to December 1, 1998, was approved for incorporation by reference by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after December 1, 1998, will be incorporated by reference in the next update to the SIP compilation.

(2) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; the Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.; or at the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC. 20460.

(c) EPA approved regulations.

EPA Approved Tennessee Regulations

State citation	Title/subject	Adoption date	EPA approval date	Federal Register Notice
Chapter 1200–3–1 GENERAL PROVISIONS				
Section 1200–3–1–.01	General Rules	02/09/77	03/29/85	50 FR 12540.
Section 1200–3–1–.02	Severability	10/12/79	06/24/82	47 FR 27267.
Chapter 1200–3–2 DEFINITIONS				
Section 1200–3–2–.01	General Definitions	08/01/90	04/18/94	59 FR 18310.
Section 1200–3–2–.02	Abbreviations	02/09/77	03/29/85	50 FR 12540.
Chapter 1200–3–3 AIR QUALITY STANDARDS				
Section 1200–3–3–.01	Primary Air Quality Standards	02/09/77	03/29/85	50 FR 12540.
Section 1200–3–3–.02	Secondary Air Quality Standards	02/09/77	03/29/85	50 FR 12540.
Section 1200–3–3–.03	Tennessee's Ambient Air Quality Standards	12/05/84	03/29/85	50 FR 12539.
Section 1200–3–3–.04	Nondegradation	02/09/77	03/29/85	50 FR 12540.
Section 1200–3–3–.05	Achievement	08/02/83	04/07/93	58 FR 18011.
Chapter 1200–3–4 OPEN BURNING				
Section 1200–3–4–.01	Purpose	02/09/77	03/29/85	50 FR 12540.
Section 1200–3–4–.02	Open Burning Prohibited	03/21/79	06/24/82	47 FR 27268.
Section 1200–3–4–.03	Exceptions to Prohibition	02/09/77	03/29/85	50 FR 12540.
Section 1200–3–4–.04	Permits for Open Burning	06/21/79	06/24/82	47 FR 27268.
Chapter 1200–3–5 VISIBLE EMISSION REGULATIONS				
Section 1200–3–5–.01	General Standards	06/07/92	08/15/97	62 FR 43643.
Section 1200–3–5–.02	Exceptions	06/07/92	08/15/97	62 FR 43643.
Section 1200–3–5–.03	Method of Evaluating and Recording	06/07/92	08/15/97	62 FR 43643.
Section 1200–3–5–.04	Exemption	06/07/92	08/15/97	62 FR 43643.

EPA APPROVED TENNESSEE REGULATIONS—Continued

State citation	Title/subject	Adoption date	EPA approval date	Federal Register Notice
Section 1200–3–5–.05	Standard for Certain Existing Sources	06/07/92	08/15/97	62 FR 43643.
Section 1200–3–5–.06	Wood-Fired Fuel Burning Equipment	06/07/92	08/15/97	62 FR 43643.
Section 1200–3–5–.07	Repealed	06/07/92	08/15/97	62 FR 43643.
Section 1200–3–5–.08	Titanium Dioxide (TiO_2) Manufacturing	06/07/92	08/15/97	62 FR 43643.
Section 1200–3–5–.09	Kraft Mill Recovery Furnaces	06/07/92	08/15/97	62 FR 43643.
Section 1200–3–5–.10	Choice of Visible Emission Standard for Certain Fuel Burning Equipment.	06/07/92	08/15/97	62 FR 43643.
Section 1200–3–5–.11	Soda Recovery Boilers	06/07/92	08/15/97	62 FR 43643.
Section 1200–3–5–.12	Coke Battery Underfire (combustion) Stacks	06/07/92	08/15/97	62 FR 43643.
	Chapter 1200–3–6 NON-PROCESS EMISSION STANDARDS			
Section 1200–3–6–.01	General Non-Process Emissions	06/21/79	06/24/82	47 FR 27268.
Section 1200–3–6–.02	Non-Process Particulate Emission Standards	09/08/80	06/24/82	47 FR 27268.
Section 1200–3–6–.03	General Non-Process Gaseous Emissions	06/21/79	06/24/82	47 FR 27268.
Section 1200–3–6–.04	(Deleted)	06/21/79	06/24/82	47 FR 27268.
Section 1200–3–6–.05	Wood-Fired Fuel Burning Equipment	05/30/87	11/23/88	53 FR 47530.
	Chapter 1200–3–7 PROCESS EMISSION STANDARDS			
Section 1200–3–7–.01	General Process Particulate Emission Standards	03/02/79	06/24/82	47 FR 27269.
Section 1200–3–7–.02	Choice of Particulate Emission Standards—Existing Process	04/12/78	06/07/79	44 FR 32681.
Section 1200–3–7–.03	New Processes	06/21/79	06/24/82	47 FR 27269.
Section 1200–3–7–.04	Limiting Allowable Emissions	03/21/79	06/07/79	44 FR 32681.
Section 1200–3–7–.05	Specific Process Emission Standards	06/07/74	06/07/79	44 FR 32681.
Section 1200–3–7–.06	Standards of Performance for New Stationary Sources	06/07/74	06/07/79	44 FR 32681.
Section 1200–3–7–.07	General Provisions and Applicability for Process Gaseous Emission Standards.	01/22/82	06/12/96	61 FR 29666.
Section 1200–3–7–.08	Specific Process Emission Standards	09/22/80	01/31/96	61 FR 3318.
Section 1200–3–7–.09	Sulfuric Acid Mist	02/09/77	03/29/85	50 FR 12540.
Section 1200–3–7–.10	Grain Loading Limit for Certain Existing Sources	03/21/79	06/24/82	47 FR 27269.
Section 1200–3–7–.11	Carbon Monoxide, Electric Arc Furnaces	10/25/79	06/24/82	47 FR 27267.
Section 1200–3–7–.12	Carbon Monoxide, Catalytic Cracking Units	01/22/82	06/21/82	47 FR 26621.
	Chapter 1200–3–8 FUGITIVE DUST			
Section 1200–3–8–.01	Fugitive Dust	07/11/80	06/24/82	47 FR 27269.
Section 1200–3–8–.02	Special Nonattainment Area Fugitive Dust Requirements	03/21/79	06/24/82	47 FR 27269
	Chapter 1200–3–9 CONSTRUCTION AND OPERATING PERMITS			
Section 1200–3–9–.01	Construction Permits	12/28/96	07/29/97	62 FR 40458.
Section 1200–3–9–.02	Operating Permits	09/21/94	02/13/97	62 FR 6724.
Section 1200–3–9–.03	General Provisions	02/09/77	03/29/85	50 FR 12540.
Section 1200–3–9–.04	Exemptions	02/09/77	03/29/85	50 FR 12540.
Section 1200–3–9–.05	Appeal of Permit Application Denials and Permit Conditions	11/16/79	06/24/82	47 FR 27269.
	Chapter 1200–3–10 REQUIRED SAMPLING, RECORDING, AND REPORTING			
Section 1200–3–10–.01	Sampling Required to Establish Contaminant Emission Levels	12/14/81	03/19/96	61 FR 11136.
Section 1200–3–10–.02	Monitoring of Source Emissions, Recording, Reporting of the Same are Required.	12/14/81	03/19/96	61 FR 11136.
	Chapter 1200–3–12 METHODS OF SAMPLING AND ANALYSIS			
Section 1200–3–12–.01	General	02/09/77	03/29/85	50 FR 12540.
Section 1200–3–12–.02	Procedures for Ambient Sampling and Analysis	01/18/80	06/24/82	47 FR 27270.
Section 1200–3–12–.03	Source Sampling and Analysis	08/01/84	03/29/85	50 FR 12539.
Section 1200–3–12–.04	Monitoring Required for Determining Compliance of Certain Large Sources.	12/13/82	07/27/84	49 FR 30177.
	Chapter 1200–3–13 VIOLATIONS			
Section 1200–3–13–.01	Violation Statement	06/07/74	06/07/79	44 FR 32681.
	Chapter 1200–3–14 CONTROL OF SULFUR DIOXIDE EMISSIONS			
Section 1200–3–14–.01	General Provisions	08/01/84	04/07/93	58 FR 18011.
Section 1200–3–14–.02	Non-Process Emission Standards	08/01/84	04/07/93	58 FR 18011.
Section 1200–3–14–.03	rocess Emission Standards	03/21/93	03/19/96	61 FR 11136.

EPA APPROVED TENNESSEE REGULATIONS—Continued

State citation	Title/subject	Adoption date	EPA approval date	Federal Register Notice
Chapter 1200–3–15 EMERGENCY EPISODE REQUIREMENTS				
Section 1200–3–15–.01	Purpose	02/09/77	03/29/85	50 FR 12540.
Section 1200–3–15–.02	Episode Criteria	06/26/93	09/15/94	59 FR 47256.
Section 1200–3–15–.03	Required Emissions Reductions	05/15/81	06/24/82	47 FR 27267.
Chapter 1200–3–18 VOLATILE ORGANIC COMPOUNDS				
Section 1200–3–18–.01	Definitions	06/03/96	08/27/96	61 FR 43972.
Section 1200–3–18–.02	General Provisions and Applicability	02/23/96	07/18/96	61 FR 37387.
Section 1200–3–18–.03	Compliance Certification, Recordkeeping, and Reporting Requirements for Coating and Printing Sources.	02/08/96	07/18/96	61 FR 37387.
Section 1200–3–18–.04	Compliance Certification, Recordkeeping, and Reporting Requirements for Non-Coating and Non-Printing Sources.	02/08/96	07/18/96	61 FR 37387.
Section 1200–3–18–.05	(Reserved)	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.06	Handling, Storage, Use, and Disposal of Volatile Organic Compounds (VOC).	06/04/96	08/27/96	61 FR 43972.
Section 1200–3–18–.07	Source-Specific Compliance Schedules	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.08	(Reserved)	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.09	(Reserved)	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.10	(Reserved)	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.11	Atomobile and Light-Duty Truck Coating Operations	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.12	Can Coating	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.13	Coil Coating	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.14	Paper and Related Coating	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.15	Fabric Coating	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.16	Vinyl Coating	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.17	Coating of Metal Furniture	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.18	Coating of Large Appliances	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.19	Coating of Magnet Wire	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.20	Coating of Miscellaneous Metal Parts	02/08/96	07/18/96	61 FR 37387.
Section 1200–3–18–.21	Coating of Flat Wood Paneling	02/08/96	07/18/96	61 FR 37387.
Section 1200–3–18–.22	Bulk Gasoline Plants	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.23	Bulk Gasoline Terminals	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.24	Gasoline Dispensing Facility—Stage I and Stage II Vapor Recovery.	06/03/96	04/14/97	62 FR 18046.
Section 1200–3–18–.25	Leaks from Gasoline Tank Trucks	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.26	Petroleum Refinery Sources	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.27	Leaks from Petroleum Refinery Equipment	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.28	Petroleum Liquid Storage in External Floating Roof Tanks	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.29	Petroleum Liquid Storage in Fixed Roof Tanks	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.30	Leaks from Natural Gas/Gasoline Processing Equipment	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.31	Solvent Metal Cleaning	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.32	Cutback and Emulsified Asphalt	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.33	Manufacture of Synthesized Pharaceutical Products	02/21/95	07/18/96	61 FR 37387.
Section 1200–3–18–.34	Pneumatic Rubber Tire Manufacturing	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.35	Graphic Arts Systems	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.36	Petroleum Solvent Dry Cleaners	02/08/96	07/18/96	61 FR 37387.
Section 1200–3–18–.37	(Reserved)	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.38	Leaks from Synthetic Organic Chemical, Polymer, and Resin Manufacturing Equipment.	02/08/96	07/18/96	61 FR 37387.
Section 1200–3–18–.39	Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins.	05/08/97	07/29/97	62 FR 40458.
Section 1200–3–18–.40	Air Oxidation Processes in the Synthetic Organic Chemical Manufacturing Industry.	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.41	(Reserved)	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.42	Wood Furniture Finishing and Cleaning Operations	04/25/96	07/18/96	61 FR 37387.
Section 1200–3–18–.43	Offset Lithographic Printing Operations	04/22/96	07/18/96	61 FR 37387.
Section 1200–3–18–.44	Surface Coating of Plastic Parts	06/03/96	08/27/96	61 FR 43972.
Section 1200–3–18–.45	Standards of Performance for Commercial Motor Vehicle and Mobile Equipment Refinishing Operations.	06/03/96	08/27/96	61 FR 43972.
Section 1200–3–18–.48	Volatile Organic Liquid Storage Tanks	06/03/96	08/27/96	61 FR 43972.
Sections 1200–3–18–.49–.77	(Reserved)	05/18/93	02/27/95	60 FR 10504.
Section 1200–3–18–.78	Other Facilities That Emit Volatile Organic Compounds (VOC's) of Fifty Tons Per Year.	02/08/96	07/18/96	61 FR 37387.
Section 1200–3–18–.79	Other Facilities That Emit Volatile Organic Compounds (VOC's) of One Hundred Tons Per Year.	02/08/96	07/18/96	61 FR 37387
Section 1200–3–18–.80	Test Methods and Compliance Procedures: General Provisions.	05/18/93	02/27/95	60 FR 10504
Section 1200–3–18–.81	Test Methods and Compliance Procedures: Determining the Volatile Organic Compound (VOC) Content of Coatings and Inks.	05/08/97	07/29/97	62 FR 40458

EPA APPROVED TENNESSEE REGULATIONS—Continued

State citation	Title/subject	Adoption date	EPA approval date	Federal Register Notice
Section 1200–3–18–.82	Test Methods and Compliance Procedures: Alternative Compliance Methods for Surface Coating.	05/18/93	02/27/95	60 FR 10504
Section 1200–3–18–.83	Test Methods and Compliance Procedures: Emission Capture and Destruction or Removal Efficiency and Monitoring Requirements.	05/18/93	02/27/95	60 FR 10504
Section 1200–3–18–.84	Test Methods and Compliance Procedures: Determining the Destruction or Removal Efficiency of a Control Device.	05/18/93	02/27/95	60 FR 10504
Section 1200–3–18–.85	Test Methods and Compliance Procedures: Leak Detection Methods for Volatile Organic Compounds (VOC's).	05/18/93	02/27/95	60 FR 10504
Section 1200–3–18–.86	Performance Specifications for Continuous Emission Monitoring of Total Hydrocarbons.	06/03/96	04/14/97	62 FR 18046
Section 1200–3–18–.87	Quality Control Procedures for Continuous Emission Monitoring Systems (CEMS).	05/18/93	02/27/95	60 FR 10504
Section 1200–3–18–.88–.99	(Reserved)	05/18/93	02/27/95	60 FR 10504
Chapter 1200–3–19 EMISSION STANDARDS AND MONITORING REQUIREMENTS FOR PARTICULATE AND SULFUR DIOXIDE NONATTAINMENT AREAS				
Section 1200–3–19–.01	Purpose	04/30/96	07/30/97	62 FR 40734
Section 1200–3–19–.02	General Requirements	04/30/96	07/30/97	62 FR 40734
Section 1200–3–19–.03	Particulate and Sulfur Dioxide Nonattainment Areas within Tennessee.	04/30/96	07/30/97	62 FR 40734
Section 1200–3–19–.04	(Reserved)	04/30/96	07/30/97	62 FR 40734
Section 1200–3–19–.05	Operating Permits and Emission Limiting Conditions	04/30/96	07/30/97	62 FR 40734
Section 1200–3–19–.06	Logs for Operating Hours	04/30/96	07/30/97	62 FR 40734
Section 1200–3–19–.07–.10	(Reserved)	04/30/96	07/30/97	62 FR 40734
Section 1200–3–19–.11	Particulate Matter Emission Regulations for the Bristol Nonattainment Area.	04/30/96	07/30/97	62 FR 40734
Section 1200–3–19–.12	Particulate Matter Emission Regulations for Air Contaminant Sources in or Significantly Impacting the Particulate Nonattainment Areas in Campbell County.	04/30/96	07/30/97	62 FR 40734
Section 1200–3–19–.13	Particulate Emission Regulations for the Bull Run Nonattainment Area and Odoms Bend Nonattainment Area.	04/30/96	07/30/97	62 FR 40734.
Section 1200–3–19–.14	Sulfur Dioxide Emission Regulations for the New Johnsonville Nonattainment Area.	04/30/96	07/30/97	62 FR 40734.
Section 1200–3–19–.15	Particulate Matter Monitoring Requirements for Steam Electric Generating Units in the Bull Run and Odoms Bend Nonattainment Areas.	04/30/96	07/30/97	62 FR 40734.
Section 1200–3–19–.16–.18	(Reserved)	04/30/96	07/30/97	62 FR 40734.
Section 1200–3–19–.19	Sulfur Dioxide Regulations for the Copper Basin Nonattainment Area.	04/30/96	07/30/97	62 FR 40734.
Chapter 1200–3–20 LIMITS ON EMISSIONS DUE TO MALFUNCTIONS, START–UPS, AND SHUTDOWNS				
Section 1200–3–20–.01	Purpose	02/13/79	02/06/80	45 FR 8004.
Section 1200–3–20–.02	Reasonable Measures Required	02/13/79	02/06/80	45 FR 8004.
Section 1200–3–20–.03	Notice Required When Malfunction Occurs	12/09/81	06/24/82	47 FR 27272.
Section 1200–3–20–.04	Logs and Reports	02/13/79	02/06/80	45 FR 8004.
Section 1200–3–20–.05	Copies of Log Required	02/13/79	02/06/80	45 FR 8004.
Section 1200–3–20–.06	Scheduled Maintenance	02/13/79	02/06/80	45 FR 8004.
Section 1200–3–20–.07	Report Required Upon The Issuance of Notice of Violation	02/13/79	02/06/80	45 FR 8004.
Section 1200–3–20–.08	Special Reports Required	02/13/79	02/06/80	45 FR 8004.
Section 1200–3–20–.09	Rights Reserved	02/13/79	02/06/80	45 FR 8004.
Section 1200–3–20–.10	Additional Sources Covered	11/23/79	06/24/82	47 FR 27272.
Chapter 1200–3–21 GENERAL ALTERNATE EMISSION STANDARD				
Section 1200–3–21–.01	General Alternate Emission Standard	01/22/82	06/24/82	47 FR 27272.
Section 1200–3–21–.02	Applicability	03/22/93	04/18/94	59 FR 18310.
Chapter 1200–3–22 LEAD EMISSION STANDARDS				
Section 1200–3–22–.01	Definitions	03/18/85	08/12/85	50 FR 32412.
Section 1200–3–22–.02	General Lead Emission Standards	12/05/84	08/12/85	50 FR 32412.
Section 1200–3–22–.03	Specific Emission Standards for Existing Sources of Lead	12/05/84	08/12/85	50 FR 32412.
Section 1200–3–22–.04	Standards for New and Modified Sources of Lead	12/05/84	08/12/85	50 FR 32412.
Section 1200–3–22–.05	Source Sampling and Analysis	12/05/84	08/12/85	50 FR 32412.
Section 1200–3–22–.06	Lead Ambient Monitoring Requirements	12/05/84	08/12/85	50 FR 32412.
Chapter 1200–3–23 VISIBILITY PROTECTION				
Section 1200–3–23–.01	Purpose	12/19/94	07/02/97	62 FR 35681.

EPA APPROVED TENNESSEE REGULATIONS—Continued

State citation	Title/subject	Adoption date	EPA approval date	Federal Register Notice
Section 1200–3–23–.02	Definitions	12/19/94	07/02/97	62 FR 35681.
Section 1200–3–23–.03	General Visibility Protection Standards	12/19/94	07/02/97	62 FR 35681.
Section 1200–3–23–.04	Specific Emission Standards for Existing Stationary Facilities	12/19/94	07/02/97	62 FR 35681.
Section 1200–3–23–.05	Specific Emission Standards for Existing Sources	12/19/94	07/02/97	62 FR 35681.
Section 1200–3–23–.06	Visibility Standards for New and Modified Sources	12/19/94	07/02/97	62 FR 35681.
Section 1200–3–23–.07	Visibility Monitoring Requirements	12/19/94	07/02/97	62 FR 35681.
Section 1200–3–23–.08	Exemptions from BART Requirements	12/19/94	07/02/97	62 FR 35681.
Chapter 1200–3–24 GOOD ENGINEERING PRACTICE STACK HEIGHT REGULATIONS				
Section 1200–3–24–.01	General Provisions	08/18/86	10/19/88	53 FR 40881.
Section 1200–3–24–.02	Definitions	08/18/86	10/19/88	53 FR 40881.
Section 1200–3–24–.03	Good Engineering Practice Stack Height Regulations Standards.	08/18/86	10/19/88	53 FR 40881.
Section 1200–3–24–.04	Specific Emission Standards	08/18/86	10/19/88	53 FR 40881.
Chapter 1200–3–27 NITROGEN OXIDES				
Section 1200–3–27–.01	Definitions	06/14/93	07/29/96	61 FR 39326.
Section 1200–3–27–.02	General Provisions and Applicability	04/29/96	07/29/96	61 FR 39326.
Section 1200–3–27–.03	Standards and Requirements	04/29/96	07/29/96	61 FR 39326.
Chapter 1200–3–29 LIGHT-DUTY MOTOR VEHICLE INSPECTION AND MAINTENANCE				
Section 1200–3–29–.01	Purpose	07/08/94	07/28/95	60 FR 38694.
Section 1200–3–29–.02	Definitions	07/08/94	07/28/95	60 FR 38694.
Section 1200–3–29–.03	Motor Vehicle Inspection Requirements	07/08/94	07/28/95	60 FR 38694.
Section 1200–3–29–.04	Exemption From Motor Vehicle Inspection Requirements	07/08/94	07/28/95	60 FR 38694.
Section 1200–3–29–.05	Motor Vehicle Emission Performance Test Criteria	07/08/94	07/28/95	60 FR 38694.
Section 1200–3–29–.06	Motor Vehicle Anti-Tampering Test Criteria	07/08/94	07/28/95	60 FR 38694.
Section 1200–3–29–.07	Motor Vehicle Emissions Performance Test Methods	07/08/94	07/28/95	60 FR 38694.
Section 1200–3–29–.08	Motor Vehicle Anti-Tampering Test Methods	07/08/94	07/28/95	60 FR 38694.
Section 1200–3–29–.09	Motor Vehicle Inspection Program	07/08/94	07/28/95	60 FR 38694.
Section 1200–3–29–.10	Motor Vehicle Inspection Fee	07/08/94	07/28/95	60 FR 38694.

(d) EPA-approved State Source-specific requirements.

EPA-APPROVED TENNESSEE SOURCE-SPECIFIC REQUIREMENTS

Name of Source	Permit No.	State effective date	EPA approval date	Explanation
Revised Permits for the Kingsport Particulate Nonattainment Area	n/a	05/10/82	12/07/82 ..... 47 FR 54936	various permits.
Union Carbide, Tennessee Eastman Company	n/a, 011397P	12/30/86	06/16/87 ..... 52 FR 22778	
Murray Ohio Manufacturing Company	n/a	12/30/86	12/10/87 ..... 52 FR 46764	
Tennessee Eastman Company	n/a	01/06/88	10/12/88 ..... 53 FR 39742.	
Variance for Averaging Times for VOC Emission	n/a	01/06/88	06/23/88 ..... 53 FR 23624	5 sources.
Avco Aerostructures	n/a	02/25/88	01/23/89 ..... 54 FR 3031	
Miscellaneous Metal Parts	n/a	05/16/89	06/28/89 ..... 54 FR 27164	14 sources.
Nissan Manufacturing Corporation	n/a	04/29/91	09/09/91 ..... 56 FR 45896	
Tenneco Energy	045022F, 045025F.	05/31/96	07/24/96 ..... 61 FR 38391	
Brunswick Marine Corporation	044881P, 045012P, 045013P.	05/31/96	07/21/97 ..... 62 FR 38909.	

(e) [Reserved]

[FR Doc. 99–16537 Filed 6–29–99; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[MI73–7281a; FRL–6366–5]

Approval and Promulgation of State Implementation Plans; Michigan

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule

SUMMARY: The Environmental Protection Agency (EPA) is approving the State of Michigan's request to redesignate the Detroit area, which includes portions of Wayne, Oakland, and Macomb Counties, to attainment for carbon monoxide (CO). The EPA is also approving the corresponding 175A maintenance plan associated with the redesignation request as a revision to the Michigan State Implementation Plan (SIP) for attaining and maintaining the National Ambient Air Quality Standard (NAAQS) for CO.

DATES: This action is effective August 30, 1999, without further notice, unless EPA receives adverse comment by July 30, 1999. If we receive such comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Send written comments to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. (We recommend that you telephone John Mooney at (312) 886–6043 before visiting the Region 5 Office.)

A copy of the SIP revision is available for inspection at the Office of Air and Radiation (OAR) Docket and Information Center (Air Docket 6102), room M1500, United States Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, (202) 260–7548.

FOR FURTHER INFORMATION CONTACT: John M. Mooney, Regulation Development 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) 886–6043.

I. Supplementary Information

This Supplementary Information section is organized as follows:

A. Redesignation
1. Background
2. Evaluation Criteria
3. Review of State Submittal
a. Attainment of the CO NAAQS
b. Meeting Applicable Requirements of Section 110 and Part D
i. Section 110 Requirements
ii. Part D Requirements
I. Subpart 1 of Part D—Section 172(c) Provisions
II. Subpart 1 of Part D—Section 176 Conformity Provisions
III. Subpart 3 Requirements
c. Fully Approved SIP Under Section 110(k) of the Act
d. Improvement in Air Quality Due to Permanent and Enforceable Measures.
e. Fully Approved Maintenance Plan Under Section 175A
i. Emissions Inventory—Base Year Inventory
ii. Demonstration of Maintenance—Projected Inventories
iii. Verification of Continued Attainment
iv. Contingency Plan
v. Commitment to Submit Subsequent Maintenance Plan Revisions
B. Final Action

A. Redesignation

Under the Clean Air Act (Act), EPA may redesignate areas to attainment if sufficient data are available to warrant such changes and the area meets the criteria contained in section 107(d)(3) of the Act. On March 18, 1999, the State of Michigan submitted a redesignation request and section 175A maintenance plan for the Detroit CO nonattainment area. Once approved, the section 175A maintenance plan becomes a federally enforceable part of the SIP for the Detroit area.

A detailed analysis of the Detroit Redesignation Request and section 175A Maintenance Plan SIP submittal for the Detroit area is contained in the EPA's Technical Support Document (TSD), dated May 26, 1999 from John Mooney to the Docket, entitled "Technical Review of Michigan's State Implementation Plan Revision for the Detroit Carbon Monoxide Nonattainment Area," which is available from the Region 5 office listed above.

1. Background

EPA designated the Detroit area as a CO nonattainment area under section 107 of the 1977 Act on March 3, 1978 (43 FR 8962). The Clean Air Act Amendments of 1990 (1990 Act) authorizes EPA to designate nonattainment areas according to degree of severity of the nonattainment problem. On November 6, 1991 (56 FR 56694), the EPA designated the Detroit area as a CO nonattainment area. At the time of the designation, air quality monitoring data recorded in the area did not show violations of the CO NAAQS, however, the State had not completed a redesignation request showing that it had complied with the requirements of section 107 of the Act. As a result, EPA designated the area as nonattainment, but did not establish a nonattainment classification. The preamble for the original designation contains more detail on this action (56 FR 56694).

Since the EPA's 1991 designation, monitors in the Detroit area have demonstrated attainment of the CO NAAQS, except for a single violation of the CO standard at one monitor in the area during 1994. From 1994 to the present, monitors in the area have continued to show attainment. As a result, the area is eligible for redesignation from nonattainment to attainment consistent with the 1990 Act. On March 18, 1999, the State of Michigan submitted a SIP revision to the EPA containing the redesignation request and maintenance plan to ensure continued attainment of the CO standard for the Detroit area. The State also included materials from the public hearing on the request which it held in Detroit on February 10, 1999.

2. Evaluation Criteria

The Amended Act revised section 107(d)(3)(E) to provide five specific requirements that an area must meet to be redesignated from nonattainment to attainment. These requirements are:

1. The area has attained the applicable NAAQS;
2. The area has met all relevant requirements under section 110 and part D of the Act;
3. The area has a fully approved SIP under section 110(k) of the Act;
4. The air quality improvement is permanent and enforceable;
5. The area has a fully approved maintenance plan pursuant to section 175A of the Act.

3. Review of State Submittal

The EPA has reviewed the Michigan redesignation request for the Detroit area and finds that the area meets meet the five requirements of section 107(d)(3)(E). EPA's Redesignation/Maintenance Plan technical support document (TSD) contains a more in-depth analysis of the submittal with respect to certain of these evaluation criteria.

a. Attainment of the CO NAAQS

The Michigan request is based on an analysis of quality-assured CO air

quality data. Ambient air monitoring data for calendar years 1997 through calendar year 1998 show no violations of the CO NAAQS (40 CFR 50.8) in the Detroit area. The State collected this data in an EPA approved, quality assured, National Air Monitoring System monitoring network.

As discussed in the State's redesignation submittal, the CO monitor located on Evergreen Road that recorded the 1994 CO violation has had a history of being vandalized. The State discontinued monitoring at the site after a fire at the site on December 14, 1996. The MDEQ and the Wayne County Department of the Environment established a new monitor at a nearby location on February 7, 1997. At the temporary location, there was a period where the environmental conditions in the monitoring shed exceeded EPA recommendations, requiring that the data recorded during that period be flagged in EPA's Aerometric Information Retrieval System (AIRS). Even though the data was flagged for 2 quarters, the monitor did not record any exceedances of the CO standard during that time. Further, the monitor did not record any exceedances over the next seven quarters, to date, when the State collected valid data at the site. The EPA has reviewed the State's actions to establish the new monitor, as well as the action to discontinue monitoring at the Evergreen Road monitoring site, and believes that the actions that the State took were appropriate. Since this was a new monitor, the lack of complete, quality assured data collected during the startup period for the monitor does not affect the area's ability to demonstrate attainment of the CO NAAQS. EPA sent a letter to the State noting the acceptability of the changes to their CO monitoring network in the area on May 11, 1999.

All other monitors in the Detroit nonattainment area show attainment of the CO NAAQS during the 1997–1998 calendar years, in accordance with EPA's quality assurance and data completeness requirements.

As a result, the area meets the first statutory criterion for redesignation to attainment of the CO NAAQS. The State has committed to continue monitoring in this area in accordance with 40 CFR part 58. (If, however, complete quality assured data show violations of the CO NAAQS before the final EPA action on this redesignation, the EPA will disapprove the redesignation request).

b. Meeting Applicable Requirements of Section 110 and Part D

On May 6, 1980 (45 FR 29801) and February 7, 1985 (50 FR 5250), EPA fully approved Michigan's SIP for the Detroit area as meeting the requirements of section 110(a)(2) and part D of the 1977 Act for CO. The 1990 Act, however, modified section 110(a)(2) and, under part D, revised section 172 and added new requirements for all nonattainment areas. Therefore, in addition to complying with requirements of the 1977 Act, for purposes of redesignation, the Michigan SIP must satisfy all applicable requirements of section 110(a)(2) and part D added by the 1990 amendments. EPA has reviewed the SIP to ensure that it contains all measures that were due under the amended 1990 Act prior to or at the time Michigan submitted its redesignation request for the Detroit area.

i. Section 110 Requirements

The Detroit area SIP meets the requirements of amended section 110(a)(2). A number of the requirements did not change in substance and, therefore, EPA believes that the pre-amendment SIP met these requirements. The EPA has analyzed the Michigan SIP and determined that it is consistent with the requirements of amended section 110(a)(2).

ii. Part D Requirements

Before EPA may redesignate the Detroit area to attainment, the SIP must have fulfilled the applicable requirements of part D. Under part D, an area's classification indicates the requirements to which it is subject. Subpart 1 of part D sets forth the basic nonattainment requirements applicable to all nonattainment areas, classified as well as nonclassifiable. Subpart 3 of part D establishes additional requirements for CO nonattainment areas classified under section 186 of the Act. As described in the "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," specific requirements of subpart 3 may override subpart 1's general provisions (57 FR 13501 (April 16, 1992)). However, as noted in the General Preamble, the subpart 3 requirements do not apply to "not classified" CO nonattainment areas (57 FR 13535). EPA designated the Detroit area as a "not classified" CO nonattainment area (56 FR 56694, November 6, 1991), codified at 40 CFR 81.323. Therefore, to be redesignated to attainment, the State must meet the applicable requirements of subpart 1 of part D—specifically sections 172(c) and 176, but not the requirements of subpart 3 of part D.

I. Subpart 1 of Part D—Section 172(c) Provisions

Section 172(c) sets forth general requirements applicable to all nonattainment areas. Under 172(b), the section 172(c) requirements are applicable as determined by the Administrator, but no later than 3 years from the date of the nonattainment designation. As discussed below, Michigan has satisfied the section 172(c) requirements.

(A) RFP is defined as progress that a nonattainment area must make each year toward attainment of the NAAQS. This requirement only has relevance during the time it takes an area to attain the NAAQS. Because the Detroit area has attained the NAAQS, its SIP has already achieved the necessary RFP toward that goal.

(B) In addition, because the Detroit area has attained the NAAQS and is no longer subject to an RFP requirement, the section 172(c)(9) contingency measures are not applicable unless EPA does not approve the redesignation request and maintenance plan. However, section 175A contingency measures still apply.

(C) Similarly, once EPA redesignates an area to attainment, nonattainment new source review (NSR) requirements are not generally applicable. The area then becomes subject to prevention of significant deterioration (PSD) requirements instead of the NSR program (45 FR 29790). The State has a valid program for review of new sources (45 FR 29790, May 6, 1980). EPA delegated the PSD program to the State of Michigan on September 10, 1979 and amended it on November 7, 1983 and September 26, 1988. Moreover, the EPA believes that the applicability of the part C PSD program to maintenance areas makes it unnecessary for an area to have obtained full approval of the NSR revisions required by part D to be redesignated.

(D) The State met the 172(c) requirement for an emissions inventory by submitting the 1990 base year emission inventory which EPA approved on April 7, 1995 (60 FR 12495).

(E) No additional Reasonably Available Control Measures (RACM) controls beyond what may already be required in the SIP are necessary upon redesignation to attainment. The General Preamble (57 FR 13560, April 16, 1992) explains that section 172(c)(1) requires the plans for all nonattainment areas to provide for the implementation of all RACM as expeditiously as practicable. The EPA interprets this requirement to impose a duty on all

nonattainment areas to consider all available control measures and to adopt and implement such measures as are reasonably available for implementation in the area as components of the areas attainment demonstration. Because the area has reached attainment, no additional measures are needed to provide for attainment.

(F) For purposes of redesignation, EPA reviewed the Michigan SIP to ensure that it satisfied all requirements of section 110(a)(2) of the Act, which contains general SIP elements. Title 40 CFR section 52.1172, states that, with several exceptions, EPA approved the Michigan SIP under section 110 of the Act and further found that it satisfied all Part D, Title I (as amended in 1977) requirements on May 6, 1980 (45 FR 29801).

II. Subpart 1 of Part D—Section 176 Conformity Provisions

Section 176(c) of the Act requires States to establish criteria and procedures to ensure that Federally supported or funded projects conform to the air quality planning goals in the applicable State SIP. The requirement to determine conformity applies to transportation plans, programs and projects developed, funded or approved under title 23 U.S.C. or the Federal Transit Act ("transportation conformity"), as well as to all other Federally supported or funded projects ("general conformity"). Section 176 further provides that state conformity revisions must be consistent with Federal conformity regulations that the Act required the EPA to promulgate. EPA approved Michigan's general conformity rule on December 18, 1996 (61 FR 66607).

The EPA believes it is reasonable to interpret the conformity requirements as not applying for purposes of evaluating the redesignation request under Section 107(d). The rationale for this is based on a combination of two factors. First, the requirement to submit SIP revisions to comply with the conformity provisions of the Act continues to apply to areas after redesignation to attainment, since such areas would be subject to a Section 175A maintenance plan. Second, EPA's Federal conformity rules require the performance of conformity analyses in the absence of federally approved State rules. Therefore, because areas are subject to the conformity requirements regardless of whether they are redesignated to attainment and must implement conformity under Federal rules if State rules are not yet approved, the EPA believes it is reasonable to view these requirements as not applying for purposes of evaluating a redesignation request. Consequently, EPA may approve the CO redesignation request for the Detroit area notwithstanding the lack of a fully approved conformity SIP.

Included in the March 18, 1999 submittal is a commitment by the State to satisfy the applicable requirements of the final transportation conformity rules. This is acceptable since the transportation conformity rule applies to maintenance areas.

For purposes of transportation conformity, the control measures in the maintenance plan establish an emissions budget. The State has defined this budget for year 2010 as 5,453,417 lbs. per day of CO for onroad mobile sources, as noted in their April 29, 1999 letter to the EPA. This level of emissions provides for continued maintenance of the CO standard.

III. Subpart 3 Requirements

As noted in the General Preamble, the subpart 3 requirements do not apply to "not classified" CO nonattainment areas (57 FR 13535). EPA designated the Detroit area as a not classified CO nonattainment area on November 6, 1991 (56 FR 56694) codified at 40 CFR 81.323. Therefore, to be redesignated to attainment, the State does not have to meet the requirements of subpart 3 of part D.

c. Fully Approved SIP Under Section 110(k) of the Act

As noted above, because the area is a non classified nonattainment area, the 1990 Act did not establish additional requirements under subpart 3 of the Act. Prior to the 1990 Amendments, EPA had fully approved the State's CO SIP. Since the area is not subject to the subpart 3 requirements, no additional requirements exist under section 110(k) which the State must address prior to redesignation.

d. Improvement in Air Quality Due to Permanent and Enforceable Measures

The State must demonstrate that the actual enforceable emission reductions are responsible for the recent improvement in air quality. The State may make this demonstration through an estimate of the percent reduction (from the year that it used to determine the design value for designation and classification) achieved through Federal measures such as the Federal Motor Vehicle Control Program (FMVCP) and fuel volatility rules, as well as other control measures that the State has adopted and implemented.

The State provided a detailed discussion of the emission reductions of CO between 1986 and 1996 which were responsible for the improvement in air quality. All emission estimates were made using EPA approved emissions inventory techniques.

Consistent with emission inventory guidance, the 1986 base year emission inventory represents 1986 average winter day *actual emissions* for the Detroit area. These 1986 base year emissions were calculated from a 1990 base year inventory that EPA approved on April 7, 1995 (60 FR 12459). The State also projected the 1990 inventory to 1996, to determine the emission reductions during the 10-year time period. The State based its projections on growth factors developed by the Southeast Michigan Council of Governments (SEMCOG) and the Michigan Department of Environmental Quality (MDEQ).

On road mobile sources represent the majority of mobile source emissions in the Detroit-Ann Arbor CO nonattainment area. The State used the Federal highway administration (FHWA) highway performance monitoring system (HPMS) method to develop traffic counts for 1996 vehicle miles traveled (VMT). The VMT, adjusted for seasonal and temporal effects, reflects a typical winter weekday. The State projected the VMT for 1986 and 2010 using SEMCOG's validated travel model. This travel model was calibrated with HPMS VMT data. Michigan developed on road travel speeds for mobile sources using SEMCOG's 1992 regional speed survey. MDEQ generated mobile source emission factors with EPA's MOBILE5a model. Attachment 1 of the State's submittal provides additional detail on significant MOBILE5a model input parameters and methods of mobile source emissions estimation.

MDEQ developed 1996 non-road mobile source emissions estimates for aircraft and railroads. MDOT provided aircraft and railroad activity data for the Detroit-Ann Arbor area. MDEQ obtained aircraft and railroad emission factors from EPA's *Procedure for Emissions Inventory Preparation, Volume IV: Mobile Sources*. MDOT provided forecast growth factors for the 1986 and 2010 aircraft emissions projections. SEMCOG provided growth factors for 1986 and 2010 railroad emissions projections. MDEQ used EPA's NONROAD emissions model to estimate 1986, 1996, and 2010 emissions for the remaining non-road sources.

The MDEQ included actual emissions for 1996 point sources. The MDEQ used 1996 actual activity levels, emissions factors based on the EPA Factor Information Retrieval System Version 6.1B, and control technology effectiveness to estimate emissions. The

1996 emissions were adjusted to account for seasonal fluctuations. The MDEQ projected point source emissions for years 1986 and 2010 by applying energy consumption, source activity, and economic growth factor to the 1996 point source inventory.

The State developed area source emissions estimates for stationary sources emitting less than 100 tons of CO per year and for combustion sources. The stationary sources include residential, commercial, and industrial boilers which burn fossil fuels. Combustion sources include open burning or incineration from forest, agriculture, or structural fires. MDEQ developed activity levels from State and local information. MDEQ used EPA's *Compilation of Air Pollutant Emission Factors, Volume 1: Point and Area Source AP42* to generate emission factors for area sources. The MDEQ projected area source emissions for years 1986 and 2010 by applying energy consumption, source activity, and economic growth factors.

The following tables present the CO emissions for 1986 and 1996 and emission reductions from 1986 to 1996. The State claimed credit for emission reductions achieved by implementing the federally enforceable FMVCP.

As illustrated by the tables and discussed in the TSD, the total reductions achieved from 1986 to 1996 are 1,822,739 lbs. of CO per day.

TABLE 1.—CO EMISSION INVENTORY SUMMARY FOR DEMONSTRATION OF EMISSION REDUCTIONS FROM 1986–1996

[lbs. per day]

Category	1986	1996	Net change1986–1996
Point	564,657	257,359	–307,298
Area	248,194	259,459	+11,265
Non-Road Mobile	434,619	465,913	+31,294
On-Road Mobile	7,058,000	5,500,000	–1,558,000
Total	8,305,470	6,482,731	–1,822,739
Net Reduction			–1,822,739

The State has adequately demonstrated that the improvement in air quality is due to permanent and enforceable emission reductions of 1,822,739 lbs. of CO per day as a result of the federally enforceable FMVCP.

e. Fully Approved Maintenance Plan Under Section 175A

Section 175A of the Act sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The plan must demonstrate continued attainment of the applicable NAAQS for at least 10 years after the EPA approves a redesignation to attainment. Eight years after the redesignation, the State must submit a revised maintenance plan which demonstrates attainment for the 10 years following the initial 10-year period. To address potential future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for implementation adequate to assure prompt correction of any air quality problems.

Section 175A(d) requires that the contingency provisions include a requirement that the State will implement all control measures that were in the SIP prior to redesignation as an attainment area. In this action, EPA is proposing approval of the State of Michigan's maintenance plan for the Detroit area because EPA finds that Michigan's submittal meets the requirements of section 175A.

I. Emissions Inventory—Base Year Inventory

The State has adequately developed an attainment emission inventory for 1996 that identifies 6,482,731 lbs. of CO per day as the level of emissions in the area sufficient to attain the CO NAAQS.

The State derived all inventories in the maintenance plan from the 1990 base year emission inventory. The methodologies used in developing these inventories are discussed in section 3D of EPA's TSD and in further detail in Attachment 1 of the State's TSD. EPA approved the 1990 base year emission inventory on April 7, 1995 (60 FR 12495). The State has adequately developed an attainment emissions inventory for 1996 that identifies the levels of emissions as 6,482,731 lbs. of CO per days the level of emissions in the area sufficient to attain the NAAQS.

ii. Demonstration of Maintenance—Projected Inventories

To demonstrate continued attainment, the State projected CO emissions through the maintenance period to the year 2010. These emissions are presented in Table 3 of the submittal and summarized below in Table 2. These projected emission inventories demonstrate that the CO emissions will remain below the 1996 attainment year emission levels. In fact, the emissions projections through the year 2010 show an emissions reduction of 1,679,417 lbs. of CO per day. These emission reductions are primarily the result of continued implementation of the Federally enforceable FMVCP.

In developing the projection inventories, the State used the same methodologies as those employed for the other inventories contained in the Section A(3)(d) of today's action and in further detail in Attachment 1 of the State's TSD.

TABLE 2.—CO MAINTENANCE EMISSION INVENTORY PROJECTION SUMMARY THROUGH 2010

[lbs. per day]

Category	1986	1996	2010	Net Change 1986–2010 (percent)
Point	564,657	257,359	280,089	−50.4
Area	248,194	259,459	279,058	10.8
Non-Road Mobile	434,619	465,913	474,167	9.1

TABLE 2.—CO MAINTENANCE EMISSION INVENTORY PROJECTION SUMMARY THROUGH 2010—Continued

[lbs. per day]

Category	1986	1996	2010	Net Change 1986–2010
On-Road Mobile	7,058,000	5,500,000	3,774,000	−46.4
Total	8,305,470	6,482,731	4,803,314	−42.2

The State has adequately demonstrated continued attainment of the CO NAAQS through the projection of CO emissions through the 10 year maintenance period to 2010. These projections indicate that CO emissions, throughout the maintenance period, will remain well below the 1996 attainment inventory.

iii. Verification of Continued Attainment

(I) Ambient Air Quality Monitoring Network

In the submittal and the State's TSD, the State commits to continue to operate and maintain the network of ambient CO monitoring stations in accordance with provisions of 40 CFR Part 58 to demonstrate ongoing compliance with the CO NAAQS.

(II) Tracking

The submittal presents the tracking plan for the maintenance period which consists of two components: (1)continued CO monitoring and (2) an analysis of stationary growth factor assumptions and VMT projections in the year 2007. The State will continue to monitor CO levels throughout the Detroit area to demonstrate ongoing compliance with the CO NAAQS. The State also commits to checking in 2007 the stationary source growth factor assumptions and VMT projections used to generate the 2010 CO inventory to ensure that the estimates are reasonable.

(III) Triggers

The contingency plan contains one trigger: a monitored air quality violation of the CO NAAQS, as defined in 40 CFR section 50.8. The trigger date will be the date that the State certifies to the U.S. EPA that the air quality data are quality assured, which will be no later than 30 days after monitoring an ambient air quality violation. The justification for providing only one trigger is that section 175A(d) explicitly stipulates that a contingency measure must ensure prompt correction of any violation of the NAAQS once the area is redesignated.

iv. Contingency Plan

The level of CO emissions in the Detroit area will largely determine its ability to stay in compliance with the CO NAAQS in the future. Despite best efforts to demonstrate continued compliance with the NAAQS, the ambient air pollutant concentrations may exceed or violate the NAAQS. Therefore, as required by section 175A of the Act, Michigan has provided contingency measures with a schedule for implementation if a future CO air quality problem occurs. Contingency measures in the plan include a series of transportation control measures, a motor vehicle inspection and maintenance (I/M) program, and enforceable emission limitations on stationary sources.

Where it must adopt and implement the contingency measures, the State will observe the schedules specified in the SIP. If it selects a transportation control measure as the contingency measure, the State will program it in the next annual update of the Regional Transportation Improvement Program for Southeast Michigan. For other contingency measures, selection and implementation of the measure will occur within twelve months of the triggering date.

v. Commitment To Submit Subsequent Maintenance Plan Revisions

The State has committed to submit a new maintenance plan within eight years of the redesignation of the Detroit area as required by section 175(A)(b). This subsequent maintenance plan must constitute a SIP revision and provide for the maintenance of the CO NAAQS for a period of 10 years after the expiration of the initial 10 year maintenance period.

B. Final Action

The EPA is approving the Detroit CO maintenance plan as a SIP revision meeting the requirements of section 175A. In addition, the EPA is approving the redesignation request for the Detroit area because the State has demonstrated compliance with the requirements of section 107(d)(3)(E) for redesignation.

Nothing in this action should be construed as establishing a precedent for any future request for revision to any SIP. EPA must evaluate each request for revision to the SIP separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

CO SIPs are designed to satisfy the requirements of part D of the Act and to provide for attainment and maintenance of the CO NAAQS. This redesignation should not be interpreted as authorizing the State to delete, alter, or rescind any of the CO emission limitations and restrictions in the approved CO SIP. The State cannot make changes to CO SIP regulations which will render them less stringent than those in the EPA approved plan unless it submits to EPA a revised plan for attainment and maintenance and EPA approves the revision. Unauthorized relaxations, deletions, and changes could result in both a finding of nonimplementation [section 173(b) of the Act] and in a SIP deficiency call made pursuant to section 110(a)(2)(H) of the Act.

II. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875: Enhancing Intergovernmental Partnerships

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the OMB a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elective officials and other representatives of

State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." This rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on these communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the OMB in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." This rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

D. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is does not involve decisions intended to mitigate environmental health or safety risks.

E. Regulatory Flexibility

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 direct final rule will not have a significant impact on a substantial number of small entities because plan approvals under section 111(d) do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal approval 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 (Act) preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of a State action. The Act forbids EPA to base its actions on such grounds. Union Electric Co., v. U.S. EPA, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

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 annual costs to State, local, or tribal governments in the aggregate; or to 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.

The EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual 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.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each house of Congress and to the Comptroller General of the United States.

The 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 the publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 30, 1999.

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 a rule or action. The 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, Carbon Monoxide.

40 CFR Part 81

Environmental protection, Air pollution control, Intergovernmental relations, Carbon Monoxide.

Dated: June 7, 1999.

Francis X. Lyons,

Regional Administrator, Region 5.

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. 7401–7671q.

Subpart X—Michigan

2. Section 52.1170 is amended by adding paragraph (c)(111) to read as follows:

§ 52.1170 Identification of Plan.

* * * * *

(c) * * *

(111) On March 18, 1999, the State of Michigan submitted a revision to the Michigan State Implementation Plan for carbon monoxide containing a section 175A maintenance plan for the Detroit area as part of Michigan's request to redesignate the area from nonattainment to attainment for carbon monoxide. Elements of the section 175A maintenance plan include a base year (1996 attainment year) emission inventory for CO, a demonstration of maintenance of the ozone NAAQS with projected emission inventories to the year 2010, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the CO NAAQS (which must be confirmed by the State), Michigan will implement one or more appropriate contingency measure(s) which are in the contingency plan. The menu of contingency measures includes enforceable emission limitations for stationary sources, transportation control measures, or a vehicle inspection and maintenance program.

2. Subpart X is amended by adding § 52.1179 to read as follows:

§ 52.1179 Control strategy: Carbon monoxide.

Approval—On March 18, 1999, the Michigan Department of Environmental Quality submitted a request to redesignate the Detroit CO nonattainment area (consisting of portions of Wayne, Oakland, and Macomb Counties) to attainment for CO. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a base year (1996 attainment year) emission inventory for CO, a demonstration of maintenance of the ozone NAAQS with projected emission inventories to the year 2010, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the CO NAAQS (which must be confirmed by the State), Michigan will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. The menu of contingency measures includes enforceable emission limitations for stationary sources, transportation control measures, or a vehicle inspection and maintenance program. The redesignation request and maintenance plan meet the redesignation requirements in section 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

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

2. In § 81.323 the table entitled "Michigan-carbon monoxide" is amended by revising the entry for the "Detroit Area" to read as:

§ 81.323 Michigan.

* * * * *

MICHIGAN—CARBON MONOXIDE

Designated areas	Designation		Classification	
	Date [1]	Type	Date [1]	Type
DETROIT AREA				
Areas included within the following (counter-clockwise):				
Lake St. Clair to 14 Mile Road to Kelly Road, N. to 15 Mile Road to Hayes Road, S. to 14 Mile Road to Clawson City Boundary, following N. Clawson City boundary to N. Royal Oak boundary to 13 Mile Road to Evergreen Road to southern Beverly Hills City boundary to southern Bingham Farms City boundary to southern Franklin Hills City boundary to Inkster Road, south to Pennsylvania Road extending east to the Detroit River. Macomb County (part).	August 30, 1999	Attainment.		
Oakland County (part)	August 30, 1999	Attainment.		
Wayne County (part)	August 30, 1999	Attainment.		

[1] This date is November 15, 1990, unless otherwise noted.

* * * * *

[FR Doc. 99–16372 Filed 6–29–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6369–9]

RIN 2060–AH47

National Emission Standards for Hazardous Air Pollutants: Group I Polymers and Resins and Group IV Polymers and Resins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule: notice of stay.

SUMMARY: The EPA is taking direct final action to indefinitely stay the compliance dates for portions of the national emission standards for hazardous air pollutants (NESHAP) for Group I Polymers and Resins and Group IV Polymers and Resins. This direct final rule stays, indefinitely, the compliance dates for existing affected sources and new affected sources with an initial start up date on or after March 9, 1999, which are subject to the Group I Polymers and Resins and Group IV Polymers and Resins NESHAP

requirements for all emission points except equipment leaks. This stay will remain in effect until the date that the amendments to these rules (which were proposed on March 9, 1999) are promulgated, at which point the EPA will publish new compliance dates for these affected sources. The EPA is issuing this stay of the compliance dates for existing affected sources and for new affected sources with an initial start up date on or after March 9, 1999, because of the significant amendments to these NESHAP that were proposed on March 9, 1999. It is unlikely that those amendments will be promulgated before the compliance dates for existing affected sources subject to Group I and Group IV Polymers and Resins regulations (September 5, 1999, and September 12, 1999, respectively).

DATES: This direct final rule is effective on August 30, 1999 without further notice unless EPA receives adverse comments by July 30, 1999. Should EPA receive such comments, it will publish a timely withdrawal informing the public that this rule will not take effect.

ADDRESSES: Comments. Written comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A–92–44 (Group I Polymers and Resins) and/or Docket Number A–92–45 (Group IV Polymers and Resins), Room M–1500, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The EPA requests that a separate copy of each public comment be sent to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**). Comments may also be submitted electronically by following the instructions provided in **SUPPLEMENTARY INFORMATION.**

Docket. Docket numbers A–92–44 and A–92–45, containing information relevant to this direct final rule, are available for public inspection between 8:00 a.m. and 5:30 p.m., Monday through Friday (except for Federal holidays) at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (MC–6102), 401 M Street, SW, Washington, DC 20460. The docket is located at the above address in Room M–1500, Waterside Mall (ground floor). Alternatively, a docket index, as well as individual items contained within the docket, may be obtained by calling (202) 260–7548 or (202) 260–7549. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Robert E. Rosensteel, Organic Chemicals Group, Emission Standards Division (MD–13), Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5608, electronic mail address rosensteel.bob@epa.gov.

SUPPLEMENTARY INFORMATION:

Plain Language

In compliance with President Clinton's June 1, 1998 Executive Memorandum on Plain Language in government writing, this notice is written using plain language. Thus, the use of "we" in this notice refers to EPA. The use of "you" refers to the reader, and may include industry; State, local, and tribal governments; environmental groups; and other interested individuals.

Regulated Entities

Entities potentially regulated by this direct final rule include:

Category	Examples of regulated entities
Industry	Butyl Rubber, Halobutyl Rubber, Epichlorohydrin Elastomer, Ethylene Propylene Rubber, Hypalon™, Neoprene, Nitrile Butadiene Rubber, Nitrile Butadiene Latex, Polybutadiene Rubber, Styrene-Butadiene Rubber or Latex, Acrylonitrile Butadiene Styrene Resin, Styrene Acrylonitrile Resin, Methyl Methacrylate Acrylonitrile Butadiene Styrene Resin, Methyl Methacrylate Butadiene Styrene Resin, Poly(ethylene terephthalate) Resin, Polystyrene Resin, and Nitrile Resin producers.

This table is not intended to be exhaustive, but rather provides a guide regarding entities likely to be affected by this action. To determine whether your facility is regulated by this direct final rule, you should carefully examine the applicability criteria in 40 CFR 63.480 and 63.1310. If you have any questions regarding the applicability of this direct final rule to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Electronic Access and Filing Addresses

You can get this notice, the promulgated texts, and other background information in Docket Numbers A–92–44 and A–92–45 by request from EPA's Air and Radiation Docket and Information Center (see **ADDRESSES**). You can also access materials through the EPA web site at: http://www.epa.gov/ttn/oarpg. For further information and general questions regarding the Technology Transfer Network (TTN), you can call Mr. Hersch Rorex (919) 541–5637 or Mr. Phil Dickerson (919) 541–4814.

If you send comments by electronic mail (e-mail) to "a-and-r-docket@epamail.epa.gov," they should be in an ASCII file, and the file should not use special characters or encryption. We will also accept comments and data on diskette in WordPerfect 5.1 or 6.1 or ASCII file format. You may file comments on the proposed rule online at many Federal Depository Libraries. Identify all comments and data in electronic form by the docket numbers A–92–44 and/or A–92–45. Do not send any confidential business information through electronic mail.

The following outline is provided to aid you in reading the preamble to the direct final rule.

I. Why are we taking this action?
II. Who does this stay impact?
III. What are the administrative requirements for this direct final rule?

I. Why are we taking this action?

On September 5, 1996 and September 12, 1996, we promulgated NESHAP for Group I Polymers and Resins and Group IV Polymers and Resins as subparts U (Group I) and JJJ (Group IV) in 40 CFR part 63. These regulations require Group I Polymers and Resins existing affected sources, with certain exceptions (listed in § 63.481(d)), to be in compliance with the equipment leak provisions in § 63.502 by July 31, 1997. Likewise these regulations require Group IV Polymers and Resins existing affected sources, with certain exceptions (listed in § 63.1311(d)) to be in compliance with the equipment leak provisions in § 63.1331 by February 27, 2001. The Group I Polymers and Resins NESHAP also requires that existing affected sources comply with the nonequipment leak provisions in subpart U by September 5, 1999. Group IV existing affected sources subject to subpart JJJ are required to comply with the nonequipment leak provisions in subpart JJJ by September 12, 1999.

Under 40 CFR parts 63.481 and 63.1311, with the exception of new sources producing PET, new affected sources are required to comply with all provisions of the applicable rules upon initial start-up, or by September 5, 1996 or February 27, 1998 (respectively), whichever is later. New affected sources producing PET are required to be in compliance with all nonequipment leak provisions at initial start-up and with the equipment leak provisions by

February 27, 2001. Sections 63.481 and 63.1311 provide specific compliance dates for all emission points.

As a result of litigation proceedings and changes necessary due to amendments to the Hazardous Organics NESHAP (HON), which were promulgated on January 17, 1997 (62 FR 6722), significant amendments to these NESHAP were proposed on March 9, 1999 (64 FR 11560). Those amendments were necessary due to the fact that both subparts U and JJJ reference a substantial number of the HON requirements, and those requirements changed significantly in the January 17, 1997, promulgated amendments.

We are currently summarizing and evaluating comments on the March 9, 1999, proposed amendments. As noted above, for existing affected sources subject to subparts U and JJJ, the compliance dates for all equipment, except components subject to the equipment leak provisions, are in September 1999 (September 5, 1999, for subpart U and September 12, 1999, for subpart JJJ). While we are uncertain of the exact date that we will promulgate these amendments, we expect that it will be after the compliance dates noted above. We believe that requiring existing affected sources to come into compliance with a regulation that is soon-to-be-amended, to a considerable degree, presents a significant and unnecessary burden for affected sources and enforcement agencies. We also believe that new affected sources, starting up on or after March 9, 1999, should be treated the same way that new sources are treated that start up after the proposal of a regulation (i.e., they must comply at promulgation or start-up, whichever is later). We also believe that requiring these new sources to begin to comply with the provisions of a soon-to-be-amended regulation would result in a significant and unnecessary burden.

We are publishing this direct final rule without prior proposal because we view these amendments to be noncontroversial, and we anticipate no adverse comments on these amendments. This direct final rule is of a relatively short time frame (likely well under 1 year), and it would avoid imposing the significant burden of requiring owners and operators to comply with one version of a rule for a period of months only to impose different compliance provisions at promulgation of the amendments. We are publishing this rule as a direct final rule because we believe that the "indefinite stay" of these compliance dates should become effective as soon as possible, to allow owners or operators that have started up, or that plan to start up, a new affected source this spring or summer to focus on compliance with the final amended versions of the regulations. However, in the "Proposed Rules" section of today's **Federal Register**, we are publishing a separate document that will serve as a *proposal* to stay the subparts U and JJJ compliance dates for existing affected sources and to establish new compliance dates for new affected sources with an initial start up date on or after March 9, 1999, if adverse comments are filed on this direct final rule. This rule will be effective on August 30, 1999 without further notice unless we receive adverse comment by July 30, 1999. If a significant adverse comment applies to an amendment, paragraph, or section of this rule and that provision may be addressed separately from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of a significant adverse comment and withdraw those provisions that did receive adverse comment. For any provisions that are withdrawn, we will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

We do not anticipate that the amendments proposed on March 9, 1999, will alter the type or identity of sources subject to the regulation. However, the amendments do affect how owners or operators of those sources must comply with the requirements in subpart U or JJJ.

Without today's stay of the compliance dates, owners or operators of existing affected sources subject to subpart U or JJJ would have to comply by this September (September 1999) with the regulations as they were promulgated in 1996. New affected sources starting up in spring or summer of 1999 would have to comply with the September 1996 promulgated requirements, upon initial start up. Soon thereafter, we will promulgate amendments to 40 CFR part 63, subparts U and JJJ, which will likely contain different compliance demonstration requirements. Examples of potential situations that could arise if we did not take action to stay the compliance dates for these regulations are provided below.

The regulations promulgated in 1996 specify that compliance tests be conducted at "maximum representative" operating conditions. The owner or operator, who is required to select the maximum representative conditions for a performance test based on the 1996 version of the regulation, would conduct the test shortly after the September 1999 compliance date. We did not propose to change this requirement in our March 9, 1999 action, but we did propose provisions that clarify what are maximum representative operating conditions. If the conditions originally selected by the owner or operator, based on the 1996 regulations, did not meet the amended definition, the owner or operator may be required to conduct another performance test.

The regulations promulgated in 1996 require an owner or operator to base the group determination for batch process vents on the "worst-case hazardous air pollutant (HAP) emitting product." For a Group 2 batch process vent, the regulations require that the owner or operator establish and comply with a "batch cycle limitation," to ensure that the Group 2 vent does not become Group 1. The proposed amendments change the basis for the group determination for batch process vents to the "highest-HAP recipe," and replace the batch cycle limitation with a "batch mass input limitation."

Without today's stay of the compliance dates, the following scenario could be encountered by owners and operators of batch process vents. Prior to the September 1999 compliance dates (existing affected sources) or initial start-up (new affected sources), an owner or operator would need to determine the group status for each batch process vent. This presumably means an owner or operator would need to "model" all formulations to see which formulation emits the most HAP, in order to make a group determination. However, that group determination will be irrelevant once we promulgate the amendments to subparts U and JJJ. Today's Direct Final Rule removes the burden that such a scenario would impose.

According to the September 1996 promulgated requirements for Group 2 batch process vents, the owner or operator needs to establish a batch cycle limitation and to begin tracking batch cycles. The owner or operator would also be required to record and report the group determination results and the batch cycle limitation.

Following promulgation of the proposed amendments, records of the "new" group determination (based on the highest-HAP recipe) would be required, a batch mass input limitation would need to be established, and tracking of the mass input to each unit operation would need to be conducted. Notwithstanding the owner or operator's

considerable prior efforts in establishing a group determination, the owner or operator would then be compelled to conduct and establish an entirely new group determination and to establish a batch mass input limitation.

The wastewater provisions provide another example of potential problems that should be resolved by today's Direct Final Rule. Subparts U and JJJ both directly reference the HON wastewater provisions, and provide a list of exceptions to the HON requirements. After the September 1996 promulgation of subparts U and JJJ, we proposed and promulgated significant amendments to the HON wastewater provisions. Therefore, some of the specific HON wastewater paragraphs which are cited in subparts U and JJJ have been moved, while some cited paragraphs no longer exist. Therefore, an owner or operator attempting to comply with the wastewater provisions in subpart U (§ 63.501) or subpart JJJ (§ 63.1330) as promulgated in September 1996 would be faced with this list of incorrect exceptions and citations. On March 9, 1999, we proposed to amend the wastewater exceptions and cross-references, in accordance with the promulgated HON amendments.

We do not believe that owners or operators of affected sources should be placed in situations like those described above. Further, you should not be compelled to comply with regulatory provisions that we have deemed to be defective and in need of revision. We also do not believe that it would be prudent for agencies enforcing this regulation to expend resources enforcing requirements that will be changing soon after the compliance date. Therefore, we believe that the most reasonable action is to stay the compliance dates indefinitely, until new compliance dates can be put forth in the promulgated amendments.

II. Who does this stay impact?

We are issuing a stay of the existing source compliance dates for the Group I (subpart U) and Group IV (subpart JJJ) Polymers and Resins NESHAP for all emission points, except for those components subject to the equipment leak provisions. Specifically, we are staying the provisions in 40 CFR 63.481(c) and (d)(6), and in 40 CFR 63.1311(c), by adding a note at the end of each of these paragraphs, explaining that these compliance dates are stayed indefinitely. In a similar manner, we are also staying the compliance dates for new affected sources with an initial start-up date on or after March 9, 1999, by adding a note at the end of 40 CFR 63.481(b) and 40 CFR 63.1311(b).

This stay will impact you if you are the owner or operator of an existing or new (on or after March 9, 1999) affected source subject to either the Group I or Group IV Polymers and Resins NESHAP. You will not be required to comply with the requirements for storage vessels, process vents, back-end process operations (subpart U only), heat exchange systems, or wastewater by September 5, 1999 or September 12, 1999, respectively. Also, you will not be required to comply with the associated monitoring, recordkeeping, or reporting provisions at that time. When the final amendments to the regulations are promulgated, we will publish the new compliance dates, providing you with a reasonable amount of time in which to comply with the amended regulations. We will use information submitted by commenters in response to our request for comments on this topic in the March 9, 1999, proposal of amendments (64 FR 11573) to determine what constitutes a "reasonable amount of time" before promulgating those amendments. We also plan to specify how and when any reports that are due prior to the compliance date (e.g., the Precompliance Report or the Emissions Averaging Plan) are to be submitted. This Direct Final Rule does not stay the compliance date in 40 CFR part 63, subpart JJJ for process contact cooling tower provisions at existing affected sources that produce PET using a continuous terephthalic acid high viscosity multiple end finisher process, because that compliance date was previously extended until February 27, 2001.

If you are the owner or operator of an existing source that is subject to either the Group I or Group IV Polymers and Resins NESHAP, you should already be in compliance with the equipment leak provisions associated with those NESHAP, unless you have received a compliance extension or are a producer of PET. This Direct Final Rule does not impact the compliance dates for those equipment leak provisions. You will need to continue to comply with those equipment leak provisions, along with all the associated monitoring, recordkeeping, and reporting requirements. For PET producers, the existing source compliance date for the equipment leak provisions is February 27, 2001.

At promulgation of the March 9, 1999 proposed amendments, we will also publish the compliance dates that apply to new affected sources subject to the Group I and Group IV Polymers and Resins NESHAP. We will amend §§ 63.481(b) and 63.1311(b) to specify the compliance date for new sources that have an initial start up date on or after March 9, 1999. The February 27, 2001, compliance date for the equipment leaks provisions for new affected sources producing PET will not be affected by the promulgation of the amendments to subparts U and JJJ.

Therefore, if you are the owner or operator of a new affected source that has an initial start-up date on or after March 9, 1999, but before the new compliance date which will be specified in the promulgated amendments, you will not be required to comply with any provisions of the rule upon initial start-up. Instead, you will be required to be in compliance with the requirements for new affected sources on the compliance date published in the promulgated amendments. If you will have an initial start-up date after the compliance date described in the promulgated amendments, then you will be required to comply with the requirements for new affected sources on the date of your initial start-up.

If you are the owner or operator of a new affected source that had an initial start up date prior to March 9, 1999, you should already be in compliance with all aspects of the applicable regulation (with the exception of owners or operators of PET sources, who are not yet required to be in compliance with the equipment leak provisions). This Direct Final Rule does not impact the provisions for new affected sources with an initial start-up prior to March 9, 1999. You will need to continue to comply with the September 1996 promulgated requirements, along with all the associated monitoring, recordkeeping, and reporting requirements. Further, you will need to come into compliance with the promulgated amendments on the compliance date published in the promulgated amendments for new affected sources.

III. What are the administrative requirements for this direct final rule?

A. Docket

The dockets are organized and complete files of all the information submitted to or otherwise considered by EPA in the development of the final standards. The principal purposes of the docket are to allow interested parties to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process; and to serve as the record in case of judicial review (except for interagency review materials (section 307(d)(7)(A)).

B. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), EPA must determine whether the regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Executive Order defines "significant regulatory action" as one that is likely to result in standards 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 EPA has determined that this direct final rule does not meet any of the criteria enumerated above and therefore, does not constitute a "significant regulatory action" under the terms of Executive Order 12866.

C. Executive Order 13045

Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), applies to any rule that is determined to be "economically significant" as defined under Executive Order 12866, and concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This direct final rule is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

D. Paperwork Reduction Act

For both the Group I and Group IV Polymers and Resins NESHAP, the information collection requirements (ICRs) were submitted to OMB under the Paperwork Reduction Act. At promulgation, OMB had already approved the ICR for the Group IV Polymers and Resins NESHAP and assigned OMB control number 2060–0351. Subsequently, OMB approved the ICR for the Group I Polymers and Resins NESHAP, and on July 15, 1997 (62 FR 37720) assigned OMB control number 2060–0356.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The EPA has amended 40 CFR 9.1 to indicate the ICRs contained in the Group I and IV Polymers and Resins NESHAP.

The amendments to the NESHAP contained in this direct final rule should have no impact on the information collection burden estimates made previously. Therefore, the ICRs have not been revised.

E. Regulatory Flexibility Act

The EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this direct final rule. The EPA has also determined that this direct final rule will not have a significant adverse economic impact on a substantial number of small businesses, as it only stays the compliance dates for certain sources and imposes no additional regulatory requirements on owners or operators of affected sources.

F. Submission to Congress and the Comptroller General

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. The EPA will submit a report containing this direct final rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This direct final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

G. Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub.L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that this direct final rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in aggregate, or the private sector in any 1 year, nor does this direct final rule significantly or uniquely impact small governments, because it contains no requirements that apply to such governments or impose obligations upon them. Thus, the requirements of the UMRA do not apply to this direct final rule.

H. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a

mandate upon a State, local, or tribal governments, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's direct final rule does not create a mandate on State, local, or tribal governments. This direct final rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this direct final rule.

I. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

This direct final rule does not significantly or uniquely affect the communities of Indian tribal governments. Further, the direct final rule, provided herein, does not significantly alter the control standards imposed by subpart U or subpart JJJ for any source, including any that may affect communities of the Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this direct final rule.

J. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) directs all Federal agencies to use voluntary consensus standards instead of government-unique standards in their regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., material specifications, test methods, sampling and analytical procedures, business practices, etc.) that are developed or adopted by one or more voluntary consensus standards bodies. Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials (ASTM), the National Fire Protection Association (NFPA), and the Society of Automotive Engineers (SAE). The NTTAA requires Federal agencies like EPA to provide Congress, through OMB, with explanations when an agency decides not to use available and applicable voluntary consensus standards.

This action does not involve the promulgation of any new technical standards. Therefore, NTTAA requirements are not applicable to today's direct final rule.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: June 24, 1999.

Carol M. Browner,

Administrator.

Title 40 of the Code of Federal Regulations, chapter I, part 63 is amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for part 63 continues to read as follows:

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

Subpart U—National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins

2. Amend § 63.481 by revising paragraphs (b), (c) and (d)(6), to read as follows:

§ 63.481 Compliance schedule and relationship to existing applicable rules.

* * * * *

(b) New affected sources that commence construction or reconstruction after June 12, 1995 shall be in compliance with this subpart upon initial start up or September 5, 1996, whichever is later, as provided in § 63.6(b) of subpart A.

[**Note:** The compliance date for new affected sources with an initial start-up date on or after March 9, 1999 is stayed indefinitely. The EPA will publish a document in the **Federal Register** establishing a new compliance date for new affected sources with an initial startup date on or after March 9, 1999.]

* * * * *

(c) Existing affected sources shall be in compliance with this subpart (except for § 63.502 for which compliance is covered by paragraph (d) of this section) no later than 3 years after September 5, 1996, as provided in § 63.6(c) of subpart A, unless an extension has been granted as specified in paragraph (e) of this section.

[**Note:** The compliance date of September 5, 1999 for existing affected sources, except for emission points addressed under § 63.502, which are covered by paragraph (d) of this section, is stayed indefinitely. The EPA will publish a document in the **Federal Register** establishing a new compliance date for existing affected sources.]

(d) * * *

(6) Compliance with the heat exchange system provisions of § 63.104, as required in § 63.502(f), shall occur no later than September 5, 1999.

[**Note:** The compliance date of September 5, 1999 for the heat exchange provisions at existing affected sources is stayed indefinitely. The EPA will publish a document in the **Federal Register** establishing a new compliance date for heat exchange provisions at existing affected sources.]

* * * * *

Subpart JJJ—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins

3. Amend § 63.1311 by revising paragraphs (b) and (c) to read as follows:

§ 63.1311 Compliance schedule and relationship to existing applicable rules.

* * * * *

(b) New affected sources that commence construction or reconstruction after March 29, 1995 shall be in compliance with this subpart upon initial start-up or February 27, 1998, whichever is later, as provided in § 63.6(b), except that new affected sources whose primary product, as determined using the procedures specified in § 63.1310(f), is poly(ethylene terephthalate) (PET) shall be in compliance with § 63.1331 upon initial start-up or February 27, 2001, whichever is later.

[**Note:** The compliance date for new affected sources with an initial start-up date on or after March 9, 1999 is stayed indefinitely. The EPA will publish a document in the **Federal Register** establishing a new compliance date for new affected sources with an initial start-up date on or after March 9, 1999.]

(c) Existing affected sources shall be in compliance with this subpart (except for § 63.1331 for which compliance is covered by paragraph (d) of this section) no later than September 12, 1999, as provided in § 63.6(c), unless an extension has been granted as specified in paragraph (e) of this section, except that the compliance date for the provisions contained in § 63.1329 is extended from September 12, 1999 to February 27, 2001, for existing affected sources whose primary product, as determined using the procedures specified in 63.1310(f), is PET using a continuous terephthalic acid high viscosity multiple end finisher process.

[**Note:** The compliance date of September 12, 1999 for existing affected sources, except for emission points addressed under § 63.1331, which are covered by paragraph (d) of this section, is stayed indefinitely. The EPA will publish a document in the **Federal Register** establishing a new compliance date for existing affected sources.]

* * * * *

[FR Doc. 99–16635 Filed 6–29–99; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6369–6]

RIN 2060–AD06

Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct Final rule.

SUMMARY: On December 27, 1996, the Agency published a rule in the **Federal Register** implementing certain provisions in section 112(g) of the Clean Air Act (Act). After the effective date of that rule, all owners or operators of major sources of hazardous air pollutants (HAP) that are constructed or reconstructed are required to install maximum achievable control technology (MACT) (unless specifically exempted), provided they are located in a State with an approved title V permit program. When no applicable Federal emission limitation has been promulgated under section 112(d) of the Act, the Act requires the permitting authority (generally a State or local agency responsible for the program) to determine a MACT emission limitation on a case-by-case basis. If the permitting authority has not yet established procedures for requiring MACT on constructed or reconstructed major sources by the required date, the rule provides that the EPA Regional Administrator will determine MACT emission limitations on a case-by-case basis for a period of up to one year. This action amends the rule governing constructed or reconstructed major sources—by providing a longer time period (up to 30 months) during which the EPA Regional Administrator may determine MACT emission limitations on a case-by-case basis—if the permitting authority has not yet established procedures for requiring MACT on constructed or reconstructed major sources. This action is needed in order to ensure that major sources can obtain MACT determinations required for construction or reconstruction in those jurisdictions where permitting authorities require extra time to establish procedures to implement the section 112(g) rule.

EFFECTIVE DATE: This final rule amendment will be effective on July 30, 1999 without further notice, unless EPA receives adverse comments on this rulemaking by July 12, 1999 or a request for a hearing concerning the accompanying proposed rule is received by EPA by July 7, 1999. If EPA receives timely adverse comment or a timely hearing request, EPA will publish a withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect and will proceed to promulgate a final rule based on the proposed rule.

ADDRESSES: *Comments.* Interested parties may submit comments on this rulemaking in writing (original and two copies, if possible) to Docket No. A–91–64 to the following address: Air and Radiation Docket and Information Center (6102), US Environmental Protection Agency, 401 M Street, S.W., Room 1500, Washington, D.C. 20460. The EPA requests that a separate copy of each public comment be sent to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**). Comments may also be submitted electronically by following the instructions provided in **SUPPLEMENTARY INFORMATION.** Public comments on this rulemaking will be accepted until July 12, 1999.

Docket. All information used in the development of this final action is contained in the preamble below. However, Docket No. A–91–64, containing the supporting information for the original Regulations Governing Constructed or Reconstructed Major Sources rule is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday at the Air and Radiation Docket and Information Center (6102), Room M–1500, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; telephone (202) 260–7548, fax (202) 260–4000. A reasonable fee may be charged for copying.

These documents can also be accessed through the EPA web site at: http://www.epa.gov/ttn/oarpg. For further information and general questions regarding the Technology Transfer Network (TTNWEB), call Mr. Hersch Rorex (919) 541–5637 or Mr. Phil Dickerson (919) 541–4814.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Kaufman, Information Transfer and Program Integration Division (MD–12), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919)541–0102.

SUPPLEMENTARY INFORMATION: EPA is publishing this rule amendment without prior proposal because we consider this to be a noncontroversial amendment; and we do not expect to receive any adverse comment. However, in the "Proposed Rules" section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal for this amendment, in the event we receive adverse comment or a hearing request and this direct final rule is subsequently withdrawn. This final rule amendment will be effective on July 30, 1999 without further notice, unless we receive adverse comment on this rulemaking by July 12, 1999 or a request for a hearing concerning the accompanying proposed rule is received by EPA by July 7, 1999. If EPA receives timely adverse comment or a timely hearing request, we will publish a withdrawal in the **Federal Register**

informing the public that this direct final rule will not take effect. In that event, we will address all public comments in a subsequent final rule, based on the proposed rule amendment published in the "Proposed Rules" section of this **Federal Register** document. The EPA will not provide further opportunity for public comment on this action. Any parties interested in commenting on this amendment must do so at this time. Electronic comments and data may be submitted by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov. Submit comments as an ASCII file, avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on diskette in Word Perfect 5.1 or 6.1 or ACSII file format. Identify all comments and data in electronic form by the docket numbers A–91–64. No Confidential Business Information (CBI) should be submitted through electronic mail. Electronic comments may be filed online at many Federal Depository Libraries.

Outline. The information presented in this preamble is organized as follows:

I. What are the relative responsibilities of permitting authorities and EPA Regional Offices under the current Section 112(g) rule?
II. Why does EPA want to amend these relative responsibilities in some cases?
III. What are the requirements to review this action in Court?
IV. Administrative Requirements
A. Docket
B. Paper Reduction Act
C. E.O. 12866: The Unfunded Mandates Reform Act of 1995, the Regulatory Flexibility Act, and the Small Business Regulatory Enforcement Fairness Act of 1996
D. National Technology Transfer and Advancement Act
E. E.O. 13045: Protection of Children from Environmental Health and Safety Risks
F. E.O. 13084: Consultation and Coordination with Indian Tribal Governments
G. E.O. 12875: Enhancing the Intergovernmental Partnership
H. Submission to Congress and the Comptroller General

I. What are the Relative Responsibilities of Permitting Authorities and EPA Regional Offices Under the Current Section 112(g) Rule?

Section 112(g) is effective in a State or local jurisdiction on the date specified by the permitting authority, at the time it adopts a program to implement section 112(g), or June 29, 1998, whichever is earlier. Thus, permitting authorities had until June 29, 1998 to initiate implementing programs. To place its implementing program into effect, the chief executive officer of the State or local jurisdiction must have certified to the EPA that its program meets all the requirements set forth in this rule, and published a notice stating that the program has been adopted and specifying its effective date. The program need not have been officially reviewed or approved by the EPA.

After June 29, 1998, if a State or local permitting authority had not yet initiated a program to implement the section 112(g) rule, there have been two options for obtaining a MACT approval: either (1) the permitting authority would make section 112(g) determinations according to procedures specified in § 63.43 of this rule, and issue a Notice of MACT Approval that would become final and legally enforceable after the EPA had concurred in writing with the permitting authority's determination; or (2) the EPA Regional Administrator would issue section 112(g) determinations for up to 1 year—i.e. until June 29, 1999.

II. Why Does EPA Want to Amend These Relative Responsibilities in Some Cases?

If the permitting authority had not yet initiated an implementing program by June 29, 1999, the section 112(g) rule did not provide an explicit mechanism by which construction permits could be issued. It was assumed that all permitting authorities would have established section 112(g) programs by that time. However, it has now become clear that a few permitting authorities will not have initiated an implementing program by June 29, 1999. In addition, some of these jurisdictions believe that they may not yet have the authority even to issue a Notice of MACT Approval for EPA concurrence. Therefore, in some jurisdictions, after June 29, 1999, it is possible that there could be no mechanism by which a major source could receive the MACT determination required by the Act in order to construct.

This action therefore provides a longer time period (up to 30 months) during which the EPA Regional Administrator may determine MACT emission limitations on a case-by-case basis, if the permitting authority has not yet established procedures for requiring MACT on constructed or reconstructed major sources. This action is needed in order to ensure that major sources can obtain MACT determinations required for construction or reconstruction in those jurisdictions where permitting authorities require extra time to establish procedures to implement the section 112(g) rule. We believe that this action provides enough extra time for permitting authorities to establish procedures for requiring MACT on constructed or reconstructed major sources, as required by section 112(g) of the Act.

III. What are the Requirements to Review This Action in Court?

Under Section 307(b)(1) of the Act, judicial review of this final rule is available only by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by August 30, 1999. Any such judicial review is limited to only those objections which are raised with reasonable specificity in timely comments. Under Section 307(b)(2) of the Act, the requirements that are the subject of this final rule may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

IV. Administrative Requirements

A. Docket

The docket for this regulatory action is A–91–64, the same docket as the original final rule, and a copy of today's amendment to the final rule will be included in the docket. The principle purposes of the docket are: (1) to allow interested parties a means to identify and locate documents so that they can effectively participate in the rulemaking process; and (2) to serve as the record in case of judicial review (except for interagency review materials) (Section 307(d)(7)(A) of the Act). The docket is available for public inspection at the EPA's Air and Radiation Docket and Information Center, the location of which is given in the **ADDRESSES** section of this document.

B. Paper Reduction Act

The information collection requirements of the previously promulgated rule for Regulations Governing Equivalent Emission Limitations by Permit were submitted to and approved by the Office of Management and Budget. A copy of this Information Collection Request (ICR) document (ICR No. 1658.01) may be obtained from Sandy Farmer, OPPE Regulatory Information Division (2136), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, or by calling (202) 260–2740. Today's change to the final rule does not affect the information collection burden estimates made previously. Therefore, the ICR has not been revised.

C. Analysis Under E.O. 12866, the Unfunded Mandates Reform Act of 1995, the Regulatory Flexibility Act, and the Small Business Regulatory Enforcement Fairness Act of 1996

Because the regulatory revisions that are the subject of today's notice would delay an existing requirement, this action is not a "significant" regulatory action within the meaning of Executive Order 12866, and does not impose any Federal mandate on State, local and tribal governments or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995. Further, the EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this action under the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act of 1996. The regulatory change proposed here is not expected to affect the regulatory burdens on small businesses, and will not have a significant impact on a substantial number of small entities.

D. National Technology Transfer and Advancement Act

Under Section 12 of the National Technology Transfer and Advancement Act of 1995, the EPA must consider the use of "voluntary consensus standards," if available and applicable, when implementing policies and programs, unless it would be "inconsistent with applicable law or otherwise impractical." The intent of the National Technology Transfer and Advancement Act is to reduce the costs to the private and public sectors by requiring federal agencies to draw upon any existing, suitable technical standards used in commerce or industry.

A "voluntary consensus standard" is a technical standard developed or adopted by a legitimate standards-developing organization. The Act defines "technical standards" as "performance-based or design-specific technical specifications and related management systems practices." A legitimate standards-developing organization must produce standards by consensus and observe principles of due process, openness, and balance of interests. Examples of organizations that are regarded as legitimate standards-developing organizations include the American Society for Testing and Materials (ASTM), International Organization for Standardization (ISO), International Electrotechnical Commission (IEC), American Petroleum Institute (API), National Fire Protection Association (NFPA) and Society of Automotive Engineers (SAE).

Since today's action does not involve the establishment or modification of technical standards, the requirements of the National Technology Transfer and Advancement Act do not apply.

E. Executive Order 13045—Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that (1) OMB determines is "economically significant" as defined under Executive Order 12866, and (2) EPA determines the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety aspects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

These regulatory revisions are not subject to the Executive Order because it is not economically significant as defined in E.O. 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

F. Executive Order 13084—Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. These rule revisions impose no enforceable duties on these entities. Accordingly, the requirements of Section 3(b) of Executive Order 13084 do not apply to this rule.

G. Executive Order 12875: Enhancing the Intergovernmental Partnership

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule changes do not create a mandate on State, local or tribal governments. The rule changes do not impose any additional enforceable duties on these entities. Accordingly, the requirements of Section 1(a) of Executive Order 12875 do not apply to this rule.

H. Submission to Congress and the Comptroller General

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**. This action is not

a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practices and procedures, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: June 24, 1999.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, 40 CFR Part 63 is amended as follows:

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

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

2. Section 63.42(b) is revised to read as follows:

§ 63.42 Program requirements governing construction or reconstruction of major sources.

* * * * *

(b) *Failure to adopt program.* In the event that the permitting authority fails to adopt a program to implement section 112(g) with respect to construction or reconstruction of major sources of HAP with an effective date on or before June 29, 1998, and the permitting authority concludes that it is able to make case-by-case MACT determinations which conform to the provisions of § 63.43 in the absence of such a program, the permitting authority may elect to make such determinations. However, in those instances where the permitting authority elects to make case-by-case MACT determinations in the absence of a program to implement section 112(g) with respect to construction or reconstruction of major sources of HAP, no such case-by-case MACT determination shall take effect until after it has been submitted by the permitting authority in writing to the appropriate EPA Regional Adminstrator and the EPA Regional Administrator has concurred in writing that the case-by-case MACT determination by the permitting authority is in conformity with all requirements established by §§ 63.40 through 63.44. In the event that the permitting authority fails to adopt a program to implement section 112(g) with respect to construction or reconstruction of major sources of HAP with an effective date on or before June 29, 1998, and the permitting authority concludes that it is unable to make case-by-case MACT determinations in the absence of such a program, the permitting authority may request that the EPA Regional Administrator implement a transitional program to implement section 112(g) with respect to construction or reconstruction of major sources of HAP in the affected State of local jurisdiction while the permitting authority completes development and adoption of a section 112(g) program. Any such transitional section 112(g) program implemented by the EPA Regional Administrator shall conform to all requirements established by §§ 63.40 through 63.44, and shall remain in effect for no more than 30 months. Continued failure by the permitting authority to adopt a program to implement section 112(g) with respect to construction or reconstruction of major sources of HAP shall be construed as a failure by the permitting authority to adequately administer and enforce its title V permitting program and shall constitute cause by EPA to apply the sanctions and remedies set forth in the Clean Air Act section 502(I).

* * * * *

[FR Doc. 99–16681 Filed 6–29–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300876; FRL–6086–3]

RIN 2070–AB78

Cyprodinil; Pesticide Tolerance for Emergency Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for residues of cyprodinil in or on caneberries. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on caneberries. This regulation establishes a maximum permissible level for residues of cyprodinil in this food commodity pursuant to section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. The tolerance will expire and is revoked on December 31, 2000.

DATES: This regulation is effective June 30, 1999. Objections and requests for hearings must be received by EPA on or before August 30, 1999.

ADDRESSES: Written objections and hearing requests, identified by the docket control number [OPP–300876], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300876], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall 2 (CM #2), 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket control number [OPP–300876]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Stephen Schaible, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 271, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308–9362, schaible.stephen@epa.gov.

SUPPLEMENTARY INFORMATION: EPA, on its own initiative, pursuant to section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, is establishing a tolerance for residues of the fungicide cyprodinil, in or on caneberries at 10 parts per million (ppm). This tolerance will expire and is revoked on December 31, 2000. EPA will publish a document in the **Federal Register** to remove the revoked

tolerance from the Code of Federal Regulations.

I. Background and Statutory Findings

The Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) was signed into law August 3, 1996. FQPA amends both the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 301 *et seq.*, and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.* The FQPA amendments went into effect immediately. Among other things, FQPA amends FFDCA to bring all EPA pesticide tolerance-setting activities under a new section 408 with a new safety standard and new procedures. These activities are described in this preamble and discussed in greater detail in the final rule establishing the time-limited tolerance associated with the emergency exemption for use of propiconazole on sorghum (61 FR 58135, November 13, 1996) (FRL–5572–9).

New section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ."

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that "emergency conditions exist which require such exemption." This provision was not amended by FQPA. EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

Section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment.

Because decisions on section 18-related tolerances must proceed before EPA reaches closure on several policy issues relating to interpretation and implementation of the FQPA, EPA does not intend for its actions on such tolerances to set binding precedents for the application of section 408 and the new safety standard to other tolerances and exemptions.

II. Emergency Exemption for Cyprodinil on Caneberries and FFDCA Tolerances

According to the Applicants, weather conditions favorable to gray mold disease development, combined with pathogen resistance to existing registered fungicides, has contributed to an emergency condition for caneberry growers in the States of Washington and Oregon. The States claim that registered pesticides either do not provide an adequate level of economic control of gray mold fruit rot or are limited in the number of applications needed for season-long control. EPA has authorized under FIFRA section 18 the use of the product Switch 62.5 WG, containing the active ingredients cyprodinil and fludioxonil, on caneberries for control of gray mold in Oregon and Washington. After having reviewed the submission, EPA concurs that emergency conditions exist for these States.

As part of its assessment of this emergency exemption, EPA assessed the potential risks presented by residues of cyprodinil in or on caneberries. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing this tolerance without notice and opportunity for public comment under section 408(e), as provided in section 408(l)(6). Although this tolerance will expire and is revoked on December 31, 2000, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on caneberries after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by this tolerance at the time of that application. EPA will take action to revoke this tolerance earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because this tolerance is being approved under emergency conditions, EPA has not made any decisions about whether cyprodinil meets EPA's registration requirements for use on caneberries or whether a permanent tolerance for this use would be appropriate. Under these circumstances, EPA does not believe that this tolerance serves as a basis for registration of cyprodinil by a State for special local needs under FIFRA section 24(c). Nor does this tolerance serve as the basis for any States other than Oregon and Washington to use this pesticide on this crop under section 18 of FIFRA without following all provisions of EPA's regulations implementing section 18 as identified in 40 CFR part 166. For additional information regarding the emergency exemption for cyprodinil, contact the Agency's Registration Division at the address provided under the "ADDRESSES" section.

III. Aggregate Risk Assessment and Determination of Safety

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of cyprodinil and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a time-limited tolerance for residues of cyprodinil on caneberries at 10 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by cyprodinil are discussed in this unit.

B. Toxicological Endpoint

1. *Acute toxicity.* No effects that could be attributed to a single exposure (dose) were observed in oral toxicity studies including the developmental toxicity studies in rats and rabbits. Therefore, a dose and endpoint were not identified for acute dietary risk assessment.

2. *Short - and intermediate-term toxicity.* A no observed adverse effect level (NOAEL) of 25 milligrams/kilograms/day (mg/kg/day) was selected from the 21–day dermal rat study. The effect observed at the lowest observed adverse effect level (LOAEL) of 125 mg/kg/day in this study was hunched posture in females.

3. *Chronic toxicity.* EPA has established the Reference Dose (RfD) for cyprodinil at 0.03 mg/kg/day. This RfD is based on a NOAEL of 2.7 mg/kg/day and an uncertainty factor of 100. The NOAEL was taken from the chronic rat study; at the LOAEL of 35.6 mg/kg/day, effects observed were histopathological alterations in the liver (*spongiosis hepatis*) in males.

4. *Carcinogenicity.* Cyprodinil is classified as a "not likely" human carcinogen, based on the lack of evidence of carcinogenicity in mice and rats at doses that were judged to be adequate to assess the carcinogenic potential.

C. Exposures and Risks

1. *From food and feed uses.* Tolerances have been established (40 CFR 180.532) for the residues of cyprodinil, in or on a variety of raw agricultural commodities. Mention any tolerances of special relevance and meat, milk, poultry and egg tolerances, if applicable. Risk assessments were conducted by EPA to assess dietary exposures and risks from cyprodinil as follows:

i. *Acute exposure and risk.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1–day or single exposure. This risk assessment is not required. No effects that could be attributed to a single exposure (dose) were observed in oral toxicity studies including the developmental toxicity studies in rats and rabbits. Therefore, a dose and endpoint were not identified for acute dietary risk assessment.

ii. *Chronic exposure and risk.* Tolerance level residues and 100% crop treated were assumed to calculate dietary exposure for the United States (U.S.) population and population subgroups from residues on published and proposed uses. Chronic exposure from food uses of cyprodinil represents 6% of the RfD for the U.S. population and 21% of the RfD for nursing infants (<1yr), the subgroup most highly exposed.

2. *From drinking water.* Cyprodinil is considered to be persistent in water and mobile in most soils; under most conditions though, cyprodinil will have a low potential for movement into ground water at high concentrations. There is potential for cyprodinil to contaminate surface water as runoff and as a sorbed species through erosion of soil particles. There is no established Maximum Contaminant Level (MCL) for residues of cyprodinil in drinking water. No health advisory levels for cyprodinil in drinking water have been established.

The Agency has calculated drinking water levels of comparison (DWLOCs) for chronic exposure to cyprodinil in surface and ground water. A DWLOC is a theoretical upper limit on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, drinking water, and through residential uses. Toxicity endpoints, default body weight (70 kg for males, 60 kg for females, and 10 kg for nursing infants < 1 year old) and default drinking water consumption estimates (2 liter (L)/day for adults, 1 L/day for nursing infants) are used to calculate the actual DWLOCs. The DWLOC represents the concentration level in surface water or ground water at which aggregate exposure to the chemical is not of concern.

Using the Screening Concentration in Ground Water (SCI-GROW) screening model, the Agency calculated an Estimated Environmental Concentration (EEC) of cyprodinil in ground water for use in human health risk assessments. This value represents an upper bound estimate of the concentration of cyprodinil that might be found in ground water assuming the maximum application rate allowed on the label of the highest use pattern.

The Agency used its Pesticide Root Zone Model (PRZM)-EXAMS model to estimate EECs for cyprodinil in surface water. PRZM-EXAMS is a more refined Tier II assessment. The EECs from these models are compared to the DWLOCs to make the safety determination.

i. *Acute exposure and risk.* This risk assessment is not required. No effects that could be attributed to a single exposure (dose) were observed in oral toxicity studies including the developmental toxicity studies in rats and rabbits. Therefore, a dose and endpoint were not identified for acute dietary risk assessment.

ii. *Chronic exposure and risk.* Using the SCI-GROW model, the maximum long-term estimated concentration in ground water is not expected to exceed 0.04 parts per billion (ppb). The chronic estimated concentration in surface water, using the PRZM-EXAMS model, is 51 ppb. The DWLOC for the U.S. population was calculated to be 990 ppb; the DWLOC for the most sensitive subgroup, nursing infants < 1 year old, was 220 ppb. As concentrations of cyprodinil in ground water and surface water do not exceed the calculated DWLOCs, the Agency concludes with reasonable certainty that chronic exposure to cyprodinil in drinking water is not of concern.

3. *From non-dietary exposure.* Cyprodinil is currently not registered for use on residential, non-food sites; therefore, no non-occupational, non-dietary exposure is expected.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether cyprodinil has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, cyprodinil does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that cyprodinil has a common mechanism of toxicity with other substances. For more information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk.* This risk assessment is not required. No effects that could be attributed to a single exposure (dose) were observed in oral toxicity studies including the developmental toxicity studies in rats and rabbits. Therefore, a dose and endpoint were not identified for acute dietary risk assessment.

2. *Chronic risk.* Using the Theoreticl Maximus Residue Contribution (TMRC) exposure assumptions described in this unit, EPA has concluded that aggregate

exposure to cyprodinil from food will utilize 6 of the RfD for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is nursing infants < 1 year old (discussed below). EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Estimated chronic environmental concentrations of cyprodinil in surface water and ground water do not exceed chronic DWLOCs calculated by the Agency; therefore, EPA does not expect the aggregate exposure to exceed 100% of the RfD.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account chronic dietary food and water (considered to be a background exposure level) plus indoor and outdoor residential exposure.

There are no residential uses of this chemical registered. This risk assessment is therefore not required.

4. *Aggregate cancer risk for U.S. population.* Cyprodinil is classified as a "not likely" human carcinogen, based on the lack of evidence of carcinogenicity in mice and rats at doses that were judged to be adequate to assess the carcinogenic potential. This risk assessment is not required.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to cyprodinil residues.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children — i. In general.* In assessing the potential for additional sensitivity of infants and children to residues of cyprodinil, EPA considered data from developmental toxicity studies in the rat and rabbit and a 2–generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure during gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for pre-and postnatal toxicity and the completeness of the data base unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard MOE and uncertainty factor (usually 100 for combined inter- and intra-species variability) and not the additional tenfold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

ii. *Developmental toxicity studies.* In the rat developmental study, the maternal NOAEL was 200 mg/kg/day, based on decreased body weight, body weight gain, and food consumption at the LOAEL of 1,000 mg/kg/day. The developmental NOAEL was 200 mg/kg/day, based on increased incidence of skeletal variations (primarily absent or reduced ossification of the metacarpal) and on decreased mean fetal weight at the LOAEL of 1,000 mg/kg/day. In the rabbit developmental toxicity study, the maternal NOAEL was 150 mg/kg/day, based on decreased body weight gain at the LOAEL of 400 mg/kg/day. The developmental NOAEL was 150 mg/kg/day and the LOAEL was 400 mg/kg/day, based on increased incidence of 13th rib.

iii. *Reproductive toxicity study.* In the 2–generation reproductive toxicity study in rats, the parental NOAEL was 81 mg/kg/day, based on decreased parental female premating body weight gain at the LOAEL of 326 mg/kg/day. The Agency considers significant increases in kidney and liver weight at the 326 mg/kg/day dose as supportive evidence of toxicity. The reproductive/developmental NOAEL was 81 mg/kg/day and the LOAEL was 326 mg/kg/day, based on decreased F_1 and F_2 pup weight during lactation and continuing into adulthood for F_1 rats.

iv. *Pre- and postnatal sensitivity.* The toxicological data base for evaluating pre- and postnatal toxicity for cyprodinil is complete with respect to current data requirements. There are no pre- or postnatal toxicity concerns for infants and children, based on the results of the rat and rabbit developmental toxicity studies and the 2–generation rat reproductive toxicity study.

v. *Conclusion.* There is a complete toxicity data base for cyprodinil and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. The Agency determined that for cyprodinil, the 10x factor to account for enhanced sensitivity of infants and children should be removed.

2. *Acute risk.* This risk assessment is not required. No effects that could be attributed to a single exposure (dose) were observed in oral toxicity studies including the developmental toxicity studies in rats and rabbits. Therefore, a dose and endpoint were not identified for acute dietary risk assessment.

3. *Chronic risk.* Using the exposure assumptions described in this unit, EPA has concluded that aggregate exposure to cyprodinil from food will utilize 21 of the RfD for nursing infants < 1 year old, the infant and children subgroup most highly exposed. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Because the chronic DWLOCs are not exceeded by estimated chronic environmental concentrations in ground water or surface water, EPA does not expect the aggregate exposure to exceed 100% of the RfD.

4. *Short- or intermediate-term risk.* There are no residential uses for this chemical; this risk assessment is not required.

5. Determination of safety. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to cyprodinil residues.

IV. Other Considerations

A. Metabolism In Plants and Animals

The nature of the residue in plant is understood based on metabolism studies in stone fruit, pome fruit, wheat, tomatoes and potatoes. The residue of concern is parent cyprodinil only. There are no animal feed items associated with the proposed use; data on the nature of the residue in animals are not required for the section 18 action or the establishment of this tolerance.

B. Analytical Enforcement Methodology

Adequate enforcement methodology High Performance Liquid Chromotography (HPLC) is available to enforce the tolerance expression; OPP concludes that the method will be suitable for enforcement purposes once revisions recommended by the Analytical Chemistry Laboratory (ACL) are incorporated. The method may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection

Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm 101FF, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–5229.

C. Magnitude of Residues

Residues of cyprodinil are not expected to exceed 10 ppm in caneberries as a result of the proposed section 18 use.

D. International Residue Limits

There are no Codex, Canadian, or Mexican residue limits established for cyprodinil on caneberries. Therefore, no compatibility problems exist for the proposed tolerance.

E. Rotational Crop Restrictions

As caneberries are not considered to be a rotated crop, no rotational crop data are required.

V. Conclusion

Therefore, the tolerance is established for residues of cyprodinil in caneberries at 10 ppm.

VI. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to "object" to a tolerance regulation as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by August 30, 1999, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given under the "ADDRESSES" section (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding tolerance objection fee waivers, contact James Tompkins, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 239, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–5697, tompkins.jim@epa.gov. Requests for waiver of tolerance objection fees should be sent to James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VII. Public Record and Electronic Submissions

EPA has established a record for this regulation under docket control number [OPP–300876] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Objections and hearing requests may be sent by e-mail directly to EPA at:
opp-docket@epa.gov

E-mailed objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this regulation, as well as the public version, as described in this unit will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the Virginia address in "ADDRESSES" at the beginning of this document.

VIII. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This final rule establishes a tolerance under section 408 of the FFDCA. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997).

In addition, since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(l)(6), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding

exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

B. Executive Order 12875

Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create an unfunded Federal mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

IX. Submission to Congress and the Comptroller General

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 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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 11, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

2. In § 180.532, by alphabetically adding the commodity "caneberries" to the table in paragraph (b) to read as follows:

§ 180.532 Cyprodinil; tolerances for residues.

(b) * * *

Commodity	Parts per million	Expiration/revocation date
Caneberries	10	12/31/00

* * * * *

[FR Doc. 99–16542 Filed 6–29–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300877; FRL–6086–4]

RIN 2070–AB78

Fludioxonil; Pesticide Tolerance for Emergency Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for residues of fludioxonil in or on caneberries. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on caneberries. This regulation establishes a maximum permissible level for residues of fludioxonil in this food commodity pursuant to section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. The tolerance will expire and is revoked on December 31, 2000.

DATES: This regulation is effective June 30, 1999. Objections and requests for hearings must be received by EPA on or before August 30, 1999.

ADDRESSES: Written objections and hearing requests, identified by the docket control number [OPP–300877], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests

filed with the Hearing Clerk identified by the docket control number, [OPP–300877], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall 2 (CM#2), 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket control number [OPP–300877]. No Confidential Business Information (CBI) should be submitted through e-mail Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Stephen Schaible, Registration Division (7505C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 271, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308–9362, schaible.stephen@epa.gov.

SUPPLEMENTARY INFORMATION: EPA, on its own initiative, pursuant to section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, is establishing a tolerance for residues of the fungicide fludioxonil, in or on caneberries at 2.0 parts per million (ppm). This tolerance will expire and is revoked on December 31, 2000. EPA will publish a document in the **Federal Register** to remove the revoked tolerance from the Code of Federal Regulations.

I. Background and Statutory Findings

The Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) was signed into law August 3, 1996. FQPA amends both the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 301 *et seq.*, and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.* The FQPA amendments went into effect immediately. Among other things, FQPA amends FFDCA to bring all EPA pesticide tolerance-setting activities under a new section 408 with a new safety standard and new procedures. These activities are described in this preamble and discussed in greater detail in the final rule establishing the time-limited tolerance associated with the emergency exemption for use of propiconazole on sorghum (61 FR 58135, November 13, 1996) (FRL–5572–9).

New section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ."

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that "emergency conditions exist which require such exemption." This provision was not amended by FQPA. EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

Section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment.

Because decisions on section 18-related tolerances must proceed before EPA reaches closure on several policy issues relating to interpretation and implementation of the FQPA, EPA does not intend for its actions on such tolerances to set binding precedents for the application of section 408 and the new safety standard to other tolerances and exemptions.

II. Emergency Exemption for Fludioxonil on Caneberries and FFDCA Tolerances

According to the Applicant, weather conditions favorable to gray mold disease development, combined with pathogen resistance to existing registered fungicides, has contributed to an emergency condition for caneberry growers in the States of Washington and Oregon. The states claim that registered pesticides either do not provide an adequate level of economic control of gray mold fruit rot or are limited in the number of applications needed for season-long control. EPA has authorized under FIFRA section 18 the use of the product Switch 62.5 WG, containing the active ingredients cyprodinil and fludioxonil, on caneberries for control of gray mold in Oregon and Washington. After having reviewed the submission, EPA concurs that emergency conditions exist for these States.

As part of its assessment of this emergency exemption, EPA assessed the potential risks presented by residues of fludioxonil in or on caneberries. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing this tolerance without notice and opportunity for public comment under section 408(e), as provided in section 408(l)(6). Although this tolerance will expire and is revoked on December 31, 2000, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on caneberries after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by this tolerance at the time of that application. EPA will take action to revoke this tolerance earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because this tolerance is being approved under emergency conditions, EPA has not made any decisions about whether fludioxonil meets EPA's registration requirements for use on caneberries or whether a permanent tolerance for this use would be appropriate. Under these circumstances, EPA does not believe that this tolerance

serves as a basis for registration of fludioxonil by a State for special local needs under FIFRA section 24(c). Nor does this tolerance serve as the basis for any State other than Oregon and Washington to use this pesticide on this crop under section 18 of FIFRA without following all provisions of EPA's regulations implementing section 18 as identified in 40 CFR part 166. For additional information regarding the emergency exemption for fludioxonil, contact the Agency's Registration Division at the address provided under the "ADDRESSES" section.

III. Aggregate Risk Assessment and Determination of Safety

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7) .

Consistent with section 408(b)(2)(D). EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of fludioxonil and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a time-limited tolerance for residues of fludioxonil on caneberries at 5.0 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by fludioxonil are discussed in this unit.

B. Toxicological Endpoint

1. *Acute toxicity.* No endpoint was identified for acute dietary exposure. The OPP Toxicity Endpoint Selection Committee has concluded that the toxicology data base does not suggest the need for this assessment.

2. *Short- and intermediate-term toxicity.* No toxicological endpoints of concern were identified for acute oral exposure, short-term dermal exposure, or inhalation exposure for all time periods. Risk assessments for these exposure scenarios were not conducted.

3. *Chronic toxicity.* EPA has established the Reference Dose (RfD) for fludioxonil at 0.03 milligrams/kilograms/day (mg/kg/day). This RfD is based on a no observed adverse effect level (NOAEL) of 3.3 mg/kg/day, taken from a chronic feeding study in dogs, and an uncertainty factor of 100. The effect observed at the lowest observed adverse effect level (LOAEL) of 35.5 mg/kg/day was decreased body weight gain in females.

4. *Carcinogenicity.* Fludioxonil has been classified as a Group D not classifiable as to human carcinogenicity, chemical by the Cancer Peer Review Committee. The Group D classification was based on the statistically significant increase in liver tumors in female rats for combined adenoma/carcinoma only, the lack of tumorigenic response in male rats or in either sex of the mouse, and the need for additional mutagenicity studies.

C. Exposures and Risks

1. *From food and feed uses.* A tolerance has been established (40 CFR 180.516) for the residues of fludioxonil, in or on potatoes at 0.02 ppm. Fludioxonil is currently registered for use as a seed treatment on potatoes, popcorn, field and sweet corn, and sorghum, as well as for use in greenhouses on nonfood crops. Additionally, time-limited tolerances have been established for residues of fludioxonil on apricots, nectarines, peaches, plums, and strawberries. Risk assessments were conducted by EPA to assess dietary exposures and risks from fludioxonil as follows:

i. Acute exposure and risk. Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1–day or single exposure. In reviewing the toxicity data base, no toxicological endpoints were identified which could be attributable to a single dietary exposure. Therefore a risk assessment for this exposure scenario was not conducted.

ii. *Chronic exposure and risk.* Tolerance level residues and 100% crop treated were assumed to calculate Theoretical Maximum Residue Contribution (TMRCs) for the United States (U.S.) population and population subgroups from residues on published and proposed uses. Chronic exposure from food uses of fludioxonil represents 5% of the RfD for the U.S. population and 22% of the RfD for infants (<1yr), the subgroup most highly exposed.

2. *From drinking water.* Fludioxonil is not expected to impact ground or surface water resources. Available data suggest fludioxonil has a relatively low potential to leach to ground water and move in runoff to aquatic environments. There is no established Maximum Contaminant Level (MCL) for residues of fludioxonil in drinking water. No health advisory levels for fludioxonil in drinking water have been established.

The Agency has calculated drinking water levels of comparison (DWLOCs) for chronic exposure to fludioxonil in surface and ground water. The DWLOCs are calculated by subtracting from the RfD the respective chronic dietary exposure attributable to food to obtain the acceptable exposure to fludioxonil in drinking water. Default body weight (70 kg for males, 60 kg for females, and 10 kg for non-nursing infants < 1 year old) and default drinking water consumption estimates (2 liter (L)/day for adults, 1 L/day for non-nursing infants) are then used to calculate the actual DWLOCs. The DWLOC represents the concentration level in surface water or ground water at which aggregate exposure to the chemical is not of concern.

Using Generic (GENEEC (surface water)) and Screening Concentration in Ground Water (SCI-GROW (ground water)) models, the Agency has calculated chronic Tier I Estimated Environmental Concentrations (EECs) for fludioxonil for use in human health risk assessments. These values represent the upper bound estimates of the concentrations of fludioxonil that might be found in surface and ground water assuming the maximum application rate allowed on the label of the highest use pattern. The EECs from these models are compared to the DWLOCs to make the safety determination.

i. Acute exposure and risk. In reviewing the toxicity data base, no toxicological endpoints were identified which could be attributable to a single dietary exposure. Therefore a risk assessment for this exposure scenario was not conducted.

ii. *Chronic exposure and risk.* Using the SCI-GROW model, the maximum long-term estimated concentration in ground water is not expected to exceed 0.08 parts per billion (ppb). The chronic estimated concentration in surface water, using the GENEEC model, is 7.8 ppb. The DWLOC for the U.S. population was calculated to be 999 ppb; the DWLOC for the most sensitive subgroup, infants less than 1 year old, was calculated to be 235 ppb. As even the upper bound concentrations of fludioxonil in ground water and surface water are not expected to exceed the

calculated DWLOC, the Agency concludes with reasonable certainty that chronic exposure to fludioxonil in drinking water is not of concern.

3. *From non-dietary exposure.* Fludioxonil is currently not registered for use on residential, non-food sites; therefore, no non-occupational, non-dietary exposure is expected.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether fludioxonil has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, fludioxonil does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that fludioxonil has a common mechanism of toxicity with other substances. For more information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk.* In reviewing the toxicity data base, no toxicological endpoints were identified which could be attributable to a single dietary exposure. Therefore a risk assessment for this exposure scenario was not conducted.

2. *Chronic risk.* Using the TMRC exposure assumptions described in this unit, EPA has concluded that aggregate exposure to fludioxonil from food will utilize 5% of the RfD for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is infants less than 1 year in age (discussed below). EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Estimated chronic environmental concentrations of fludioxonil in surface water and ground water do not exceed chronic DWLOCs calculated by the Agency. EPA does not expect the aggregate exposure to exceed 100% of the RfD.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account chronic dietary food and water (considered to be a background exposure level) plus indoor and outdoor residential exposure.

Fludioxonil is currently not registered for use on residential, non-food sites; therefore, short- and intermediate-term aggregate risk assessments were not conducted.

4. *Aggregate cancer risk for U.S. population.* Fludioxonil has been classified as a Group D- not classifiable as to human carcinogenicity- chemical by the Cancer Peer Review Committee. The Group D classification was based on the statistically significant increase in liver tumors in female rats for combined adenoma/carcinoma only, the lack of tumorigenic response in male rats or in either sex of the mouse, and the need for additional mutagenicity studies.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to fludioxonil residues.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children— i. In general.* In assessing the potential for additional sensitivity of infants and children to residues of fludioxonil, EPA considered data from developmental toxicity studies in the rat and rabbit and a 2–generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure during gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for pre- and postnatal toxicity and the completeness of the data base unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard MOE and uncertainty factor (usually 100 for combined inter- and intra-species variability) and not the additional tenfold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

ii. *Developmental toxicity studies.* In the rat developmental study, the maternal (systemic) NOAEL was 100 mg/kg/day, based on reduction in mean body weight gain in dams during gestation period at the LOAEL of 1,000 mg/kg/day. The developmental (fetal) NOAEL was 100 mg/kg/day, based on increased fetal and litter incidence of dilated renal pelvis and dilated ureter at the LOAEL of 1,000 mg/kg/day. In the rabbit developmental toxicity study, the maternal (systemic) NOAEL was 10 mg/kg/day, based on decreased body weight gains and food efficiency at the LOAEL of 100 mg/kg/day. The developmental (pup) NOAEL was 300 mg/kg/day, the highest dose tested.

iii. *Reproductive toxicity study.* In the 2–generation reproductive toxicity study in rats, the parental (systemic) NOAEL was 22.13 mg/kg/day (males) and 24.24 mg/kg/day (females), based on clinical signs and decreased body weight, body weight gain and food consumption at the LOAEL of 221.6 mg/kg/day (males) and 249.7 mg/kg/day (females). The reproductive/developmental (pup) NOAEL was 22.13 mg/kg/day (males) and 24.24 mg/kg/day (females), based on reduced pup weights at the LOAEL of 221.6 mg/kg/day (males) and 249.7 mg/kg/day (females).

iv. *Pre- and postnatal sensitivity.* The toxicological data base for evaluating pre- and postnatal toxicity for fludioxonil is complete with respect to current data requirements. There are no pre- or postnatal toxicity concerns for infants and children, based on the results of the rat and rabbit developmental toxicity studies and the 2–generation rat reproductive toxicity study.

v. *Conclusion.* There is a complete toxicity data base for fludioxonil and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures.

2. *Acute risk.* In reviewing the toxicity data base, no toxicological endpoints were identified which could be attributable to a single dietary exposure. Therefore, a risk assessment for this exposure scenario was not conducted.

3. *Chronic risk.* Using the exposure assumptions described in this unit, EPA has concluded that aggregate exposure

to fludioxonil from food will utilize 22% of the RfD for non-nursing and nursing infants less than 1 year old, the subgroups most highly exposed. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Because the chronic DWLOCs are not exceeded by estimated chronic environmental concentrations in ground water or surface water, EPA does not expect the aggregate exposure to exceed 100% of the RfD.

4. *Short- or intermediate-term risk.* Fludioxonil is currently not registered for use on residential, non-food sites; therefore, short- and intermediate-term aggregate risk assessments were not conducted.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to fludioxonil residues.

IV. Other Considerations

A. Metabolism In Plants and Animals

The nature of the residue in plants is adequately understood based on a metabolism study submitted for seed treatment use on potatoes. The residue of concern is the parent compound, fludioxonil, only. There are no livestock feed items associated with the proposed use on caneberries. Therefore, the nature of the residue in animals is not of concern with regard to the establishment of this tolerance.

B. Analytical Enforcement Methodology

Adequate enforcement methodology high pressure liquid chromotography/ using ultraviolet detection (HPLC/UV) is available to enforce the tolerance expression. The method may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm 101FF, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–5229.

C. Magnitude of Residues

Residues of fludioxonil are not expected to exceed 5.0 ppm in/on caneberries as a result of the proposed section 18 use. Secondary residues are not expected in animal commodities as there are no feed items associated with use on caneberries.

D. International Residue Limits

There are no Codex residue limits established for fludioxonil, and no Canadian or Mexican residue limits for fludioxonil use on caneberries.

E. Rotational Crop Restrictions

As caneberries are not considered to be a rotated crop, no rotational crop data are required.

V. Conclusion

Therefore, the tolerance is established for residues of fludioxonil in caneberries at 5.0 ppm.

VI. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to "object" to a tolerance regulation as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by August 30, 1999, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given under the "ADDRESSES" section (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding tolerance objection fee waivers, contact James Tompkins, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 239, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–5697, tompkins.jim@epa.gov. Requests for waiver of tolerance objection fees should be sent to James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VII. Public Record and Electronic Submissions

EPA has established a record for this regulation under docket control number [OPP–300877] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA.

Objections and hearing requests may be sent by e-mail directly to EPA at:

opp-docket@epa.gov

E-mailed objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this regulation, as well as the public version, as described in this unit will be kept in paper form. Accordingly, EPA will transfer any copies of objections and

hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the Virginia address in "ADDRESSES" at the beginning of this document.

VIII. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This final rule establishes a tolerance under section 408 of the FFDCA. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997).

In addition, since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(l)(6), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

B. Executive Order 12875

Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create an unfunded Federal mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

IX. Submission to Congress and the Comptroller General

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 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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 11, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

2. In § 180.516, by alphabetically adding the commodity "Caneberries" to the table in paragraph (b) to read as follows:

§ 180.516 Fludioxonil; tolerances for residues.

(b) * * *

Commodity	Parts per million	Expiration/revocation date
* * * * *		
Caneberries	5.0	12/31/00
* * * * *		

* * * * *

[FR Doc. 99–16544 Filed 6–29–99; 8:45 am]
BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300871; FRL–6084–4]

RIN 2070–AB78

Hexaconazole; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of the fungicide hexaconazole, [alpha-butyl-alpha-(2,4-dichlorophenyl)-1*H*-1,2,4-triazole-1-ethanol] in or on the imported raw agricultural commodity bananas at 0.7 parts per million (ppm). Zeneca Ag Products requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA).

DATES: This regulation is effective June 30, 1999. Objections and requests for hearings must be received by EPA on or before August 30, 1999.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300871], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300871], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall 2 (CM #2), 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300871]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Mary L. Waller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 249, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308–9354, waller.mary@epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 24, 1999 (64 FR 9147) (FRL–6058–9), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of a pesticide petition (PP 0E3853) for tolerance by Zeneca Ag Products, 1800 Concord Pike, Wilmington, DE 19850–5458. This notice included a summary of the petition prepared by Zeneca Ag Products, the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.488 be amended by establishing a tolerance for residues of the fungicide hexaconazole, [alpha-butyl-alpha-(2,4-dichlorophenyl)-1*H*-1,2,4-triazole-1-ethanol], in or on the imported raw agricultural commodity bananas at 0.7 ppm.

I. Background and Statutory Findings

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

II. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of hexaconazole, [alpha-butyl-alpha-(2,4-dichlorophenyl)-1*H*-1,2,4-triazole-1-ethanol] on the imported raw agricultural commodity bananas at 0.7 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as

the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by hexaconazole are discussed in this unit.

1. *Acute toxicity.* Hexaconazole possesses a low order acute toxicity by the oral, dermal and inhalation routes of exposure [categories 3/4]. It is slightly to moderately irritating to the eye and non-irritating to the skin. Hexaconazole tested positive in animal studies for skin sensitization.

2. *Subchronic toxicity and chronic toxicity.* Subchronic and chronic dietary feeding studies in mice, rats and dogs indicate that the liver is the primary target organ as generally seen by increased enzyme levels, liver cell hypertrophy, and fatty infiltration of the liver across species. Decreased body weight gain was also seen across species.

Groups of male and female mice fed dietary doses ranging from 3.75 milligrams (mg)/kilograms (kg)/day to 225 mg/kg/day for 29 days manifested group mean body weight decreases of 17% in males and 14% in females at the lowest observed adverse effect level (LOAEL) of 15 mg/kg/day concurrent with hepatotoxicity. The no observed adverse effect level (NOAEL) was 3.75 mg/kg/day.

Male and female rats were given dietary levels of compound in feed for a period of either 90 days or 2 years at doses ranging from 2.5 to 250 mg/kg/day for 90 days or 2 years at doses ranging from 0.47 mg/kg/day to 61 mg/kg/day. Body weight gains in the 90–day study were statistically significantly decreased at 250 mg/kg/day in both sexes at this high dose. The LOAEL of 25 mg/kg/day for both sexes was based on slight fatty changes in the liver of males and cortical parenchymal vacuolation for the adrenal gland in both sexes. The NOAEL was 2.5 mg/kg/day.

Dogs in a 90–day study given hexaconazole by capsule at doses of 0, 5, 25 or 125 mg/kg/day reduced to 50 mg/kg/day with the addition of a new group and the termination of the original group at 125 mg/kg/day as a result of extreme toxicity manifested increases in alkaline phosphatase and serum glutamic pyruvic transaminase (SGPT) and decreases in cholesterol and triglycerides as well as fatty infiltration of the liver at the LOAEL of 25 mg/kg/day. The NOAEL was 5 mg/kg/day. Liver organ weight increases on a relative and absolute basis were increased at the highest dose tested (HDT) accompanied by pallor and enlargement of the liver and an accumulation of lipid.

Male and female dogs in a 12–month oral gavage study given either 0, 2, 10 or 50 mg/kg/day of hexaconazole showed fatty infiltration of the liver in males and an increase in the liver weights of females at the LOAEL of 10 mg/kg/day. The NOAEL was 2 mg/kg/day. Albumin, total protein, calcium, cholesterol, and triglyceride were decreased at 50 mg/kg/day at all time periods. Females showed an increase in SGPT and a decrease in plasma urea at the HDT. Alkaline phosphatase was also increased in both sexes at the HDT. Liver and kidney weight were increased at the high dose. Fatty infiltration of the liver was seen at the high dose in all dogs.

3. *Carcinogenicity.* In a 3 dose chronic dietary/carcinogenicity rat feeding study, males and females received either 0, 10, 100 or 1,000 ppm of compound in the diet. The NOAEL was 4.7 and 6.1 mg/kg/day for males and females respectively. The LOAEL was 47 for males and 61 mg/kg/day females based on decreased body weight gains in females of 7% and fatty changes in the centrilobular region of the liver of males as well as increased incidence of cortical vacuolation of the adrenal gland and tubular atrophy of the testes in males which was considered to be an acceleration of natural occurring lesions. Effects at the HDT LOAEL were essentially an extension of the effects at the lower doses. There was a dose responsive positive trend in the number of benign Leydig cell tumors in the testes and a significant pair wise comparison between the HDT and the controls. These tumors were considered uncommon in the test strain and occurred at an accelerated rate.

Male and female mice fed hexaconazole for a period of 2 years at doses ranging from 0.57 to 29.6 mg/kg/day showed body weight gain decreases and decreased food efficiency at the LOAEL of 23.5 mg/kg/day for males and 29.6 mg/kg/day for females. Increased liver weight and an increase in hepatocellular hypertrophy as well as an increase in centrilobular fatty infiltration of the liver in both sexes was also reported at the high dose. However, the HDT was not considered to be the maximum tolerated dose for the purpose of carcinogenicity testing. Therefore the negative finding for carcinogenicity in the mouse should be viewed with caution.

4. *Developmental toxicity.* In a rat developmental study, pregnant females were gavaged with either 0, 2.5, 25, or 250 mg/kg/day of hexaconazole. The parental NOAEL was 25 mg/kg/day and the LOAEL was 250 mg/kg/day based on decreased body weight gain and decreased food consumption. The developmental NOAEL was 2.5 mg/kg/day and the developmental LOAEL was 25 mg/kg/day based on delayed ossification of the 7th cervical transverse process and the presence of the extra 14th rib. At 250 mg/kg/day there was a statistically significant increase in late uterine deaths.

In a rabbit developmental study, animals tested at doses of 0, 25, 50, and 100 mg/kg/day also showed increased susceptibility to the effects of compound. The maternal NOAEL was 50 mg/kg/day and the LOAEL for maternal effects was 100 mg/kg/day based on a decreased body weight gain. The developmental NOAEL was 25 mg/kg/day and the developmental LOAEL was 50 mg/kg/day based on a decrease in mean fetal body weight.

5. *Two-generation reproduction study in rats.* Animals were fed either 0, 1, 5, or 50 mg/kg/day of test compound. There were no treatment related effects on reproductive performance of either sex for the F_0 or the F_1 generations. The parental NOAEL was 1 mg/kg/day. The parental systemic LOAEL was determined to be 5 mg/kg/day based on liver pathology (fatty infiltration) which was considered to be minimal. At 50 mg/kg/day, liver weight was increased accompanied with fatty changes in the liver. There was also an increased incidence of cytoplasmic vacuolation of the adrenal cortex in both sexes. The NOAEL for offspring was 5 mg/kg/day. The LOAEL for offspring was 50 mg/kg/day based on decreased body weight gain in pups, decreased litter size and decreased pup survival. Liver weights were increased and fatty infiltration was also observed.

6. *Mutagenicity.* Hexaconazole is not considered to be a mutagen with the currently available data from the Gene Mutation *Salmonella* Ames Assay, Micro-nucleus Assay in Mice, *In Vitro* Cytogenetics Human Lyphocytes Cells, and the Unscheduled DNA Synthesis in Primary Rat Hepatocytes studies.

7. *Dermal penetration.* Hexaconazole administered dermally to rats over a period of 21 days for 6 hours a day at dose levels of 0, 100, 300, and 1,000 mg/kg/day induced no systemic toxicity and was not irritating to the skin. The LOAEL was concluded to be greater than 1,000 mg/kg/day the HDT.

8. EPA determined that a developmental neurotoxicity study in rats is not required for hexaconazole because:

i. Hexaconazole is not structurally related to a neurotoxic agent.

ii. There is no evidence in the acute, subchronic, or chronic studies that indicate that hexaconazole induces neurotoxic effects.

iii. The developmental and reproductive studies do not indicate that the chemical is neurotoxic. Developmental effects occurred at dose levels that were below maternally toxic levels for both rat and rabbit but were not associated with neurotoxicity.

9. *General metabolism.* Hexaconazole is readily absorbed and excreted in both urine and feces in both males and females. Metabolites underwent extensive glucuronidation, biliary excretion, and enterohepatic recirculating. Radio labeled hexaconazole concentrated in liver, kidney, and adrenal at 24 hours. About 94–98% of the radio labeled material was excreted in 7 days by both sexes with males excreting 77% in 3 days and females excreting 88–95% in 3 days. Males excreted 41% in urine and 52% in feces compared to females 64% and 29% in urine and feces, respectively. The majority of the metabolites were oxidation products of the *n*-butyl chain (hexaconazole acid, 5-hydroxy-hexaconazole, 5-keto hexaconazole and an unspecified hydroxy-keto-hexaconazole). Preferential elimination of hexaconazole was seen in the urine of females as 5-hydroxy-hexaconazole.

B. Toxicological Endpoints

1. *Acute toxicity.* An acute reference dose (RfD) of 0.025 mg/kg/day was established for the subpopulation group, females 13+ only, based on a NOAEL of 2.5 mg/kg/day from a developmental study in the rat. Effects at the next higher dose level of 25 mg/kg/day were an increase in the delayed ossification of the 7th cervical transverse process and the presence of the extra 14th rib. Effects were dose responsive and statistically significant. These effects are presumed to occur after a single exposure *in utero* and therefore are considered to be appropriate for this risk assessment. The acute population adjusted dose (aPAD) is 0.0025 mg/kg/day and includes the additional 10x FQPA safety factor. The FQPA Safety Factor will be applied for acute food risk assessment for females 13+ only because the effects occur only during *in utero* exposure and are not postnatal effects. Thus, it is not appropriate to apply this safety factor to the acute food risk assessment of the general population including infants and children. An acute dose and endpoint were not selected for the general population group (including infants and children) because there were no effects observed in oral toxicology studies including maternal toxicity in the developmental toxicity studies in rats and rabbits that are attributable to a single exposure dose.

2. *Short- and intermediate-term toxicity.* Risk assessments for short- and intermediate-term toxicity are used for addressing residential or other similar non-dietary, non-occupational exposures. No short-, intermediate-, or long-term dermal or aggregate exposure risk assessments were performed for hexaconazole because hexaconazole has no registered residential uses.

3. *Chronic toxicity.* EPA has established the RfD for hexaconazole at 0.02 mg/kg/day. This RfD is based on a 1–year oral gavage study in dogs. The NOAEL in this study was 2 mg/kg/day. Fatty infiltration of the liver and an increase in liver weights occurred at the LOAEL of 10 mg/kg/day. An FQPA safety factor was not applied for chronic dietary risk assessment because:

i. The NOAEL used in deriving the RfD was based on liver effects in the chronic dog study.

ii. The developmental effects on which the FQPA factor is based were seen in pregnant animals of a different species (rats, and rabbits).

iii. The developmental effects are considered to be "acute" effects. Therefore, the chronic population adusted dose (PAD) and the RfD are the same.

4. *Carcinogenicity.* The EPA Cancer Peer Review Committee (CPRC) classified hexaconazole as a Group C (likely) carcinogen based on benign Leydig cell tumors in the male rats. A revised Q_1* was calculated using the body weight 3/4 interspecies scaling factor. This resulted in a revised potency factor of 1.6×10^{-2} $(mg/kg/day)^{-1}$.

C. Exposures and Risks

1. *From food and feed uses.* Time-limited tolerances were established (40 CFR 180.488) for the residues of hexaconazole, [alpha-butyl-alpha-(2,4-dichlorophenyl)-1*H*-1,2,4-triazole-1-ethanol], in or on the imported agricultural commodity bananas at 0.1 ppm; however, this tolerance expired on March 26, 1999. Risk assessments were conducted by EPA to assess food exposures from hexaconazole as follows:

There are no proposed or existing residential uses for hexaconazole. The proposed use is limited to import bananas only. The aggregate exposure risk is limited to dietary exposure only. If new uses are added in the future, the Agency will reassess the impact of these uses, which may result in the necessity of residential and water exposure assessments.

For all food analyses, the anticipated residue levels based on the field trials on banana pulp were used. The use of banana pulp residue levels provides a more realistic food exposure as individuals do not usually eat the banana peel. The residue levels of the diol metabolites were also included in the food exposure analysis. The diol metabolites are expected to be of comparable toxicity to the parent compound. EPA will require residue data on these metabolites for bananas, as well as future food uses.

The food exposure analyses for hexaconazole is a conservative but more realistic estimate of food exposure with the use of the pulp residue values and 100% of the commodities assumed to be treated. The residue level value of 0.56 ppm, which was the highest residue level for pulp (hexaconazole-0.17 ppm + diol metabolites-0.39 ppm), was used in the acute dietary analysis. The residue level value of 0.11 ppm, which was the average from the field trials for pulp (hexaconazole-0.03 ppm + diol metabolites-0.08 ppm), was used in the chronic dietary analysis.

i. *Acute exposure and risk.* Acute food risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1–day or single exposure. The acute food exposure analysis for the population subgroup females 13+ was performed using the highest pulp residue level (parent + diol metabolites) and 100% crop treated. The FQPA Safety Factor of 10x was retained for the acute food analysis only for the population subgroup females 13+. The acute population adjusted dose (aPAD) used in the acute food analysis was 0.0025 mg/kg/day.

ii. *Chronic exposure and risk.* The FQPA Safety Factor was removed (i.e., reduced to 1x) for chronic food exposure. Therefore, the chronic PAD (cPAD) and the chronic RfD are the same. For chronic food risk, EPA's level of concern is greater than 100% chronic PAD. All chronic (non-cancer) percent cPADs for all subgroups were ≤1%. The results of the chronic food exposure analysis indicate that the chronic food risk associated with the proposed use of hexaconazole is below the Agency's level of concern.

2. *From drinking water.* Hexaconazole is not registered for use in the United States (U.S.). Therefore, no water or occupational exposure assessment was performed.

3. *From non-dietary exposure.* The use of bananas is for import use only.

There are currently no proposed or registered domestic or residential uses for this product. Therefore, no occupation exposure assessment is required. If domestic uses are added in the future, an occupational exposure assessment will have to be completed.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether hexaconazole has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, hexaconazole does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that hexaconazole has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk.* The acute food exposure analysis for hexaconazole is a conservative but more realistic estimate of dietary exposure with the use of the pulp residue values. The acute food exposure analysis for the population subgroup females 13+ was performed using the highest pulp residue (parent + diol metabolite) levels and 100% crop treated (CT). The FQPA Safety Factor of 10x was retained for the acute dietary analysis only. The aPAD used in the acute dietary analysis was 0.0025 mg/kg/day. The percent aPADs were below EPA's level of concern at the 95th percentile of exposure for the females 13+ subgroup. The highest percent aPAD at the 95th percentile of exposure was 47% for the subgroup, females 13+ (pregnant, not nursing). Therefore, the acute dietary risk associated with the proposed use of hexaconazole on bananas is below the Agency's level of concern. The table below summarizes the acute food exposure.

Summary of Acute Food Exposure and Risk for Hexaconazole at 95th Percentile of Exposure

Population Subgroup	Exposure (mg/kg/day)	Population Adjusted Dose (PAD)
Females (13+, pregnant, not nursing).	0.001181	47.2
Females (13+, nursing).	0.001136	45.4
Females (13–19 yrs., not pregnant, not nursing).	0.000892	35.7
Females (10+ years, not pregnant, not nursing).	0.001030	41.2
Females (13–50 years).	0.000954	38.1

2. *Chronic risk.* The chronic (non-cancer) and cancer Dietary Exposure Evaluation Model (DEEM) analyses used mean consumption (3–day average). Average pulp residues from field trials and 100% CT information were used. The FQPA Safety Factor was removed (equivalent to a factor of 1x) for chronic exposures. Therefore, the chronic PAD and the chronic RfD are identical. For chronic dietary risk, EPA's level of concern is greater than 100% cPAD. All chronic (non-cancer) percent PADs for all subgroups were ≤1%. The results of the chronic dietary analysis indicate that the chronic dietary risk associated with the existing and proposed uses of hexaconazole is below the Agency's level of concern (<100% PAD). The table below summarizes the chronic dietary exposure and includes the U.S. general population and other subgroups. The other subgroups included are all infant and children subgroups and the highest dietary exposures for the respective adult population subgroups (i.e., females and the other general population subgroup higher than U.S. population).

Summary of Chronic (non-cancer) Dietary Exposure and Risk for Hexaconazole

Population Subgroup	Exposure (mg/kg/day)	%RfD
U.S. Population (the contiguous 48 states).	0.000033	<1
Non-Hispanic other than black or white.	0.000050	<1
All infants (< 1 year).	0.000167	<1
Nursing infants (< 1 year).	0.000077	<1
Non-nursing infants (< 1 year).	0.000205	1.0
Children (1–6 years old).	0.000091	<1
Children (7–12 years old).	0.000037	<1
Females (13+/ nursing).	0.000035	<1

3. *Aggregate cancer risk for U.S. population.* The Agency generally considers 1×10^{-6} as negligible risk (i.e, less than 1 in 1 million) for cancer. The results of this analysis indicate that the cancer dietary risk of 5.3×10^{-7} associated with the proposed use of hexaconazole is below the Agency's level of concern.

Subgroup	Exposure (mg/kg/day)	Lifetime Risk
U.S. Population (the contiguous 48 states).	0.000033	5.3×10^{-7}

4. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to hexaconazole residues.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children — i. In general.* In assessing the potential for additional sensitivity of infants and children to residues of hexaconazole, EPA considered data from developmental toxicity studies in the rat and rabbit and a 2-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for pre- and postnatal toxicity and the completeness of the database unless

EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard uncertainty factor (usually 100 for combined inter- and intra-species variability) and not the additional tenfold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

ii. *Developmental toxicity studies.* The available data indicated evidence of increased susceptibility of rat and rabbit fetuses to the *in utero* exposure of hexaconazole in developmental studies. In both the rat and rabbit developmental toxicity studies, developmental effects occurred at dose levels lower than those causing maternal toxicity; in rats developmental toxicity was manifested as delayed ossification and an extra 14th rib; and in rabbits, decreased fetal weights occurred at doses below maternally toxic levels.

iii. *Reproductive toxicity study.* In the 2-generation reproduction study, no increased susceptibility was observed. Effects in the offspring occurred only at or above treatment levels which resulted in evidence of parental toxicity.

iv. *Conclusion.* There is a complete toxicity database for hexaconazole and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. The 10x FQPA safety factor will be applied only to subpopulation group females 13+ for the determination of acute dietary risk because the effects occur only during utero exposure and are not post natal effects. The FQPA safety factor will not be applied for chronic dietary risk assessment because: (a) the NOAEL used in deriving the RfD is based on liver effects from the chronic dog study; (b) the developmental effects on which the FQPA factor is based were seen in pregnant animals of a different species (rats and rabbits); and (c) the developmental effects are considered to be "acute" effects, and not a result of chronic exposure.

2. *Acute risk.* A dose and endpoint were not selected for the general population including infants and children subpopulation group because their were no effects observed in the oral toxicity studies including maternal toxicity in the developmental toxicity studies in rats and rabbits that are attributable to a single exposure dose.

3. *Chronic risk.* Using the exposure assumptions described in this unit, EPA has concluded that aggregate exposure to hexaconazole from food will utilize 1% of the RfD for infants and children. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health.

4. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to hexaconazole residues.

III. Other Considerations

A. Metabolism In Plants and Animals

The nature of the residue in plants is understood. Plant metabolism studies were conducted on grapes, apples, and wheat and found acceptable. As the nature of the residue is understood in these crops, no additional metabolism studies for bananas were required. The data indicate that the major terminal residues in plants will be parent hexaconazole, its diol metabolites [(±)-5-(2,4-dichlorophenyl)-6-(1*H*-1,2,4-triazol-1-yl)hexan-2,6-diol, (±)-5-(2,4-dichlorophenyl)-5-hydroxy-6-(1*H*-1,2,4-triazol-1-yl)hexanoic acid, (±)-2-(2,4-dichlorophenyl)-1-(1*H*-1,2,4-triazol-1-yl)hexan-2,5-diol, and (±)-2-(2,4-dichlorophenyl)-1-(1*H*-1,2,4-triazol-1-yl)hexan-2,4-diol, free and conjugated] resulting from oxidation of the alkyl side chain of hexaconazole, and its triazole metabolites [1*H*-1,2,4-triazole, (*RS*)-3-(1*H*-1,2,4-triazol-1-yl) alanine (also known as triazole alanine), (1*H*-1,2,4-triazole-1-yl) acetic acid (also known as triazole acetic acid)], resulting from the cleavage of the triazolyl moiety of the parent compound. The predominant residues in apples and grapes are hexaconazole and its diol metabolites. The metabolism in wheat apparently differs in that while hexaconazole and its diol metabolites were the major terminal residues in straw and chaff, the major terminal residues in grain were the triazole degradation products. Any residues in banana flesh will result from extensive translocation through leaves, stalk, and skin.

EPA determined that parent hexaconazole is the only terminal residue that should be included in the tolerance expression for bananas, which is the only food use pending at this time. The diol metabolites are not being included in the tolerance expression or in the risk assessments since they are of low toxicity and are not likely to be present at detectable levels in bananas.

B. Analytical Enforcement Methodology.

The petitioner has proposed "Agrochemical Residue Analytical Method 108/1 for Residues of Hexaconazole in Crops" as the analytical enforcement method. Samples of homogenized whole bananas are weighed into a round bottom flask (fortification occurs at this step). The sample is extracted by refluxing with methanolic sodium hydroxide for 1–hour. Aqueous sodium chloride is then added, and the hexaconazole is partitioned from the methanol/aqueous solution into dichloromethane. The extracts in dichloromethane are cleaned up using silica adsorption micro-columns. Parent hexaconazole is then determined using capillary column gas liquid chromatography (GLC)/nitrogen phosphorous (NP) or GLC/electron capture (EC). EPA concluded that Method 108/1 is adequate for enforcement purposes. An independent laboratory validation (ILV) of the method has been submitted and a satisfactory petition method validation (PMV) by EPA was completed.

Adequate enforcement methodology (example - gas chromatography) is available to enforce the tolerance expression. The method may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm 101FF, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–5229.

C. Magnitude of Residues.

A total of 18 field trials were submitted and reviewed by the Agency. The residue levels of hexaconazole (parent only) in whole unbagged bananas from all trials ranged from < 0.01 limit of quantitation (LOQ) to 0.64 ppm. The residue levels of hexaconazole in unbagged banana pulp from all field trials ranged from < 0.01 ppm (LOQ) to 0.17 ppm. The residue levels of the diol metabolites in whole unbagged bananas from all trials ranged from < 0.03 (LOQ) to 1.6 ppm. The residue levels of the diol metabolites in unbagged banana pulp from all field trials ranged from < 0.03 ppm (LOQ) to 0.39 ppm. The submitted data indicate that residues of hexaconazole in whole bananas will exceed the existing time-limited tolerance level of 0.1 ppm for bananas. The appropriate tolerance level is 0.7 ppm for bananas. A revised

section F was submitted amending the tolerance to 0.7 ppm for bananas.

There are no processed commodities associated with bananas; therefore, no tolerances for processed commodities are required.

There are no animal feed items associated with bananas; therefore, no tolerances for meat, milk, poultry, and eggs are required. For any future petition in which there is a potential for transfer of residues to animals (meat, milk, poultry, eggs, etc.), animal metabolism studies will be required.

Anticipated residues were calculated from field trial data. The residue levels from banana pulp for parent and diol metabolites were used. The residue level value of 0.56 ppm, which was the highest residue level for pulp (hexaconazole-0.17 ppm + diol metabolites-0.39 ppm), was used in the acute dietary analysis. The residue level value of 0.11 ppm, which was the average from the field trials for pulp (hexaconazole-0.03 ppm + diol metabolites-0.08 ppm), was used in the chronic dietary analysis.

To provide for the re-evaluation of the anticipated residues, the Agency will require under section 408(b)(2)(E) that additional data be submitted within 5 years. EPA will require additional residue data on the diol metabolites for future food uses. If monitoring data for the parent need to be used in the future for dietary risk assessments, then diol residues may be estimated based on their ratio to parent hexaconazole.

D. International Residue Limits.

There is neither a Codex proposal, nor Canadian or Mexican limits for residues of hexaconazole in bananas. Therefore, a compatibility issue is not relevant to the proposed tolerance.

IV. Conclusion

Therefore, the tolerance is established for residues of hexaconazole, [alpha-butyl-alpha-(2,4-dichlorophenyl)-1*H*-1,2,4-triazole-1-ethanol] in the imported raw agricultural commodity bananas at 0.7 ppm.

V. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to "object" to a tolerance regulation as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by August 30, 1999, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given under the "ADDRESSES" section (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this regulation. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding tolerance objection fee waivers, contact James Tompkins, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 239, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–5697, tompkins.jim@epa.gov. Requests for waiver of tolerance objection fees should be sent to James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VI. Public Record and Electronic Submissions

EPA has established a record for this regulation under docket control number [OPP–300871] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Objections and hearing requests may be sent by e-mail directly to EPA at:
opp-docket@epa.gov

E-mailed objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this regulation, as well as the public version, as described in this unit will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the Virginia address in "ADDRESSES" at the beginning of this document.

VII. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This final rule establishes a tolerance under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., or impose any enforceable duty or contain any

unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997).

In addition, since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

B. Executive Order 12875

Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create an unfunded Federal mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

VIII. Submission to Congress and the Comptroller General

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 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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 10, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a) and 371.

2. § 180.488 is revised to read as follows:

§ 180.488 Hexaconazole; tolerance for residues.

A tolerance is established for residues of the fungicide hexaconazole, [alpha-butyl-alpha-(2,4-dichlorophenyl)-1*H*-1,2,4-triazole-1-ethanol], in or on the imported raw agricultural commodity bananas at 0.7 parts per million (ppm). There are no U.S. registrations as of June 30, 1999.

[FR Doc. 99–16545 Filed 6–29–99; 8:45 am]
BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300860A; FRL–6087–3]

Aspergillus flavus AF36; Exemption from Temporary Tolerance, Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Technical amendment.

SUMMARY: EPA is issuing a technical amendment to the expiration date for an exemption from temporary tolerance regulation for *Aspergillus flavus* AF36 that published in the **Federal Register** on May 26, 1999 (64 FR 28371) (FRL–6081–2). This amendment corrects the expiration date for the exemption from temporary tolerance for residues of the atoxigenic *Aspergillus flavus* AF36 on cotton grown in certain Counties in Arizona to December 30, 2001, in order to allow clearance of the treated food/feed commodities through the channels of trade.

DATES: This regulation is effective June 30, 1999. You may submit an objection

or request a hearing as specified in Unit IV. of the "SUPPLEMENTARY INFORMATION" section of this document. Any objection or hearing request must identify docket control number [OPP–300860A], and must be received by the EPA Hearing Clerk on or before August 30, 1999.

FOR FURTHER INFORMATION CONTACT: By mail: Shanaz Bacchus, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: 703–308–8097; e-mail address: bacchus.shanaz@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

You may be affected by this action if you are a cotton producer in certain counties of Arizona (NAICS 11192). If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the "FOR FURTHER INFORMATION CONTACT" section.

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document and various support documents from the EPA Internet Home Page at *http://www.epa.gov/. On the Home Page select "Laws and Regulations" and then look up the entry for this document under the "***Federal Register** - Environmental Documents." You can also go directly to the "**Federal Register**" listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number [OPP–300860A]. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is 703–305–5805.

III. What Does this Technical Correction Do?

This technical correction amends the expiration date for an exemption from temporary tolerance for residues of atoxigenic *Aspergillus flavus* AF36 on cotton in Arizona treated in accordance with the Experimental Use Permit 69224–EUP–1. This temporary exemption from a tolerance was established on May 26, 1999 (64 FR 28371) (FRL–6081–2) in response to a petition submitted by the Interregional Research Project Number 4 (IR-4). Specifically, IR-4 requested an exemption from temporary tolerance for residues of *Aspergillus flavus* AF36 on cotton in certain counties in Arizona as specified in the Experimental Use Permit 69224-EUP-1 under the Federal Food, Drug and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA). The Notice of Petition appeared in the **Federal Register** on February 19, 1999 (64 FR 8358) (FRL–6057–3).

At the time of the petition, as presented in the notice of petition as published on February 19, 1999, IR-4 specifically requested that the exemption from temporary tolerances be established for residues of this microbial pesticide until December 30, 2001, to allow the treated cotton to clear the channels of trade. (See 64 FR 8358, at 8358). Inadvertently, the expiration date appeared as December 30, 2000 in the May 26, 1999 final rule. However, in granting the request contained in the petition, the Agency intended to grant the expiration date specifically requested by IR-4. This document corrects the expiration date that appears in the May 26, 1999 final rule, by changing December 30, 2000 to December 30, 2001 in the regulation.

This correction to the exemption from a temporary tolerance is subject to the objection procedures in FFDCA section 408(g)(2) and 40 CFR part 178.

IV. Why Is this Technical Correction Issued as a Final Rule?

EPA is publishing this action as a final rule without prior notice and opportunity to comment because the Agency believes that providing notice and an opportunity to comment is unnecessary and would be contrary to the public interest. As explained above, the correction contained in this action will simply correct the expiration date for the exemption from temporary tolerances established for residues of this microbial pesticide to allow the treated cotton to clear the channels of trade. EPA therefore finds that there is "good cause" under section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(3)(B)) to make this amendment without prior notice and comment. For the same reasons, EPA also finds that there is "good cause" under FFDCA section 408(e)(2) to make this minor modification to the exemption from tolerance without notice and comment.

V. Do Any of the Regulatory Assessment Requirements Apply to this Action?

No. This final rule does not impose any new requirements. It only implements a technical correction to the Code of Federal Regulations (CFR). As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19,1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). In addition, since this action is not subject to notice-and-comment requirements under the Administrative Procedure Act (APA) or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

EPA's compliance with these statutes and Executive Orders for the May 26,

1999 final rule, which established the exemption from temporary tolerance for residues of the atoxigenic *Aspergillus flavus* AF36 on cotton grown in certain Counties in Arizona, is discussed in the preamble for the final rule (64 FR 28371, at 28373).

VI. Will EPA Submit this Final Rule to Congress and the Comptroller General?

Yes. 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**. This is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental Protection, Administrative Practice and Procedure, Agricultural Commodities, Pesticides and Pests, Reporting and Recordkeeping Requirements.

Dated: June 10, 1999.

Kathleen D. Knox,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

§ 180.1206 [Amended]

2. Section 180.1206 is amended by revising the date in the last sentence therein to read "December 30, 2001".

[FR Doc. 99–16546 Filed 6–29–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300888; FRL–6089–9]

RIN 2070–AB78

Bifenthrin; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of the insecticide bifenthrin, (2-methyl[1,1'-biphenyl]-3-yl) methyl-3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate, in or on the food commodities: cabbage at 4.0 part per million (ppm); the cucurbit vegetable crop group (Crop Group 9) at 0.4 ppm; edible- podded legume vegetable subgroup (Crop Subgroup 6A) at 0.6 ppm; eggplant at 0.05 ppm; globe artichoke at 1.0 ppm; head and stem Brassica subgroup (Crop Subgroup 5A), except cabbage, at 0.6 ppm; rapeseed at 0.05 ppm, succulent shelled pea and bean subgroup (Crop Subgroup 6B) at 0.05 ppm; sweet corn kernel plus cob with husk removed at 0.05 ppm; and corn forage at 3.0 ppm. The Interregional Research Project (IR-4) and FMC Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective June 30, 1999. Objections and requests for hearings must be received by EPA on or before August 30, 1999.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300888], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300888], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300888]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt Jamerson, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 272, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308-9368, e-mail: jamerson.hoyt@epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 7, 1998 (63 FR 53902) (FRL–6026–3), and May 19, 1999 (64 FR 27262) (FRL–6079–8), EPA issued notices pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of pesticide petitions for tolerances by the Interregional Research Project Number 4 (IR-4), New Jersey Agricultural Experimental Station, P.O. Box 231, Rutgers University, New Brunswick, NJ, and FMC Corporation, 1753 Market Street, Philadelphia, PA 19103. These notices included summaries of the petitions prepared by FMC Corporation, the registrant. There were no comments received in response to the notices of filing.

The petitions requested that 40 CFR 180.442 be amended by establishing tolerances for residues of the insecticide bifenthrin, in or on various food commodities, as follows:

1. IR-4 petition 6E4629 proposes the establishment of a tolerance for globe artichoke at 1.0 ppm. IR-4 first proposed the tolerance for the commodity "artichokes," but the petition was amended to specify the food commodity as "globe artichoke."

2. IR-4 petition 6E4760 proposes the establishment of a tolerance for the cucurbit vegetable crop group at 0.4 ppm.

3. IR-4 petition 8E4993 proposes the establishment of a tolerance for the edible-podded legume vegetable subgroup at 0.6 ppm. The initial proposal was for a tolerance for the edible- podded legume vegetable group at 0.2 ppm. Based on EPA's review of the field residue data submitted by IR-4, the petition was revised by the petitioner to propose the tolerance at 0.6 ppm.

4. IR-4 petition 8E5009 proposes the establishment of a tolerance for eggplant at 0.05 ppm.

5. IR-4 petition 9E5084 proposes the establishment of a tolerance for rapeseed (including canola and crambe seed) at 0.05 ppm.

6. IR-4 petition 9E5064 proposes the establishment of a tolerance for succulent shelled pea and bean subgroup at 0.05 ppm.

7. IR-4 petition 9E5069 proposes the establishment of a tolerance for the head and stem Brassica subgroup, except cabbage, at 0.6 ppm; and cabbage at 4.0 ppm.

8. FMC Corporation petition 8F5014 proposes the establishment of a tolerance for sweet corn grain at 0.05 ppm and corn forage at 3.0 ppm. The petition was amended by changing the commodity term "sweet corn grain" to read "sweet corn kernel plus cob with husk removed."

I. Background and Statutory Findings

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

II. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of bifenthrin and to make a determination on aggregate exposure, consistent with section 408(b)(2), for tolerances for residues of bifenthrin on cabbage at 4.0 ppm; the cucurbit vegetable crop group at 0.4 ppm; edible-podded legume vegetable subgroup at 0.6 ppm; eggplant at 0.05 ppm; globe artichoke at 1.0 ppm; head and stem Brassica subgroup, except cabbage, at 0.6 ppm; rapeseed at 0.05 ppm; succulent shelled pea and bean subgroup at 0.05 ppm; sweet corn kernel plus cob with husk removed at 0.05 ppm; and corn forage at 3.0 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerances follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by bifenthrin are discussed in this unit.

1. *Genotoxicity.* The following genotoxicity tests conducted with bifenthrin all yielded negative results including: gene mutation in Salmonella (Ames); chromosomal aberrations in Chinese hamster ovary and rat bone marrow cells; HGPRT locus mutation in mouse lymphoma cells; and unscheduled DNA synthesis in rat hepatocytes. Bifenthrin tested positive in a mouse lymphoma forward mutation assay, with and without metabolic activation.

2. *Developmental toxicity.* In the rabbit developmental toxicity study, there were no developmental effects observed in the fetuses exposed to bifenthrin. The maternal no observed adverse effect level (NOAEL) was 2.67 milligrams (mg)/kilogram (kg)/day based on head and forelimb twitching at the lowest observed adverse effect level (LOAEL) of 4 mg/kg/day. In the rat developmental study, the maternal NOAEL was 1 mg/kg/day, based on tremors at the LOAEL of 2 mg/kg/day. The developmental (pup) NOAEL was also 1 mg/kg/day, based upon increased incidence of hydroureter at the LOAEL of 2 mg/kg/day. There were 5 of 23 (22 percent) litters affected with each litter having only one affected pup in the 2 mg/kg/day group, compared with zero in the control, 1 and 0.5 mg/kg/day groups. According to recent historical data (1992-1994) for this strain of rat, incidence of distended ureter averaged 11 percent with a maximum incidence of 90 percent.

3. *Reproductive toxicity.* In the rat reproduction study, parental toxicity occurred as decreased body weight at 5.0 mg/kg/day with a NOAEL of 3.0 mg/kg/day. There were no developmental (pup) or reproductive effects up to 5.0 mg/kg/day (highest dose tested)(HDT).

4. *Chronic toxicity/carcinogenicity.* In a 1-year chronic/carcinogenicity study dogs were fed diets containing 0, 0.75, 1.5, 3, or 5 mg/kg/day. No mortality occurred during the study and there were no treatment-related effects on body weight, food consumption, organ weights, and gross or microscopic pathology. In addition, there were no treatment-related ophthalmological changes. Tremors were noted in all males and females at 5 mg/kg/day during weeks 15-29 and in 1 of 4 males and 2 of 4 females at 3 mg/kg/day during weeks 16-23. A significant increase in platelets was noted at 52 weeks in males fed 5 mg/kg/day . Serum sodium levels were significantly increased in males at 3 and 5 mg/kg/day and serum chloride was increased in males fed 5 mg/kg/day. The LOAEL for this study is 3 mg/kg/day based on the increased incidence of tremors in both sexes. The NOAEL is 1.5 mg/kg/day.

5. *Chronic/carcinogenicity study.* In this study mice were fed doses of 0, 50, 200, 500, or 600 ppm (0, 2.5, 10, 25, or 30 mg/kg/day) in the diet for 87 weeks (males) or 92 weeks (females). The chronic LOAEL was established at 10 mg/kg/day based on the incidence of tremors in both sexes. The chronic NOAEL is established at 2.5 mg/kg/day. Carcinogenic potential was evidenced by a statistically significant increased trend for hemangiopericytomas in the urinary bladders of males, a significant dose-related trend for combined hepatocellular adenomas and carcinomas in males, and a significantly higher incidence of combined lung adenomas and carcinomas in females.

6. *Chronic/carcinogenicity study.* In this study rats were fed diets containing 0, 12, 50, 100, or 200 ppm (0, 0.6, 2.5,

5, or 10 mg/kg/day). The chronic LOAEL is 5 mg/kg/day based on the increased incidence of tremors in both sexes and possible increases in organ-to-body weight ratios in males, and the chronic NOAEL is established at 2.5 mg/kg/day. Under the conditions of this study, there was no evidence of carcinogenic potential.

7. *Animal metabolism.* Metabolism studies in rats demonstrated that distribution patterns and excretion rates in multiple oral dose studies are similar to single-dose studies. There was an accumulation of unchanged compound in fat upon chronic administration with slow elimination. Otherwise, bifenthrin was rapidly metabolized and excreted. Unchanged bifenthrin is the major residue component of toxicological concern in meat and milk.

B. Toxicological Endpoints

1. *Acute dietary toxicity.* The acute reference doses (RfD) for dietary exposure is established at 0.01 mg/kg/day. The acute RfD is based on a developmental toxicity study in the rat with a maternal NOAEL of 1.0 mg/kg of body weight/day and an uncertainty factor (UF) of 100. The FQPA Safety Factor for the protection of infants and children was reduced to 1x. (See Unit II.E.iv. in the preamble of this document for discussion of pre- and post-natal sensitivity to bifenthrin.) The acute population adjusted dose (acute PAD) is determined by dividing the acute RFD by the FQPA factor: acute PAD = 0.01 / 1 = 0.01 mg/kg /day. Since the FQPA Safety Factor is 1X, the acute RfD is identical to the acute PAD. This acute PAD applies to all population subgroups.

2. *Short- and intermediate-term residential dermal toxicity.* For short- and intermediate- term dermal endpoints, EPA selected the maternal NOAEL of 1.0 mg/kg/day from the oral developmental toxicity study in rats (same study as for acute dietary exposure). The dermal absorption rate is 25% and a MOE of 100 was selected, which includes FQPA considerations.

3. *Chronic residential dermal exposure.* For the chronic dermal endpoint, EPA selected the NOAEL of 1.5 mg/kg/day from the 1-year oral study in dogs (same study as for chronic dietary exposure). The dermal absorption rate is 25% and a MOE of 100 was selected, which includes FQPA considerations.

4. *Chronic dietary toxicity.* EPA has established the chronic RfD for bifenthrin at 0.015 mg/kg/day. This RfD is based on a 1-year oral feeding study in dogs with a NOAEL of 1.5 mg/kg/day and an uncertainty factor (UF) of 100. The FQPA Safety Factor for the protection of infants and children was reduced to 1x. The chronic population adjusted dose (chronic PAD) is determined by dividing the chronic RfD by the FQPA factor. Since the FQPA safety factor is 1X, the chronic RfD is identical to the chronic PAD. This chronic PAD applies to all population subgroups.

5. *Carcinogenicity.* Bifenthrin has been classified as a Group C Carcinogen (a possible human carcinogen). A cancer risk assessment using the RfD approach is required.

C. Exposures and Risks

1. *From food and feed uses.* Tolerances have been established (40 CFR 180.442) for the residues of bifenthrin, in or on a variety of food commodities. Tolerances are established on plant commodities ranging from 0.05 ppm on field corn grain to 10 ppm on dried hops. Tolerances are also established on animal commodities including meat, meat byproducts and fat of cattle, goats, hogs, horses, poultry, sheep, and milk and eggs. Risk assessments were conducted by EPA to assess dietary exposures from bifenthrin as follows:

The acute dietary (food only) risk assessment was conducted by Novigen Science, Inc. In this acute analysis, Monte Carlo analysis (Tier 3) was used. For those foods identified by EPA as single-serving commodities, Monte Carlo simulation is based on iterative sampling from individual residue values from field trial data reflecting maximum application rates and minimum preharvest intervals. For those considered to be blended or processed, mean field trial residues were calculated, substituting those samples for which residues were reported at or below the limit of detection (LOD) with one-half of the LOD. It was assumed that 100% crop treated for all pending registrations: citrus, snap beans, peas, lima beans, canola, sweet corn, cucurbits, eggplant, and Brassica vegetable. Secondary residues for meat and milk were derived from the total dietary burden and tissue- to- feed ratio, using the highest ratio for meat, and the average ratio for milk.

This analysis evaluates individual food consumption as reported by respondents in the USDA Continuing Surveys of Food Intake by Individuals conducted in 1989 through 1992. The model accumulates exposure to the chemical for each commodity and expresses risk as a function of exposure to residues in food. This is a highly refined assessment since percent of crop treated was used for registered crops and anticipated residues for all crops.

In conducting this DEEM analysis for chronic food risk assessment, Novigen used anticipated residue values which were determined from field trial data conducted at maximum label conditions of maximum application rates and minimum preharvest intervals. Mean anticipated residue values were calculated, substituting one-half of the LOD for those samples for which residues were reported below the LOD. It was assumed that 100% crop treated for all crops except hops at 43%, cottonseed-oil and cottonseed-meal at 4%. Secondary residues for meat and milk were derived from the total dietary burden and tissue- to- feed ratio, using the average ratio for meat and milk. The analysis evaluates individual food consumption as reported by respondents in the USDA Continuing Surveys of Food Intake by Individuals conducted in 1989 through 1992.

Section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate. As required by section 408(b)(2)(E), EPA will issue a data call-in for information relating to anticipated residues to be submitted no later than 5 years from the date of issuance of these tolerances.

Section 408(b)(2)(F) states that the Agency may use data on the actual percent of food treated (PCT) for assessing chronic dietary risk only if the Agency can make the following findings: That the data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide residue; that the exposure estimate does not underestimate exposure for any significant subpopulation group; and if data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of percent of crop treated as required by the section 408(b)(2)(F), EPA may

require registrants to submit data on PCT.

The Agency believes that the three conditions, discussed in section 408 (b)(2)(F) in this unit concerning the Agency's responsibilities in assessing chronic dietary risk findings, have been met. The PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. A range of estimates are supplied and the upper end of this range is assumed for the exposure assessment. By using this upper end estimate of the PCT, the Agency is reasonably certain that the percentage of the food treated is not likely to be underestimated. The regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available information on the regional consumption of food to which bifenthrin may be applied in a particular area.

i. *Acute exposure and risk (food).* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. The percentages of the acute PAD utilized at the 99.9th percentile of exposure are 53% for the U.S. population, 63% for infants (<1 year), 58% for non-nursing infants (< 1 year) and 96% for children (1-6 years old), the most highly exposed population subgroup. An acute dietary exposure (food plus water) of 100% or less of the acute PAD is needed to protect the safety of all population subgroups.

ii. *Chronic exposure and risk (food).* The most highly exposed population subgroup (children 1-6 years) will utilize 6.7% of the chronic PAD. The exposure for the U.S. population is 2.4% of the chronic PAD. A chronic dietary exposure (food plus water) of 100% or less of the chronic PAD is needed to protect the safety of all population subgroups.

2. *From drinking water.* A Drinking Water Level of Comparison (DWLOC) is a theoretical upper limit on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, drinking water, and through residential uses. A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Different populations will have different DWLOCs. The Agency uses DWLOCs internally in the risk assessment process as a surrogate measure of potential exposure associated with pesticide exposure through drinking water. In the absence of monitoring data for pesticides, it is used as a point of comparison against conservative model estimates of a pesticide's concentration in water. DWLOC values are not regulatory standards for drinking water. They do have an indirect regulatory impact through aggregate exposure and risk assessments. The estimated acute and chronic drinking water concentrations were generated with the PRZMI/EXAMS model using the highest application rate of 0.5 pounds/acre, which is registered for use on cotton.

i. *Acute exposure and risk (water).* For purposes of this acute risk assessment, the estimated acute maximum concentration for bifenthrin in surface and ground waters is 0.10 µg (micrograms)/L (liter), which was used for comparison to the back- calculated DWLOCs for the acute endpoint. The DWLOCs for various population categories are 165 µg/L for the U.S. population, 200 µg/L for females 13 years and older, and 4 µg/L for children 1 to 6 years. Acute exposure to bifenthrin in drinking water is below the calculated drinking water levels of concern.

ii. *Chronic exposure and risk (water).* For purposes of chronic risk assessment, the estimated chronic maximum concentration for bifenthrin in surface and ground waters is 0.032 µg/L, which was used for comparison to the back-calculated human health DWLOCs from the chronic (non-cancer) endpoint. These DWLOCs for various population categories are 530 µg/L for the U.S. population, 450 µg/L for females 13 years and older, and 140 µg/L for children 1 to 6 years. Chronic exposure to bifenthrin in drinking water is below the calculated drinking water levels of concern. iii. Short- and intermediate-term exposure and risk (water). For purposes of short- and intermediate-term risk assessment, the estimated chronic maximum concentration for bifenthrin in surface and ground waters is 0.032 µg/L, which was used for comparison to the back-calculated human health DWLOCs from the short- and intermediate-term endpoints. The DWLOCs for various population categories are 290 µg/L for the U.S. population, 250 µg/L for females 13 years and older, and 77 µg/L for children 1 to 6 years. Short- and intermediate-term exposure to bifenthrin in drinking water is below the calculated drinking water levels of concern.

3. *From non-dietary exposure.* Bifenthrin is currently registered for use on the residential non-food sites outdoor lawn and garden, inside households and termiticide use. These registered uses constitute short- and/or intermediate-term, and chronic exposure.

i. *Chronic exposure and risk (residential).* Although the registered termiticide use of bifenthrin constitutes a chronic exposure scenario, the exposure from this termiticide use is negligible considering the application technique of the termiticide use (buried underground) and the fact that vapor pressure of bifenthrin is extremely low (1.8×10^{-7} torr). .

ii. *Short- and intermediate-term exposure and risk (residential).* This risk assessment is based on post-application to treated lawns (turf use), a worst case scenario estimate of residential exposure. An assessment of applicator exposure was not included since the registered products are primarily limited to commercial use and, therefore, applied by professional lawn care operators. Inhalation, dermal and oral non-dietary routes of exposure were evaluated by this short- and intermediate-term risk assessment. For adults, the routes of exposure from these registered residential uses include dermal and inhalation, and for infants and children, the routes of exposure include dermal, inhalation, and oral (nondietary). The MOEs for residential exposures are 1600 for adults, 610 for children (1 to 6 years), and 600 for infants (<1 year). These MOE's are well above the acceptable short-term aggregate MOE of 100.

4. *Cumulative exposure to substances with common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

Bifenthrin is a member of a class of chemicals commonly referred to as "Synthetic Pyrethroids." Other members of this class include cyfluthrin, cypermethrin, lambda-cyhalothrin, zeta-cypermethrin, deltamethrin, esfenvalerate,

fenpropathrin, tefluthrin and tralomethrin.

EPA does not have, at this time, available data to determine whether bifenthrin has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, bifenthrin does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that bifenthrin has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

5. *Endocrine disrupter effects.* EPA is required to develop a screening program to determine whether certain substances (including all pesticides and inerts) "may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect..." The Agency is currently working with interested stakeholders, including other government agencies, public interest groups, industry and research scientists in developing a screening and testing program and a priority setting scheme to implement this program. Congress has allowed 3 years from the passage of FQPA (August 3, 1999) to implement this program. At that time, EPA may require further testing of this active ingredient and end use products for endocrine disrupter effects.

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk (food + water).* Using the Monte Carlo analysis, it is estimated that the acute exposure to bifenthrin from food for the U.S. population subgroup will utilize 53% of the acute PAD. Children 1 to 6 years are the most highly exposed population subgroup. (See discussion in Unit II.E.) An acute dietary exposure (food plus water) of 100% or less of the acute PAD is needed to protect the safety of all population subgroups. Despite the potential for exposure to bifenthrin in drinking water, EPA does not expect the aggregate exposure to exceed 100% of the acute PAD for adults, infants and children. The estimated maximum concentration of bifenthrin in surface and ground water for acute exposure is below the DWLOC.

2. *Chronic risk (food + water + residential).* Using the exposure assumptions described in this unit, EPA has concluded that aggregate exposure to bifenthrin from food will utilize 2.4% of the chronic PAD for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is children 1 to 6 years. [See discussion in Unit II.E. in the preamble of this document] EPA generally has no concern for exposures below 100% of the chronic PAD because the chronic PAD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to bifenthrin in drinking water, EPA does not expect the aggregate exposure to exceed 100% of the chronic PAD, the estimated maximum concentration of bifenthrin in surface and ground water for chronic exposure is very small compared to the DWLOC. Although the registered termiticide use of bifenthrin constitutes a chronic exposure scenario, the exposure from this termiticide use is negligible considering the application technique of the termiticide use (buried underground) and the fact that vapor pressure of bifenthrin is extremely low (1.8×10^{-7} torr).

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account chronic dietary food and water (considered to be a background exposure level) plus indoor and outdoor residential exposure. In the case of bifenthrin, the registered residential use sites include outdoor lawn/gardens, inside households and termiticide. These uses constitute a short- and intermediate-term exposure scenario. The short- and intermediate-term aggregate risk assessment for bifenthrin includes inhalation, dermal, oral non-dietary, chronic food, and water exposure routes. The acceptable MOEs for short- and intermediate-term exposures are all at 100. For adults, the routes of exposure from these registered, residential uses include dermal and inhalation, and for infants and children, the routes of exposure include dermal, inhalation, and oral (nondietary). The MOEs for food (excluding water) and residential exposures is 1200 for adults, 430 for children 1 to 6 years, and 500 for infants less than 1 year. These MOEs are well above the acceptable short-term aggregate MOE of 100.

Since residue values in drinking water are not available, the DWLOCs have to be back- calculated. The short- and intermediate-term DWLOCs are 290 µg/L for adult males, 250 µg/L for adult females, 77 µg/L for children 1 to 6 years, and 77 µg/L for infants (less than 1 year old). The estimated maximum concentration of bifenthrin in surface and ground water for chronic exposure 0.032 µg/L is very small compared to the DWLOCs.

4. *Aggregate cancer risk for U.S. population.* Bifenthrin has been classified as a group C carcinogen, using the RfD approach. Based on the recommendation that the RfD approach be used, a quantitative (q*) dietary cancer risk assessment was not performed. Dietary risk concerns due to long-term consumption of bifenthrin are adequately addressed by the DEEM chronic exposure analysis using the chronic PAD (RfD). For the U.S. population, only 2.4% of the chronic PAD (RfD) is occupied by chronic food exposure. As stated previously, based on a comparison of the calculated DWLOCs and the estimated exposure to bifenthrin in drinking water (0.032 g/L), EPA does not expect the aggregate exposure to exceed 100% of the chronic PAD (RfD) for adults.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to bifenthrin residues.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children* — i. *In general.* In assessing the potential for additional sensitivity of infants and children to residues of bifenthrin, EPA considered data from developmental toxicity studies in the rat and rabbit and a 2-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for pre-and post-natal toxicity and the completeness of the database unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard uncertainty factor (usually

100 for combined inter- and intra-species variability) and not the additional tenfold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

ii. *Developmental toxicity studies.* In the rabbit developmental study, there were no developmental effects observed in the fetuses exposed to bifenthrin. The maternal NOEL was 2.67 mg/kg/day based on head and forelimb twitching at the LOAEL of 4 mg/kg/day. In the rat developmental study, the maternal NOEL was 1 mg/kg/day, based on tremors at the LOAEL of 2 mg/kg/day. The developmental (pup) NOEL was also 1 mg/kg/day, based upon increased incidence of hydroureter at the LOAEL 2 mg/kg/day. There were 5 of 23 (22%) litters affected with each litter having only one affected pup in the in the 2 mg/kg/day group, compared with zero in the control, 1 and 0.5 mg/kg/day groups. According to recent historical data (1992-1994) for this strain of rat, incidence of distended ureter averaged 11% with a maximum incidence of 90%.

iii. *Reproductive toxicity study.* In the rat reproduction study, parental toxicity occurred as decreased bwt at 5.0 mg/kg/day with a NOEL of 3.0 mg/kg/day. There were no developmental (pup) or reproductive effects up to 5.0 mg/kg/day (HDT).

iv. *Pre- and post-natal sensitivity* — a. *Pre-natal.* Since there was not a dose-related finding of hydroureter in the rat developmental study and in the presence of similar incidences in the recent historical control data, the marginal finding of hydroureter in rat fetuses at 2 mg/kg/day (in the presence of maternal toxicity) is not considered a significant developmental finding. Nor does it provide sufficient evidence of a special dietary risk (either acute or chronic) for infants and children which would require an additional safety factor.

b. *Post-natal.* Based on the absence of pup toxicity up to dose levels which produced toxicity in the parental animals, there is no evidence of special post-natal sensitivity to infants and children in the rat reproduction study.

v. *Conclusion.* There is a complete toxicity database for bifenthrin and exposure data is complete or is estimated based on data that reasonably accounts for potential exposures. Based on the completeness of the toxicity data and pre- and post-natal toxicity of bifenthrin, no additional safety factor is needed to protect infants and children.

2. *Acute risk. (Food + Water.)* The percentages of the acute PAD utilized at the 99.9th percentile of exposure are 63% for infants (less than 1 year) and 96% for children (1 to 6 years), the most highly exposed population subgroup. An acute dietary exposure (food plus water) of 100% or less of the acute PAD is needed to protect the safety of all population subgroups. Despite the potential for exposure to bifenthrin in drinking water, EPA does not expect the aggregate exposure to exceed 100% of the acute PAD for infants and children. The estimated maximum concentration of bifenthrin in surface and ground water for acute exposure is below the DWLOC.

3. *Chronic risk.* Using the exposure assumptions described in this unit, EPA has concluded that aggregate exposure to bifenthrin from food will utilize 6.7% of the chronic PAD (RfD) for children (1 to 6 years). EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to bifenthrin in drinking water and from non-dietary, non-occupational exposure, EPA does not expect the aggregate exposure to exceed 100% of the RfD.

4. *Short- or intermediate-term risk.* The MOEs for food (excluding water) and residential exposures is 430 for children (1 to 6 years), and 500 for infants (less than 1 year). These MOEs are well above the acceptable short-term aggregate MOE of 100. The short- and intermediate-term DWLOCs are 77 µg/L for children (1 to 6 years), and 77 µg/L for infants (less than 1 year). The estimated maximum concentration of bifenthrin in surface and ground water for chronic exposure (µg/L) is very small compared to the DWLOCs.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to bifenthrin residues.

III. Other Considerations

A. Metabolism In Plants and Animals

The metabolism of bifenthrin in plants and animals is adequately understood. Studies conducted to delineate the metabolism of radio-labeled bifenthrin in various crops and animals show similar results. The residue of concern is the parent compound only.

B. Analytical Enforcement Methodology

Adequate enforcement methods are available for determination of the regulated bifenthrin residue in plants and animals. Residues of bifenthrin are recoverable under Protocols D and E of the FDA Multiresidue Methods.

C. Magnitude of Residues

An adequate number of residue field trials reflecting the proposed use rates were submitted to EPA to demonstrate that tolerances for cabbage at 4.0 ppm; the cucurbit vegetable crop group at 0.4 ppm; edible-podded legume vegetable subgroup at 0.6 ppm; eggplant at 0.05 ppm; globe artichoke at 1.0 ppm; head and stem Brassica subgroup, except cabbage, at 0.6 ppm; rapeseed at 0.05 ppm, succulent shelled pea and bean subgroup at 0.05 ppm; sweet corn at 0.05 ppm; and corn forage at 0.6 ppm will not be exceeded when bifenthrin products labeled for these uses are used as directed.

D. International Residue Limits

There are no Codex Maximum Residue Levels (MRL's) for these commodities.

E. Rotational Crop Restrictions

Crops with established U.S. tolerances may be rotated at any time. Leafy vegetable and root crops may be rotated 30 days following the final application. All other crops may be rotated seven months following the final application.

IV. Conclusion

Therefore, the tolerance is established for residues of bifenthrin in cabbage at 4.0 part per million (ppm); the cucurbit vegetable crop group (Crop Group 9) at 0.4 ppm; edible- podded legume vegetable subgroup (Crop Subgroup 6A) at 0.6 ppm; eggplant at 0.05 ppm; globe artichoke at 1.0 ppm; head and stem Brassica subgroup (Crop Subgroup 5A), except cabbage, at 0.6 ppm; rapeseed at 0.05 ppm, succulent shelled pea and bean subgroup (Crop Subgroup 6B) at 0.05 ppm; sweet corn kernel plus cob with husk removed at 0.05 ppm; and corn forage at 3.0 ppm.

V. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to "object" to a tolerance regulation as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law.

However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by August 30, 1999, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given under the "ADDRESSES" section (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this regulation. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(I). EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding tolerance objection fee waivers, contact James Tompkins, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 239, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305-5697, tompkins.jim@epa.gov. Requests for waiver of tolerance objection fees should be sent to James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VI. Public Record and Electronic Submissions

EPA has established a record for this regulation under docket control number [OPP–300888] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Objections and hearing requests may be sent by e-mail directly to EPA at: opp-docket@epa.gov.

E-mailed objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this regulation, as well as the public version, as described in this unit will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the Virginia address in "ADDRESSES" at the beginning of this document.

VII. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This final rule establishes a tolerance under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). Nor does it require any prior consultation as specficed by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997).

In addition, since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance/exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

B. Executive Order 12875

Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments "to provide meaningful

and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create an unfunded Federal mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

VIII. Submission to Congress and the Comptroller General

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 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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 23, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.442, by amending paragraph (a) by revising the introductory text and the tolerance level for "corn forage" and by alphabetically adding the following entries to the table:

§ 180.442 Bifenthrin; tolerances for residues.

(a) *General.* Tolerances are established for residues of the insecticide bifenthrin (2-methyl [1,1'-biphenyl]-3-yl) methyl-3-(2-chloro-3,3,3,-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate in or on the following food commodities:

Commodity	Parts per million
Artichoke, globe	1.0
Brassica, head and stem, subgroup, excluding cabbage.	0.6
Cabbage	4.0
* * * *	* * *
Corn, forage	3.0
* * * *	* * *
Corn, sweet, kernel plus cob with husk removed.	0.05
Eggplant	0.05
* * * *	* * *
Pea and bean, succulent shelled, subgroup.	0.05
* * * *	* * *
Rapeseed	0.05
* * * *	* * *
Vegetable, cucurbit, crop group.	0.4
Vegetable, legume, edible podded, subgroup.	0.6

* * * * *

[FR Doc. 99–16575 Filed 6–29–99; 8:45 am]
BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300887; FRL–6088–9]

RIN 2070–AB78

Cyfluthrin: [cyano[4-fluoro-3-phenoxyphenyl]-methyl-3-[2,2-dichloroethenyl]-2,2-dimethyl-cyclopropanecarboxylate]; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of the insecticide cyfluthrin: [cyano[4-fluoro-3-phenoxyphenyl]-methyl-3-[2,2-dichloroethenyl]-2,2-dimethyl-cyclopropanecarboxylate] in or on potatoes at 0.01 parts per million (ppm). It also removes time limitations for tolerances for residues of cyfluthrin on sweet corn, field corn, and pop corn (including forage and fodder). Bayer Corporation requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective June 30, 1999. Objections and requests for hearings must be received by EPA on or before August 30, 1999.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300887], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300887], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of

Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall 2 (CM #2), 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may be submitted electronically by sending electronic mail (e-mail) to: oppdocket@epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300887]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Mark Dow, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 222, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–5533, dow.mark@epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 5, 1995 (60 FR 34874) (FRL-4963-2), EPA issued a time-limited tolerance for cyfluthrin use in or on corn (field, pop, and sweet) in combination with another insecticide, the organophosphate tebupirimifos (originally known as phostebupirim) (O-[2-(1-dimethylethyl)-5-pyrimidinyl]O-ethyl-O-ethyl-O-(1-methylethyl)phosphorothioate) with an expiration date of 5 July 1999. These time-limited tolerances were established due to a lack of mammalian neurotoxicity data and the need for confirmatory soil metabolism and product chemistry data for tebupirimiphos. Bayer Corporation requested the Agency to remove the time limitations for cyfluthrin on corn in a notice of filing published in the **Federal Register** of September 25, 1997 (62 FR 50337) (FRL–5748–2), and in a March 8, 1999 letter based on the fact that the time limitation was due to data deficiencies for tebupirimifos and not for cyfluthrin. Since (1) cyfluthrin is registered for use on corn; (2) the data base is complete for tolerance assessment purposes and ; (3) these tolerances were considered by EPA for risk assessment purposes, EPA has no objection to the removal of the time-limitations and the establishment of permanent tolerances for the residues of cyfluthrin on corn. In the **Federal Register** of August 14, 1998 (63 FR 43705) (FRL–6019–8), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of a pesticide petition (PP) 4F4330 for tolerance by Bayer Corporation, 8400 Hawthorn Road, Kansas City, MO 64120. This notice included a summary of the petition prepared by Bayer Corporation, the registrant.

The petition requested that 40 CFR 180.436 be amended by establishing a tolerance for residues of the insecticide cyfluthrin: [cyano[4-fluoro-3-phenoxyphenyl]-methyl-3-[2,2-dichloroethenyl]-2,2-dimethyl-cyclopropanecarboxylate], in or on potatoes at 0.01 ppm. Cyfluthrin controls cabbage looper, potato leafhopper, Colorado potato beetle, European corn borer, flea beetles, potato tuberworm, potato psyllid, tarnished plant bug and aphids on potatoes.

There were no comments received in response to the Notices of Filing.

I. Background and Statutory Findings

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

II. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of cyfluthrin: [cyano[4-fluoro-3-phenoxyphenyl]-methyl-3-[2,2-dichloroethenyl]-2,2-dimethyl-cyclopropanecarboxylate] and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of cyfluthrin on potatoes at 0.01 ppm and removal of time limitations for tolerances for residues of cyfluthrin on corn (field, pop, and sweet). EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by cyfluthrin are discussed in this unit.

1. *Acute toxicity.* The required toxicity battery studies for acute oral (LD_{50} ≧16.2 miligrams/kilograms (mg/kg)), dermal (LD_{50} >5,000 mg/kg), inhalation (LC_{50} ≧0.468 mg/liter (L)), primary eye irritation (category III), primary dermal irritation (category IV), and dermal sensitization have been conducted and were found adequate. Cyfluthrin is not a dermal sensitizer.

2. *Mutagenicity.* There are seven acceptable studies upon which the Agency based its evaluation: three reverse mutation assays (*Salmonella typhimurium*, *E. coli* and *Saccharomyces cerevisiae*); one reverse mutation, mitotic recombination and conversion assay in *Saccharomyces cerevisiae*); one Chinese Hampster Ovary/ Hypoxanthine guanine phophoribosyl transferase (CHO/HGPRT) assay; one sister chromatid exchange assay in CHO cells; and one Unscheduled DNA synthesis (UDS) assay in primary rat hepatocytes. All these studies were negative. There is no mutagenicity concern.

3. *Reproductive and developmental toxicity* — i. *Oral developmental study in rats.* Cyfluthrin was administered via gavage to pregnant female rats during

days 6–15 of gestation at dose levels of 0, 1, 3, or 10 mg/kg/day. A maternal Lowest Observable Adverse Effect Level (LOAEL) was not observed (i.e., the maternal No Observable Adverse Effect Level (NOAEL) is ≧10 mg/kg/day). A developmental LOAEL was not observed. The developmental NOAEL is ≧10mg/kg/day. This developmental study in rats was classified core guideline.

ii. *Oral developmental study in rabbits.* Cyfluthrin was administered via gavage to pregnant female rabbits during days 6–18 of gestation at dose levels of 0, 20, 60, or 180 mg/kg/day. The maternal LOAEL is 60 mg/kg/day based on decreased body weight gain and food consumption during the dosing period. The maternal NOAEL is 20 mg/kg/day. The developmental LOAEL is 60 mg/kg/day based on increased numbers of resorptions and percent incidence of postimplantation loss. The developmental NOAEL is 20 mg/kg/day. This study was classified core guideline.

iii. *Rat developmental studies via inhalation.* In the first study, pregnant female rats at day 0 gestation were exposed head-only to cyfluthrin concentrations of 0, 1.1, 4.7 or 23.7mg/m^3/day (milligrams per cubic meter per day) for 6 hours/day on gestation days 6–15. In the second study, the dams were exposed to analytical concentrations of 0, 0.09, 0.25, 0.59 or 4.2 mg/m^3 of the test material. The dams were sacrificed on day 20 and their pups removed by caesarian section. The maternal NOAEL was 1.1 mg/m^3 and the maternal LOAEL was 4.7 mg/m^3 (reduced motility, dyspnea, piloerection, ungroomed coats and eye irritation). The developmental NOAEL was 0.59 mg/m^3 and the developmental LOAEL was 1.1 mg/m^3 based on increases in the incidence of runts and skeletal anomalies in the sternum (1.1 mg/m^3 and above); and increases in post-implantation losses and decreases in pup weights (4.7 mg/m^3 and above) and increased incidences of late embryonic deaths, in skeletal anomalies in the extremities, pelvis and skull and microphthalmia (23.7mg/m^3). The study was graded core minimum.

In a third study, a developmental toxicity study via inhalation, cyfluthrin was administered to female rats at 0.46, 2.55, 11.9 or 12.8 mg/m^3 exposure levels for gestational days 6–15 in a nose only inhalation chamber. The rats were exposed to the test material 6 hr/day, 7 days/week. The maternal NOAEL/LOAEL were <0.46/<0.46 mg/m^3 based on decreased body weight gain and reduced relative food efficiency. The developmental NOAEL/LOAEL were 0.46/2.55 mg/m^3 based on reduced fetal and placental weight, reduced ossification in the phalanx, metacarpals and vertebrae. This study was classified as core guideline.

iv. *3-Generation reproduction study.* Cyfluthrin was administered in the diet to male and female rats dose levels of 0, 50, 150, or 450 ppm (actual animal intake; 0, 2.5, 7.5, or 22.5 mg/kg/day). The LOAEL for parental toxicity was 450 ppm (22.5 mg/kg/day) based on decreased body weight gains. The NOAEL for parental toxicity is 150 ppm (7.5 mg/kg/day). The LOAEL for reproductive toxicity was 150 ppm (7.5 mg/kg/day) based on decreased viability and lactational indices and decreased pup body weight gains. The reproductive NOAEL was 50 ppm (2.5 mg/kg/day). The multigeneration reproductive study in the rat was classified core minimum.

4. *Subchronic toxicity* — i. *28–Day oral toxicity study in rats.* Cyfluthrin was administered to SPF-Wistar rats via gavage at 0, 5, 20, or 80 (40) mg/kg/day. The high dose was 80 mg/kg/day during the first and third weeks and 40 mg/kg/day during the second and fourth weeks. The LOAEL was 80 (40) mg/kg/day in both sexes based on clinical signs of nerve toxicity, decreases in body weight gain, and changes in liver and adrenal weights. The NOAEL was 20 mg/kg/day. This study was classified as core minimum.

ii. *28-Day oral toxicity study in rats.* Rats were dosed with cyfluthrin in the diet at 0, 100, 300, or 1,000 ppm (equivalent to 0, 5, 15, or 50 mg/kg/day). The LOAEL was 15 mg/kg/day in both sexes based on decreased blood glucose. The NOAEL was 5 mg/kg/day. This study was classified core supplementary.

iii. *3–Month feeding study in rats.* SPF Wistar rats were dosed with cyfluthrin in the diet at 0, 30, 100, or 300 ppm (equivalent to 0, 1.5, 5, or 15 mg/kg/day) for 3 months. No treatment related effects were observed at any of the levels tested, thus the NOAEL for this 3–month rat feeding study was 15 mg/kg/day for both sexes. This study was classified core minimum.

iv. *6–Month dog feeding study.* Cyfluthrin was administered in the diet to dogs at 0, 65, 200 or 600 ppm (equivalent to 0, 1.62, 5 or 15 mg/kg/day) for 26 weeks. The LOAEL for this study was 15 mg/kg/day for both sexes, based on neurological effects (hindlimb abnormalities) and gastrointestinal disturbances. The NOAEL was 5 mg/kg/day for males and females. The study was classified as core minimum.

v. *21–Day dermal study in rats.* In a 21–day repeated dose dermal toxicity study, male and female rats were treated with cyfluthrin by dermal occlusion at target doses of 0, 100, 340, or 1,000 mg/kg/day for 6 hours/day (average actual dose levels were 0, 113, 376, or 1,077 mg/kg/day). No mortality was observed, and there were no treatment-related effects on body weight, ophthalmology, organ weights, clinical biochemistry, or hematology. The LOAEL for dermal effects was 376 mg/kg/day for male and female Sprague-Dawley rats based on gross and histological skin lesions. The NOAEL for dermal effects for technical Baythroid was 113 mg/kg/day. The LOAEL for systemic effects was 1,077 mg/kg/day based on decreased food consumption, red nasal discharge and urine staining. The NOAEL for systemic effects was 376 mg/kg/day. This study was classified as acceptable.

vi. *3–Week inhalation toxicity studies in rats* —a. Wistar rats were dynamically exposed by nose-only inhalation to cyfluthrin at concentrations of 0, 2.3, 11.5, or 69.6 mg/kg/day for 6 hours/day, 5 consecutive days/week for 3 weeks (total of 15 exposures). The LOAEL was 2.3 mg/m^3, based on the treatment-related effects on body weight and temperature observed during the 3–week exposure period. A NOAEL was not established; therefore this study was repeated using lower doses.

b. Wistar rats were dynamically exposed by nose-only inhalation to cyfluthrin at concentrations of 0, 0.4, 1.4, or 10.5 mg/m^3 for 6 hours/day, 5 consecutive days/week for 3 weeks (total of 15 exposures). The LOAEL was 10.5 mg/m^3, based on the treatment-related behavioral effects as well as effects on body and organ (spleen) weights. The NOAEL is 1.4 mg/m^3. These studies were classified as core minimum.

vii. *4–Week inhalation toxicity study in rats.* Rats were dynamically exposed by inhalation (nose only) to cyfluthrin at concentrations of 0, 0.44, 6.04, or 46.6 mg/m^3 for 6 hours/day, 5 consecutive days/week for 4 weeks (20 exposures). The LOAEL is 6.04 mg/m^3 based on the decrease in body and thymus weights, hypothermia, reduction in leukocytes counts (females), and low serum protein. The NOAEL is 0.44 mg/m^3. This subacute inhalation toxicity study in rats was classified as supplementary.

viii. *13–Week inhalation toxicity study in rats.* Rats were dynamically exposed by head-only inhalation to cyfluthrin at concentrations of 0, 0.09, 0.71, or 4.51 mg/m^3 for 6 hours/day, 5 consecutive days/week for 13 weeks. All animals survived the 13–week study, and no treatment-related changes were observed in organ weight, gross pathology and histopathology. The LOAEL was 0.71 mg/m^3, based on the

treatment-related behavioral effects in females as well as the increased urinary protein in males. The NOAEL was 0.09 mg/m^3. This study was classified as core minimum.

5. *Chronic toxicity* — i. *1–Year dog study.* Cyfluthrin was fed to beagle dogs at 0, 40, 160, or 640 ppm (equivalent to 0, 1, 4, or 16 mg/kg/day) for 52 weeks. The NOAEL was 4 mg/kg bw/day. The LOAEL was 16 mg/kg bw/day for both sexes, based on slight ataxia in two dogs on single occasions, decreased body weight in males, and on observations of increased vomiting and diarrhea at the high dose. The NOAEL is 4 mg/kg bw/day. This study was classified as core minimum.

ii. *Chronic/carcinogenicity-rat.* Cyfluthrin was administered for 24 months in the diet to rats at dose levels of 0, 50, 150, or 450 ppm (equivalent to 2.02, 6.19, or 19.20 mg/kg bw/day in males and 2.71, 8.15, or 25.47 mg/kg/day in females based on food consumption and body weights). The chronic LOAEL was 150 ppm (equivalent to 6.19 mg/kg/day in males and 8.15 mg/kg/day in females) based on decreased body weights in the high-dose animals and the mid-dose males. The chronic NOAEL was 50 ppm (equivalent to 2.02 mg/kg/day in males and 2.71 mg/kg/day in females). Under the conditions of this study, there was no evidence of carcinogenic potential. The study was classified core minimum for both chronic toxicity and oncogenicity.

iii. *Chronic/carcinogenicity- mouse.* In a chronic/carcinogenicity study, cyfluthrin was administered in the diet for 23 months to mice at dose levels of 0, 50, 200, or 800 ppm (equivalent to 11.6, 45.8, or 194.5 mg/kg/day in males and 15.3, 63.0, or 259.9 in females based on food consumption and body weights). There were no treatment related changes noted in the clinical observation, food consumption, hematology, gross observation, organ weight, and microscopic data. The chronic LOAEL is 50 ppm (equivalent to 11.6 mg/kg/day in males and 15.3 mg/kg/day in females) based on increased alkaline phosphatase activity in the dosed males. A chronic NOAEL was not established in male and female mice. Under the conditions of this study, there was no evidence of carcinogenic potential. This study was classified core minimum for carcinogenicity and supplementary for chronic toxicity.

6. *Animal metabolism.* Metabolism studies in rats showed that cyfluthrin is rapidly absorbed and excreted, mostly as conjugated metabolites in the urine, within 48 hours. An enterohepatic circulation was observed.

7. *Neurotoxicity.* Other studies evaluated included a subacute oral neurotoxicity study in rats (LOAEL of 50 mg/kg/day; no NOAEL observed); a second subacute oral neurotoxicity study (NOAEL of 40 mg/kg/day); a subchronic neurotoxicity study in rats (NOAEL <60 mg/kg/day), and a subacute inhalation study in mice NOAEL for pups, 0.006 mg/L; parental NOAEL 0.058 mg/L Highest Dose Tested (HDT). These studies were all graded acceptable/guideline. Additional neurotoxicity data may be required under a special Data-Call-In letter pursuant to section 3(c)(2)(B) of FIFRA. Although these data are lacking, EPA has a sufficient toxicity data base to support these tolerances and these additional studies are not expected to significantly change its risk assessment.

B. Toxicological Endpoints

The Agency has determined that an additional uncertainty factor (UF) is needed for risk assessments for cyfluthrin because there was evidence of increased sensitivity of pups in the 3–generation reproduction study based on decreased pup weight gains at a dose in which there were no effects in the parents. The FQPA factor of 10 was reduced to 3x because of the lack of severity of effects (reduced body weight gain in pups) and the availability of acceptable reproduction (rat) and developmental (rats and rabbits) toxicity studies.

1. *Acute toxicity — Acute dietary.* To assess acute dietary risk, the Agency used an endpoint of 20 mg/kg/day from the rabbit developmental study. This endpoint is due to increases in resorption and percent incidence of postimplantation loss at the Lowest Effect Level (LEL) of 60 mg/kg/day. The population adjusted dose for acute dietary (aPAD) is determined by dividing NOAEL by Ufs of 300 (10x for interspecies differences, 10x for intraspecies variability and 3x FQPA safety factor): aPAD = 20/ (10x 10x 3) = 0.07 mg/kg bwt/day. This aPAD applies to all population subgroups.

2. *Short and intermediate term toxicity.* For the short and intermediate term dermal endpoints, a NOAEL of 20 mg/kg/day was determined from the rabbit developmental study due to an increase in resorption and percent incidence of postimplantation loss at the LEL of 60 mg/kg/day. The dermal absorption rate is 25%. This rate is based on the weight of the evidence available for structurally related synthetic pyrethroids. For short term inhalation a NOAEL of 0.00044 mg/L is based on decreases in body and thymus weights, hypothermia, and clinical pathology at 0.00604 mg/L in a 28–day inhalation study.

For the Intermediate Term Inhalation Endpoint a NOAEL of 0.00009 mg/L is based on behavioral effects in rats at 0.00071 mg/L in a 90–day inhalation study. The 3x FQPA UF was included for inhalation because an inhalation study is available in the mouse which indicates increased sensitivity of the pups in comparison to the dams.

3. *Chronic toxicity — Chronic dietary.* A NOAEL of 2.5 mg/kg/day was determined from the rat chronic toxicity/ carcinogenicity study and is based on decreased body weight gains in males and inflammatory foci in the kidneys of females at the LEL of 6.2 mg/kg/day. The chronic population adjusted dose (cPAD) is determined by dividing the NOAEL by Ufs: cPAD = 2.5/ (10x10x3) = 0.008 mg/kg bwt/day. This cPAD applies to all population subgroups.

Long-term Dermal Endpoint For the chronic dermal endpoint, the same study used for determining the chronic dietary endpoint was used here.

4. *Carcinogenicity.* Cyfluthrin has been classified as a Group E chemical (evidence of non-carcinogenicity in humans), since carcinogenicity studies in rats and mice were negative.

C. Exposures and Risks

1. *From food and feed uses.* Tolerances have been established (40 CFR 180.436) for the residues of cyfluthrin, in or on a variety of raw agricultural commodities. For purposes of dietary risk assessment, residue data generated from residue field trials conducted at maximum application rates and minimum preharvest intervals were used. To assess secondary exposure from edible animal commodities, animal dietary burdens were calculated using mean field trial residues, adjusted for percent crop treated (PCT) and applying appropriate processing factors for all feed items. Risk assessments were conducted by EPA to assess dietary exposures from cyfluthrin as follows:

i. *Acute dietary exposure and risk.* aPAD = 0.07 mg/kg bwt/day.

aPAD = NOAEL/UFs = 20/(10 x 10 x 3) = 0.07 mg/kg bwt/day.

An acute dietary (food) risk assessment was conducted. In the assessment, a Monte Carlo analysis (Tier 3) was used. The anticipated residue values used were determined from field trial data reflecting maximum application rates and minimum preharvest intervals. Field trial residue distributions were used in the Monte Carlo simulation for those foods

identified by EPA as single-serving commodities. For those considered to be blended or processed, mean field trial residues were calculated, substituting the full limit of detection (LOD) for those samples for which residues were reported below the LCD. For the analysis, current registered uses plus potatoes were used.

In the Monte Carlo analysis for potatoes, the tolerance used is 0.01 ppm and 100% crop treated was assumed. Data files used include (a) The highest field trial data for dried hops (16.6 ppm) and radishes (0.38 ppm) were used instead of the tolerances (dried hops: 20 ppm, radishes: 1.0 ppm); (b) Processing factors for corn were used since the processing study was available (concentration factor for corn oil: 7.6); (c) New available residue levels on potato and its commodities, all at 0.01 ppm (LOD), were used; (d) Secondary residues in milk, milk sugar, milk based water, and animal fat were adjusted (decreased) due to the slight change of dietary burden as a result of the above changes.

Analysis evaluates individual food consumption as reported in the USDA Continuing Surveys of Food Intake by Individuals conducted in 1989 through 1992. The model accumulates exposure to the chemical for each commodity and expresses risk as a function of dietary exposure. Resulting exposure values (at the 99.9th percentile) and percentage of the aPAD utilized are shown in Table 1. The most highly exposed population subgroup (Non-Nursing infants, <1 year) utilizes 9.7% of the aPAD.

An acceptable acute dietary exposure (food plus water) of 100% or less of the aPAD is needed to protect the safety of all population subgroups. EPA generally has no concern for aPAD of less than 100%.

Table 1. Acute Dietary (Food Only) Exposure Analysis by Dietary Exposure Evaluation Model (DEEM) for Cyfluthrin

Population Subgroup	Exposure @ 99.9th Percentile (mg/kg bwt/day)	Percent aPAD[1]
U.S. Population (48 Contiguous States)	0.0045	6.4%
All infants (< 1 yr)	0.0062	8.9%
Nursing infants (< 1 yr)	0.0037	5.3%
Non-nursing infants (< 1 yr)	0.0068	9.7%
Children (1–6 yrs)	0.0059	8.4%
Children (7–12 yr)	0.0042	6.0%

[1]Percentage Acute PAD (% aPAD) = Exposure X 100% / aPAD

The subgroups listed above are: (1) the U.S. population (48 Contiguos States) and (2) those for infants and children.

ii. *Chronic dietary exposure and risk.* cPAD = 0.008 mg/kg bwt/day.

cPAD = NOAEL/ UFs = 2.5/ (10 x10 x3) = 0.008 mg/kg bwt/day.

In the DEEM analysis for chronic dietary (food only) risk assessment the anticipated residue values used were determined from field trial data conducted at maximum application rates and minimum preharvest intervals. Mean anticipated residue values were calculated substituting half of the LOD for those samples for which residues were reported below the LOD.

For the chronic dietary analysis, all registered food uses plus potatoes were included. In the analysis, the residue levels used for potatoes and potato commodities are all 0.005 ppm, and 100% crop treated was assumed. Other "assumptions" are: (1) Mean field trial data for radishes (0.09 ppm) and hops (13.7 ppm) have been used instead of tolerances; (2) Residue for alfalfa sprout was adjusted for the percent crop treated (from 0.01 ppm to 0.14 ppm); (3) Processing factors for citrus, corn, cottonseed, sugarcane, sunflower, and tomatoes were used since these processing studies were available; (4) Residue levels used for potatoes and potato commodities were changed from 0.05 ppm to 0.005 ppm(half of LOD); (5) Secondary residues in meat, milk, poultry, and eggs were adjusted since the slight change of dietary burden as a result of the above changes (meat and poultry: slight decrease in residue levels, milk and milk-based water: slight increase in residue levels).

The analysis evaluates individual food consumption as reported by respondents in the USDA Continuing Surveys of Food Intake by Individuals conducted in 1989 through 1992. Summaries of the Anticipated Residue Concentration (ARC) and their representations as percentages of cPAD for the general population and subgroups of interest are in Table 2. The most highly exposed population subgroup (Non-Nursing infants < 1yr) will utilize 1.9% of the cPAD.

An acceptable chronic dietary exposure (food plus water) of 100% or less of the cPAD is needed to protect the safety of all population subgroups. EPA generally has no concern for cPAD of less than 100%.

Table 2. Chronic Exposure Analysis by the DEEM System for Cyfluthrin

Population Subgroup	Exposure (mg/kg/day)	Percent cPAD[1]
U.S. Population (48 Contiguous States)	0.000067	0.8%
Non-Nursing Infants (<1 year old)	0.00015	1.9%
Children (1–6 years old)	0.00014	1.8%

[1]Percentage cPAD = Exposure X 100% / cPAD

The subgroups listed above are: (1) the U.S. population (48 Contiguous States); (2) highest exposed population subgroup that includes infants and children.

Section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate.

As required by section 408(b)(2)(E), EPA will issue a data call-in for information relating to anticipated residues to be submitted no later than 5 years from the date of issuance of the tolerance.

Section 408(b)(2)(F) states that the Agency may use data on the actual PCT for assessing chronic dietary risk only if the Agency can make the following findings: (1) That the data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide residue; (2) that the exposure estimate does not underestimate exposure for any significant subpopulation group and; (3) if data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by the section 408 (b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency believes that the three conditions, discussed in section 408(b)(2)(F) in this unit concerning the Agency's responsibilities in assessing chronic dietary risk findings, have been met. With respect to (1), percent crop treated estimates are derived from federal and private market survey data, which are reliable and have a valid basis. Typically, a range of estimates is supplied and the upper end of this range is assumed for the exposure assessment. By using this upper end estimate of percent of crop treated, the Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimate. As to (2) and (3), regional consumption information and consumption information for significant sub populations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant sub population group and allows the Agency to be reasonably certain that no regional pupulation is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available information on the regional consumption of food to which may be applied in a particular area. EPA finds that the PCT information is reliable and has a valid basis.

2. *From drinking water.* There is no established Maximum Concentration Level for residues of cyfluthrin in drinking water. Although data indicate little potential for soil mobility or leaching, cyfluthrin is moderately persistent. Estimates of potential concentrations of cyfluthrin in water were generated with the Pesticide Root Zone Model (PRZM 1) and Exposure Analysis Modeling System (EXAMS) computer models in 1993 for comparative ecological risk assessment for cyfluthrin. The estimated environmental concentrations (EECs) of cyfluthrin residues are 0.236 µg/L for acute surface water and 0.044 µg/L for chronic surface water. The primary use of these models is to provide a screen for sorting out pesticides for which EPA has a high degree of confidence tht the true levels of the pesticide in drinking water will be less that the human health drinking water levels of concern (DWLOCs). A DWLOC is a theoretical upper limit of a pesticide's concentration in drinking water in light of total aggregate exposure to that pesticide in food and through residential uses. A DWLOC will vary depending on the toxic endpoint, consumption and body weight. Different populations will have different DWLOCs. EPA uses DWLOCs internally in the risk assessment process as a surrogate measure of potential exposure associated with pesticide exposure through drinking water. In the absence of monitoring data for pesticides, the DWLOC is used as a point of comparison against conservative model estimates of potential pesticide concentration in water. DWLOC values are not regulatory standards for drinking water.

For this acute risk assessment, the estimated maximum concentration for cyfluthrin in surface and ground waters (which is 0.236 µg/L) is used for comparison to the back-calculated human health drinking water levels of concern (DWLOCs) for the acute endpoint. These DWLOCs for various population categories are summarized in Table 3.

Table 3. Drinking Water Levels of Comparison for Acute Exposure to Cyfluthrin[1]

Population Category[2]	aPAD (mg/kg/day)	Food Exposure (mg/kg/day)	Max. Water Exposure3 (mg/kg/day)	DWLOC 4,5,6 (µg/L)	DWEC,7 (µg/L)
U.S. Population (48 Contiguous States) Male.	0.07	0.0045	0.066	2300	0.24
U.S. Population (48 Contiguous states) Females.	0.07	0.0045	0.066	2000	0.24
Non-Nursing Infants (<1 year old)	0.07	0.0068	0.063	630	0.24

[1] Values are expressed to 2 significant figures.
[2] Within each of these categories, the subgroup with the highest food exposure was selected.
[3] Maximum Water Exposure (Chronic or Acute) (mg/kg/day) = [aPAD or cPAD (mg/kg/day) - Food Exposure (mg/kg/day).
[4] DWLOC (µg/L) = Max. water exposure (mg/kg/day) x body wt (kg) ÷ [(10 ^{3} mg/µg) x water consumed daily (L/day)].
[5] HED Default body weights are: General U.S. Population, 70 kg; Males (13+ years old). 70 kg; Females (13+ years old), 60 kg; Other Adult Populations, 70 kg; and, All Infants/Children, 10 kg.
[6] HED Default daily drinking rates are 2 L/day for adults and 1 L/day for children.
[7] DWEC: Drinking Water Estimate Concentration. (Acute value).

For purposes of chronic risk assessment, the estimated maximum concentration for cyfluthrin in surface and ground waters (which is 0.04 µg/L) should be used for comparison to the back-calculated human health DWLOCs for the chronic (non-cancer) endpoint. These DWLOCs for various population categories are summarized in Table 4.

Table 4. Drinking Water Levels of Comparison for Chronic Exposure to Cyfluthrin[1]

Population Category[2]	cPAD (mg/kg/day)	Food Exposure (mg/kg/day)	Max. Water Exposure[3] (mg/kg/day)	DWLOC [4,5,6](µg/L)	DWEC,[7](µg/L)
U.S. Population (48 Contiguous States) Male	0.008	0.000067	0.0079	270	0.044
U.S. Population (48 Contiguous States) Female	0.008	0.000067	0.0079	240	0.044
Non-Nursing infants < 1 yr	0.008	0.00015	0.0079	80	0.044

[1] Values are expressed to 2 significant figures.
[2] Within each of these categories, the subgroup with the highest food exposure was selected.
[3] Maximum Water Exposure (Chronic or Acute) (mg/kg/day) = [aPAD or cPAD (mg/kg/day) - Food Exposure (mg/kg/day).
[4] DWLOC (µg/L) = Max. water exposure (mg/kg/day) x body wt (kg) ÷ [(10–3 mg/µg) x water consumed daily (L/day)].
[5] HED Default body weights are: General U.S. Population, 70 kg; Males (13+ years old), 70 kg; Females (13+ years old), 60 kg; Other Adult Populations, 70 kg; and, All Infants/Children, 10 kg.
[6] HED Default daily drinking rates are 2 L/day for adults and 1 L/day for children.
[7] DWEC: Drinking Water Estimate Concentration. (Acute value).

As indicated in the Tables above, the estimated maximum concentration of cyfluthrin in surface and ground water are less than the DWLOCs as a contribution to acute and chronic exposure. The estimated concentrations of cyfluthrin in surface and ground water are conservative estimates. Therefore the Agency concludes with reasonable certainty that residues of cyfluthrin in food and drinking water will not result in an unacceptable estimate of acute or chronic human health risk.

3. *From non-dietary exposure.* Cyfluthrin is currently registered for use on the following residential non-food sites: outdoor lawn/gardens, inside households, carpets and as a termiticide. Exposure to cyfluthrin may occur as a result of inhalation or contact from indoor and outdoor uses. Thus these uses constitute a short- and intermediate-term exposure scenario. A worst case scenario which aggregates all the above exposure routes was conducted for risk assessment purposes.

4. *Cumulative exposure to substances with common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

Cyfluthrin is a member of the Synthetic Pyrethroids. Other members of this class include bifenthrin, cypermethrin, lambda-cyhalothrin, zeta-cypermethrin, deltamethrin, esfenvalerate, permethrin, fenpropathrin, tefluthrin and tralomethrin. Four members of this class produce a common metabolite known as DCVA. These pyrethroids are cyfluthrin, cypermethrin, z- cypermethrin and permethrin. Although the residues of DCVA can be estimated, no toxicology data on the compound per se are available to directly conduct a hazard evaluation and therby establish an appropriate endpoint for use in a joint risk assessment. To date, for the purpose of assessing the risk of the parent compound the toxicity of DCVA has been assumed to be equivalent to the parent compound. However, due to the different toxicological profiles of cyfluthrin, cypermethrin, z-cypermethrin, and permethrin, EPA does not believe that it would be appropriate to cumulate DCVA for these pesticides, or DCVA residues from one of these pesticides with the parent of another of these pesticides, in conducting the risk assessment for these pesticides.

EPA does not have, at this time, available data to determine whether cyfluthrin has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, cyfluthrin does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that cyfluthrin has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk.* Using a Monte Carlo analysis, it is estimated the acute exposure to cyfluthrin from food for the population subgroup (U.S. Population-all season) will utilize 6.4% of the aPAD, and for the most highly exposed population subgroup that includes children (Non-Nursing infants, <1 year) will utilize 9.7% of the aPAD, as shown in Table 1. It was determined that an acute dietary exposure (food plus water) of 100% or less of the aPAD is needed to protect the safety of all population subgroups.

Despite the potential for exposure to cyfluthrin in drinking water, the Agency does not expect the aggregate exposure to exceed 100% of the aPAD for adults, infants and children. The maximum concentration of cyfluthrin in surface and ground water for acute exposure is very small compared to the DWLOC as shown in Table 3. Under current Agency guidelines, non-dietary uses of cyfluthrin do not constitute an acute exposure scenario. The Agency concludes that there is a reasonable certainty that no harm will result to adults, infants and children from acute aggregate exposure to cyfluthrin residues.

2. *Chronic risk.* Using the exposure assumptions described above, it is estimated that the chronic exposure to cyfluthrin from food for the most highly exposed population subgroup (Non-Nursing infants < 1yr) will utilize 1.9% of the cPAD as shown in Table 2. It was determined that a chronic dietary exposure (food plus water) of 100% or less of the cPAD is needed to protect the safety of all population subgroups.

Despite the potential for exposure to cyfluthrin in drinking water, the Agency does not expect the aggregate exposure to exceed 100% of the cPAD. The maximum concentration of cyfluthrin in surface and ground water for chronic exposure is very small compared to the DWLOC as shown in Table 4. Although the registered residential termiticide use of cyfluthrin constitutes a possible chronic exposure scenario (inhalation), it is not aggregated into dietary exposure due to the fact that the toxicological endpoints were from different studies

with different toxicological effects. The Agency also concludes that a single source chronic risk from exposure to a termiticide use is negligible due to the fact that the vapor pressure of cyfluthrin is very low (3.3×10^{-8} torr). The Agency concludes that there is a reasonable certainty that no harm will result to adults, infants and children from chronic aggregate exposure to cyfluthrin residues.

3. *Short- and intermediate-term risk.* The short- and intermediate-term aggregate risks are estimated by combining exposure from food (chronic), water and residential uses.

Since residue values in water from monitoring data were not available, the DWLOCs have to be back calculated for the short- and intermediate-term aggregate risk assessments.

For cyfluthrin, the registered residential use sites include outdoor lawn/gardens, inside households and termiticide. These uses constitute a short, and intermediate term exposure scenario. Endpoints have been selected for short- and intermediate-term dermal and inhalation exposures. For adults, the routes of exposure from these registered residential uses include dermal and inhalation, and for infants and children, the routes of exposure include dermal, inhalation, and oral (nondietary).

According to Agency aggregate risk assessment guidelines, exposures with toxicological endpoints selected from different studies with different toxicological effects should not be aggregated. Since the toxicological effects through the inhalation exposure route is different from those toxicological effects through the dermal, chronic food, and oral non-dietary routes, short- and intermediate-term aggregate risk assessment should only include dermal, chronic food and water, and oral non-dietary exposure routes. However, a worst case scenario which aggregated all exposure routes (includes inhalation, dermal, chronic food and water, and oral non-dietary) has previously been calculated (see the Final Rule on Cyfluthrin Residue Tolerances (62 FR 62961), November 26, 1997 (FRL–5755–2), and the Margin of Exposure (MOE) is above 2,000 for all population subgroups. The current action does not change this previous assessment. EPA generally has no concern for MOEs greater than 300.

4. *Aggregate cancer risk for U.S. population.* The Agency has concluded that there is no evidence of carcinogenicity in studies of either the rat or mouse. Therefore a carcinogenicity risk assessment is not required.

5. *Determination of safety.* Based on the above risk assessments, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to cyfluthrin residues.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children*—i. *In general.* In assessing the potential for additional sensitivity of infants and children to residues of cyfluthrin, EPA considered data from developmental toxicity studies in the rat and rabbit and a 2–generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for pre-and postnatal toxicity and the completeness of the database unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard uncertainty factor (usually 100 for combined inter- and intra-species variability) and not the additional tenfold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

The Agency has determined that an additional UF is needed for risk assessments for cyfluthrin. This is due to evidence of increased sensitivity of pups in the 3–generation reproduction study. It was observed that there were decreased pup weight gains at a dose in which there were no effects in the parents. The additional UF is determined to be 3x due to the lack of severity of effects (reduced body weight gain in pups) and the availability of acceptable reproduction (rat) and developmental (rats and rabbits) toxicity studies.

ii. *Conclusion.* There is a complete toxicity database for cyfluthrin and exposure data is complete or is estimated based on data that reasonably accounts for potential exposures. Taking into account the completeness of the data base, EPA concludes the use of the additional safety factor would be safe for infants and children.

2. *Acute risk.* For nonnursing infants >1 year old, the aggregate acute exposure is 0.0068 mg/kg bw/day and a MOE ≤ 2000. For cyfluthrin, EPA has no concern for MOEs over 300.

3. *Chronic risk.* Using the exposure assumptions described in this unit, EPA has concluded that aggregate exposure to cyfluthrin from food will utilize 9.7% of the aPAD for the most highly exposed population subgroup (non-nursing infants less than 1–year). It is determined that an acceptable chronic dietary exposure (food plus water) of 100% or less of the cPAD is neede to protect the safety of all populations subgroups. The Agency generally has no concern for exposures below 100% of the cPAD because the cPAD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health.

4. *Short or intermediate term risk.* For children and non-nursing infants < 1 year, EPA estimates the aggregate short and intermediate term exposures are 0.007662 and 0.008255 mg/kg bw/day respectively with resulting MOE's of 2600 and 2400 respectively. For cyfluthrin, EPA has no concern for MOE's over 300.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to cyfluthrin residues.

III. Other Considerations

A. Metabolism In Plants and Animals

The metabolism of cyfluthrin in plants and animals is aequately understood. Studies have been conducted to delineate the metabolism of radio labeled cyfluthrin in various crops and animals all showing similar results. The residue of concern is cyfluthrin.

B. Analytical Enforcement Methodology

Adequate analytical methodology (gas/liquid chromatography with an electron capture detector) is available for enforcement purposes.

C. Magnitude of Residues

Field trial residue and feeding study data have been submitted and reviewed in support of the tolerance on potatoes.

D. International Residue Limits

There are no Codex, Canadian, or Mexican Limits established for cyfluthrin on potatoes. There are not Canadian or Mexican Limits established for corn. There is a Codex Maximum Residuce Limit for maize (0.05 mg/kg). The U.S. tolerances are 0.05 ppm for sweet corn and 0.01 ppm for field corn and pop corn. These differences could be caused by differences in methods to establish tolerances, calculation of animal dietary exposure, and as a result of different agricultural practices. The Agency will specifically address these differences when this pesticide is reregistered.

E. Endocrine Disrupter Effects

EPA is required to develop a screening program to determine whether certain substances (including all pesticides and inerts) "may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect...." The Agency is currently working with interested stakeholders, including other government agencies, public interest groups, industry and research scientists in developing a screening and testing program and a priority setting scheme to implement this program. Congress has allowed 3 years from the passage of FQPA (August 3, 1999) to implement this program. At that time, EPA may require further information.

IV. Conclusion

Therefore, the tolerance is established for residues of cyfluthrin in potatoes at 0.01 ppm and the tolerances for corn and corn byproducts are made permanent..

V. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to "object" to a tolerance regulation as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by August 30, 1999, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given under the "ADDRESSES" section (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this regulation. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding tolerance objection fee waivers, contact James Tompkins, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 239, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–5697, tompkins.jim@epa.gov. Requests for waiver of tolerance objection fees should be sent to James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VI. Public Record and Electronic Submissions

EPA has established a record for this regulation under docket control number [OPP–300887] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Objections and hearing requests may be sent by e-mail directly to EPA at:

opp-docket@epa.gov

E-mailed objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this regulation, as well as the public version, as described in this unit will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the Virginia address in "ADDRESSES" at the beginning of this document.

VII. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This final rule establishes a tolerance under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and*

Low-Income Populations (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997).

In addition, since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

B. Executive Order 12875

Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create an unfunded Federal mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

VIII. Submission to Congress and the Comptroller General

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 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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 24, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a), and 371.

2. Section 180.436, is amended to read as follows:

i. By alphabetically adding "Potatoes" to the table under paragraph (a)(1).

ii. By transferring the entries in the table in paragraph (a)(2) to the table in paragraph (a)(1) and removing the expiration dates; and removing the remainder of paragraph (a)(2).

iii. By redesignating paragraphs (a)(3) and (a)(4) as paragraphs (a)(2) and (a)(3).

The additions and amendments to § 180.436 read as follows:

180.436 Cyfluthrin; tolerances for residues

(a)(1) * * *

Commodity	Parts per million
* * * * *	*
Corn, forage and fodder field and pop.	0.01
Corn, grain, field and pop	0.01
Corn, sweet, (K+CWHR)	0.05
Corn, sweet, fodder	15.00
Corn, sweet, forage	30.00
* * * * *	*
Potatoes	0.01
* * * * *	*

* * * * *

[FR Doc. 99–16637 Filed 6–29–99; 8:45 am]
BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300874; FRL–6084–3]

RIN 2070–AB78

Paraquat; Extension of Tolerance for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation extends a time-limited tolerance for residues of

the herbicide/desiccant/defoliant paraquat (1,1'-dimethyl-4,4'-bipyridinium-ion) derived from application of either the bis(methyl sulfate) or the dichloride salt (both calculated as the cation) in or on dry peas at 0.3 part per million (ppm) for an additional 1½–year period.This tolerance will expire and is revoked on November 15, 2001. This action is in response to EPA's granting of emergency exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on dry peas. Section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18.

DATES: This regulation becomes effective June 30, 1999. Objections and requests for hearings must be received by EPA, on or before August 30, 1999.

ADDRESSES: Written objections and hearing requests, identified by the docket control number [OPP–300874], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300874], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket control number [OPP–300874]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Libby Pemberton, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location , telephone number, and e-mail address: Rm. 280, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, 703–308–9364, pemberton.libby@epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a final rule, published in the **Federal Register** of August 29, 1997 (62 FR 45748) (FRL–5739–8), which announced that on its own initiative under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a and (l)(6), as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) it established a time-limited tolerance for the residues of paraquat (1,1'-dimethyl-4,4'-bipyridinium-ion) in or on dry peas at 0.3 ppm, with an expiration date of November 15, 1998. EPA extended the expiration date of this tolerance to May 15, 2000 in a **Federal Register** notice published October 9, 1998 (63 FR 54357) (FRL–6032–5). EPA established the tolerance because section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established without providing notice or period for public comment.

EPA received a request to extend the use of paraquat dichloride for desiccation of weeds infesting green peas grown for seed and dry peas for this year's growing season due to the continuation of the emergency situations occuring in Idaho, Montana, Oregon, and Washington. After having reviewed the submission, EPA concurs that emergency conditions exist. EPA has authorized under FIFRA section 18 the use of paraquat dichloride on dry peas and green peas grown for seed for desiccation of weeds.

EPA assessed the potential risks presented by residues of paraquat (1,1'-dimethyl-4,4'-bipyridinium-ion) in or on dry peas. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. The data and other relevant material have been evaluated and discussed in the final rule of August 29, 1997. Based on that data and information considered, the Agency reaffirms that extension of the time-limited tolerance will continue to meet the requirements of section 408(l)(6). Therefore, the time-limited tolerance is extended for an additional 1½–year period. EPA will publish a document in the **Federal Register** to remove the revoked tolerance from the Code of Federal Regulations (CFR). Although this tolerance will expire and is revoked on November 15, 2001, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on dry peas after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA and the application occurred prior to the revocation of the tolerance. EPA will take action to revoke this tolerance earlier if any experience with, scientific data on, or other relevant information on this pesticide indicates that the residues are not safe.

I. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to "object" to a tolerance regulation as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by August 30, 1999, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given under the "ADDRESSES" section (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or

refund is equitable and not contrary to the purpose of this subsection." For additional information regarding tolerance objection fee waivers, contact James Tompkins, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 239, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–5697, tompkins.jim@epa.gov. Requests for waiver of tolerance objection fees should be sent to James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

II. Public Record and Electronic Submissions

EPA has established a record for this regulation under docket control number [OPP–300874] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Objections and hearing requests may be sent by e-mail directly to EPA at:

opp-docket@epa.gov

E-mailed objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this regulation, as well as the public version, as described in this unit will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the Virginia address in "ADDRESSES" at the beginning of this document.

III. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This final rule establishes a tolerance under section 408 of the FFDCA. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any prior consultation as specficed by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997).

In addition, since tolerances and exemptions that are established under section 408(l)(6) of FFDCA, such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

B. Executive Order 12875

Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create an unfunded Federal mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance

costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

IV. Submission to Congress and the Comptroller General

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 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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 10, 1999.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180–[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

§ 180.205 [Amended]

2. In § 180.205, by amending the table in paragraph (b), for the entry "peas dry", change the date "5/15/00" to read "11/15/01".

[FR Doc. 99–16686 Filed 6–29–99; 8:45 am]
BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300870; FRL–6085–3]

RIN 2070–AB78

Fludioxonil; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of fludioxonil (4-[2,2-difluoro-1,3-benzodioxol-4-yl]-1H-pyrrole-3-carbonitrile) in or on flax seed and safflower seed. Novartis Crop Protection, Inc. requested these tolerances under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective June 30, 1999. Objections and requests for hearings must be received by EPA on or before August 30, 1999.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300870], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300870], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300870]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Mary Waller, Product Manager 21, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 249, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, 703–308–9354, waller.mary@epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 23, 1999 (64 FR 8816) (FRL–6058–8), EPA issued an amendment to the notice published on August 26, 1998 (63 FR 45497; FRL–6023–4) pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a announcing the filing of a pesticide petition (PP) for tolerances by Novartis Crop Protection, Inc., 410 Swing Road, Greensboro, NC 27419. The August 26, 1998 notice included a summary of the petition prepared by Novartis Crop Protection, Inc., the registrant. There were no comments received in response to the notice of filing.

The February 23, 1999 amendment to the petition requested that 40 CFR 180.516 be amended by establishing tolerances for fludioxonil fungicide in or on flax seed at 0.05 parts per million (ppm) and safflower seed at 0.01 ppm.

I. Background and Statutory Findings

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and

children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

II. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of fludioxonil and to make a determination on aggregate exposure, consistent with section 408(b)(2), for tolerances for fludioxonil in or on flax seed at 0.05 ppm and safflower seed at 0.01 ppm. EPA's assessment of the dietary exposures and risks associated with establishing these tolerances in food and feed crops, including flax and safflower seeds was published earlier, see the final rule published on October 7, 1998: (63 FR 53820, FRL–6036–8). Although the October 7, 1998 final rule did not mention flax or safflower, the exposure and risk numbers presented were based on the assumption that use on these crops was permitted (See Memorandum, Fludioxonil, FQPA Human Risk Assessment dated September 3, 1998, included in Docket). Accordingly, each of the safety findings, including the safety finding pertaining to infants and children in the October 7, 1998 final rule are applicable to the flax and safflower tolerances.

III. Conclusion

Therefore, tolerances are established for fludioxonil in or on flax seed at 0.05 ppm and safflower seed at 0.01 ppm.

IV. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to "object" to a tolerance regulation as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by August 30, 1999, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given under the "ADDRESSES" section (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this regulation. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding tolerance objection fee waivers, contact James Tompkins, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 239, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–5697, tompkins.jim@epa.gov. Requests for waiver of tolerance objection fees should be sent to James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

V. Public Record and Electronic Submissions

EPA has established a record for this regulation under docket control number [OPP–300870] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Objections and hearing requests may be sent by e-mail directly to EPA at:

opp-docket@epa.gov.

E-mailed objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this regulation, as well as the public version, as described in this unit will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the Virginia address in "ADDRESSES" at the beginning of this document.

VI. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This final rule establishes a tolerance under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any

enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997).

In addition, since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

B. Executive Order 12875

Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create an unfunded Federal mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

VII. Submission to Congress and the Comptroller General

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 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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and record keeping requirements.

Dated: June 9, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a), and 371.

2. In § 180.516 the table to paragraph (a) is amended by adding alphabetically entries for the commodities "flax seed" and "safflower seed".

§ 180.516 Fludioxonil; tolerances for residues.

* * * * *

(a) * * *

Commodity	Parts per million
* * * * *	
Flax seed	0.05
* * * * *	
Safflower seed	0.01
* * * * *	

* * * * *

[FR Doc. 99–16685 Filed 6–29–99; 8:45 am]
BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPPTS–42193A; FRL–6067–4]

RIN 2070–AB94

Toxic Substances Control Act Test Guidelines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: With this rule, EPA is amending 7 of the 11 existing health effects guidelines. These guidelines are a part of the series of test guidelines which consist of standardized test procedures for test rules promulgated under section 4 of the Toxic Substances Control Act (TSCA), that are published in part 799 of Title 40 of the Code of Federal Regulations (CFR). These TSCA test guidelines are based on the harmonized test guidelines in the unified library for test guidelines issued by the Office of Prevention, Pesticides and Toxic Substances (OPPTS) for use in testing chemical substances to develop data for submission to EPA under TSCA, the Federal Food, Drug and Cosmetic Act (FFDCA), and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The process for developing and amending the harmonized test guidelines includes broad public participation and extensive involvement of the scientific community. The TSCA test guidelines do not in themselves impose any obligations on anyone until they are incorporated in a test rule promulgated under section 4 of TSCA.

DATES: This rule is effective on June 30, 1999.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Christine Augustyniak, Associate Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone numbers: (202) 554–1404 and TDD: (202) 554–0551; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Roger Nelson, Chemical Control Division, Office of Prevention, Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (202) 260–8163; e-mail address: nelson.roger@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

You may be particularly interested in this action if you manufacture (defined by statute to include import) or process a chemical substance that could become the subject of a proposed test rule under TSCA section 4. This action does not, however, impose any obligations on anyone until the test guidelines are incorporated in a future test rule that would be proposed under TSCA section 4. Therefore, entities potentially affected by this action may include, but are not limited to:

Type of entity	SIC	NAICS	Examples of potentially affected entities
Chemical manufacturers or importers	28, 2911	325, 32411	Persons who manufacture (defined by statute to include import) one or more of the subject chemical substances.
Chemical processors	28, 2911	325, 32411	Persons who process one or more of the subject chemical substances.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. The Standard Industrial Classification (SIC) codes and the North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed in the "FOR FURTHER INFORMATION CONTACT" section.

B. How Can I Get Additional Information, Including Copies of This Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document from and certain other available documents from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page, select "Laws and Regulations" and then look up the entry for this document under "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/EPA-TOX/1999/.

2. *In person.* The Agency has established an official record for this action under docket control number OPPTS–42193. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, Environmental Protection Agency, North East Rm. NE–B607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Center is (202) 260–7099.

3. *By phone.* If you need additional information about this action, you may also contact the person identify in the "FOR FURTHER INFORMATION CONTACT" section.

II. Background

A. What are Test Guidelines?

Test guidelines are a standardized set of test procedures or protocols organized by health effect or other testing endpoint. These guidelines present generally formulated procedures for laboratory testing of an effect or characteristic deemed important for the evaluation of health and environmental hazards of a chemical. These guidelines are designed to, when followed, produce data which are accurate, reliable, and reproducible. Such data are necessary for the regulatory programs under TSCA.

B. What are TSCA Test Guidelines?

TSCA test guidelines are guidelines which were established to meet the regulatory needs of TSCA, particularly the needs of the TSCA section 4 testing program. The TSCA section 4 testing program is a regulatory program which is based on the promulgation of rules requiring certain persons identified in the rule, usually manufacturers and processors of the chemical to conduct testing of the chemical specified in the rule. Section 4(b)(1)(B) of TSCA specifically requires that test rules promulgated under the section 4 include "standards for the development of test data for such substance or mixture * * *." These "standards for the development of test data" specify how the study is to be conducted, what data will be collected, and how the data will be analyzed. Each test rule must specify such "test standards" which contain specifications for testing. Section 4(b)(1)

of TSCA describes the elements which must be described in these test standards.

The Agency has found that most of these elements can be standardized into the common set of protocols which EPA defines as "test guidelines." These guidelines are organized by testing endpoint. The test rule itself can add or subtract to the requirements of the test guidelines in order to meet the unique testing circumstances for the particular chemical substance.

C. How are TSCA Test Guidelines Used?

The Agency uses this system of standardized guidelines, organized by testing endpoint and codified in a subpart in 40 CFR part 799 for use in cross-referencing in a TSCA section 4 action. When a section 4 test rule is promulgated, the test rule cross-references the appropriate TSCA test guideline for the bulk of the testing requirements. In this context, the public is given notice of, and an opportunity to comment on, these guidelines as they are applied in chemical-specific test rules. This approach eliminates the need to repeat the same test specifications for each substance-specific test rule since most of the specifications for testing do not change across substances. The test specifications in a guideline can be varied, when necessary, to the specific requirements of a test rule by amendatory language in the test rule itself.

D. Where Did the TSCA Test Guidelines Come From?

The TSCA test guidelines series were first promulgated in 1985 (50 FR 39252, September 27, 1985) and were established in 40 CFR parts 795, 796, 797, and 798. The Agency has over time amended and improved these guidelines (52 FR 19072, May 20, 1987) and in some cases revoked those guidelines which had not been cross-referenced in any test rules (60 FR 31917, June 19, 1995) (FRL–4955–2).

In 1991, EPA began an effort to blend the testing guidance and requirements that existed in the Office of Pollution Prevention and Toxics (OPPT) (and appeared in 40 CFR parts 795 through 798), the Office of Pesticides Programs (OPP) guidelines which appeared in publications of the National Technical Information Service (NTIS), and the guidelines published by the Organization for Economic Cooperation and Development (OECD). The product of this effort would be one set of guidelines which would be thus blended or "harmonized." These harmonized guidelines would then be made available to the EPA, other government agencies, and the public through EPA's Internet web site and would be accessible by anyone with a personal computer and the ability to connect to the Internet. The EPA Internet web site would be the site and publication source for the "OPPTS Harmonized Guidelines" at http://www.epa.gov/epahome/research.htm/.

E. How Were These OPPTS Harmonized Test Guidelines Developed?

The OPPTS harmonized test guidelines were first drafted by EPA scientists for specific testing endpoints. These drafts were reviewed by other EPA experts and, in some instances, presented at domestic and international colloquia in order to solicit the views of recognized experts and the regulated community. These draft harmonized guidelines were made available on EPA's Internet web site as public drafts and public comment was solicited and received. After review of the public drafts and comments, EPA published the final OPPTS harmonized guidelines on EPA's Internet web site and announced their availability to the public in a **Federal Register** notice (63 FR 41845, August 5, 1998)(FRL–5740–1).

F. What is Done to Make TSCA Test Guidelines From the OPPTS Harmonized Test Guidelines?

Harmonization has resulted in significantly improved guidelines. However, creating a single set of guidelines which can be used by both OPP, in its administration of the FIFRA and the Federal Food, Drug and Cosmetic Act (FFDCA), and the Office of Pollution Prevention and Toxics, which administers TSCA presented certain challenges. Under FIFRA, test guidelines are used in an interactive process between the Agency and registrants seeking registration of pesticides or food residue tolerances. Flexibility to tailor required testing to individual circumstances is critical, and the Agency has considerable discretion to determine whether submitted test results are adequate to support the requested action. Under this scheme, registrants have an intrinsic motivation to conduct well-grounded testing. Thus, pesticide testing protocols tend to have few absolute requirements specifying the details of the conduct of the testing.

Under section 4 of TSCA, on the other hand, the Agency is required to impose prescriptive test requirements using notice and comment rulemaking. Rules promulgated under section 4 of TSCA must specify classes of affected parties and specify the standards to be followed by these parties in conducting the required testing. In contrast to FIFRA, the Agency does not interact with companies on an individual basis in designing the testing requirements.

TSCA section 4 rulemakings typically take years to complete. Without initiating another rulemaking process, the Agency has the ability to require further testing only if the tests were not conducted in accordance with the procedures specified in the test rule. In addition, the Agency has an alternative process of negotiating TSCA testing requirements via enforceable consent agreements (ECAs), but these agreements require the consent of all the parties involved. Under TSCA section 4 enforceable test standards, much in the conduct of these test protocols is left to the judgment of those professionals conducting the testing. EPA believes that certain provisions must be mandatory whenever the guidelines are cross-referenced in specific test rules.

Therefore, the Agency has used the OPPTS harmonized test guidelines developed using the public notice and comment process to create the TSCA-specific test guidelines which are the subject of this rule. TSCA section 4 test rules now cross-reference only the 40 CFR part 799 guidelines rather than the older, non-harmonized guidelines established in 40 CFR parts 795 through 798 mostly in 1985. The only significant difference between the TSCA test guidelines and the OPPTS harmonized test guidelines is that certain discretionary procedures in the OPPTS harmonized test guidelines are made mandatory (i.e., the guideline states that they "must" be carried out) in order to ensure the enforcibility of the test standard.

III. What Changes Is EPA Making to the TSCA Guidelines in 40 CFR Part 799?

EPA is making changes to seven of the existing 40 CFR part 799 guidelines in order that they more accurately reflect the equivalent OPPTS harmonized guideline as finalized in August 1998. The TSCA guidelines which were promulgated in August 1997 were based on early versions of the final OPPTS harmonized guidelines. Seven of the 11 TSCA guidelines promulgated in 1997 have differences in text with the OPPTS guidelines finalized in August 1998. This **Federal Register** document corrects those differences.

The changes that EPA is making to the existing 40 CFR part 799 guidelines are summarized in the following Table 1 and discussed guideline by guideline in detail below:

Table 1

Existing TSCA 40 CFR part 799 guideline and cite	Number of changes made to guideline in this rule
TSCA acute inhalation toxicity with histopathology (799.9135)	0
TSCA subchronic inhalation toxicity (799.9346)	8
TSCA prenatal developmental toxicity (799.9370)	0
TSCA reproduction and fertility effects (799.9380)	2
TSCA carcinogenicity (799.9420)	14
TSCA bacterial reverse mutation test (799.9510)	3
TSCA in vitro mammalian cell gene mutation test (799.9530)	0
TSCA mammalian bone marrow chromosomal aberration test (799.9538)	1
TSCA mammalian erythrocyte micronucleus test (799.9539)	2
TSCA neurotoxicity screening battery (799.9620)	1
TSCA immunotoxicity (799.9780)	0

The description of the changes with the detailed discussion of the changes being made to the existing 40 CFR part 799 TSCA guidelines are contained in the following lettered sections.

A. Section 799.9135 TSCA Acute Inhalation Toxicity with Histopathology

EPA is making no changes to this section.

B. Section 799.9346 TSCA Subchronic Inhalation Toxicity

1. EPA is revising the title of the TSCA guideline from "TSCA Subchronic Inhalation Toxicity" in § 799.9346 with "TSCA 90-Day Inhalation Toxicity." This change tracks the change made in the title of the final OPPTS harmonized guideline.

2. EPA is revising paragraph (d) to track changes in the final OPPTS harmonized guideline. This revision better explains when a full study (using three test concentrations) might not be necessary.

3. EPA is revising the provision of paragraph (e)(1)(ii)(B) to track the OPPTS harmonized guideline emphasis that only testing on rodents (as opposed to all mammalian species) would be permitted. Provisions referencing non-rodents in the OPPTS guideline have been removed.

4. EPA is revising paragraph (e)(1)(iv)(A) be deleting provisions which imply the permissibility of using non-rodents as test animals. This language tracks the language in the final OPPTS harmonized guideline.

5. EPA is revising paragraphs (e)(1)(v)(E) and (e)(1)(v)(F) to track the language in the final OPPTS harmonized guideline. This language reorganizes these paragraphs and emphasizes the permissibility of using an unlimited supply of drinking water in the diets of the test animals.

6. EPA is revising the language in paragraph (e)(12) with new language which modifies the hematology and clinical chemistry parameters to track the modifications made in the final OPPTS harmonized guideline.

7. EPA is revising paragraph (e)(15)(i)(D) to delete the requirement for full histopathology of livers and kidneys of all animals. This change tracks the changes in the final OPPTS harmonized guideline.

8. EPA is adding additional requirements for test system information collection. New paragraphs (f)(3)(ii)(D)and (f)(3)(ii)(E) are added to include data on identification of the animal diet and the acclimation period. This tracks new language in the final OPPTS harmonized guideline.

C. Section 799.9370 TSCA Prenatal Developmental Toxicity

EPA made no changes to this section.

D. Section 799.9380 TSCA Reproduction and Fertility Effects

EPA is amending the existing TSCA Reproduction and Fertility Effects guideline by making several changes and clarifications to bring the text into agreement with the final OPPTS harmonized guideline 870.3800, Reproduction and Fertility Effects guideline (August 1998). Specific changes to the TSCA guideline are:

1. Paragraphs (e)(4)(i)(D) and (f)(3)(vi) were revised to incorporate the decisions made by the Agency in finalizing the OPPTS harmonized guideline to revise the definition of "abnormal" estrous cyclicity. There, the guideline wording which described assessment of cyclicity data in terms of normality was revised to indicate that the evaluation of the pattern of cycling to better reflect current scientific opinion.

2. Paragraph (e)(9) was revised to remove the triggers specified in the June 1996 draft guideline because EPA determined that these triggers would not be useful in identifying chemicals that require further examination. Instead, an assessment of F1 females for every study was specified (P females need not be assessed). Since EPA believes that there is more than one valid method of selecting the ovarian sections that will be evaluated and that the June 1996 draft guideline was excessively prescriptive in its description of methodology, specific instructions were removed in order to allow the performing laboratory to determine the most appropriate methodological criteria to attain biologically and statistically valid results. Supporting references were provided in § 799.9380 (g) of the TSCA guideline.

E. Section 799.9420 TSCA Carcinogenicity

EPA is amending the existing TSCA Carcinogenicity guideline by making several changes and clarifications to bring the text into agreement with the final OPPTS harmonized guideline 870.4200, Carcinogenicity guideline (August 1998). Specific changes to the TSCA guideline are:

1. EPA is further specifying its recommended procedures for test substance preparation. Paragraphs (d)(5)(ii)(C) and (d)(5)(ii)(D) are revised with modified language which is designed for consistency with other guidelines.

2. Paragraph (d)(5)(iii)(G) is revised to track technical changes made to the OPPTS harmonized guideline.

3. EPA is tracking changes made to the OPPTS harmonized guideline by adding provisions in paragraph (d)(7)(iv) recommending that water consumption be measured at the same intervals as the test substance if the test substance is administered in the drinking water.

4. EPA is tracking changes in the final OPPTS harmonized guideline by revising the provisions in paragraph (d)(9)(ii) for trimming and weighing organs during the gross necropsy phase

of the testing conducted under the TSCA guideline.

5. The requirement in paragraph (d)(9)(iii)(A)(*13*) for full histopathology and preservation of the bile duct (for rats when the rat is the test animal) is deleted in order to track changes made in the final OPPTS harmonized guideline.

6. The requirement in paragraph (d)(9)(iii)(D)(*5*) for full histopathology and preservation of the nose of the test animal has been deleted to track changes in the final OPPTS harmonized guideline.

7. The requirement in paragraph (d)(9)(iii)(E)(*6*) for full histopathology and preservation of the thymus of the test animal has been deleted to track changes in the final OPPTS harmonized guideline.

8. The requirement for the histopathology and the preservation of the female mammary gland was redesignated as new paragraph (d)(9)(iii)(F)(*8*). This addition tracks the change made in the final OPPTS harmonized guideline.

9. Requirements in paragraphs (d)(9)(iii)(G)(*1*), (d)(9)(iii)(G)(*2*), (d)(9)(iii)(G)(*4*), and (d)(9)(iii)(G)(*6*) for the histopathology and preservation of the lacrymal gland, skeletal muscle, the sternum, and femur were deleted in accordance with changes made in the final OPPTS harmonized guideline.

10. The requirement in paragraph (d)(10)(i)(D) for the full histopathology of lungs, liver and kidneys of all test animals was deleted in accordance with changes made in the final OPPTS harmonized guidelines.

11. Paragraph (d)(10)(ii) was revised to indicate the correct citation to the provisions specifying the methodology for examination of animals exposed to lower dose levels. This citation was incorrect in the original promulgation.

12. Paragraph (d)(10)(iv) was revised to remove the allowable maximum thickness provision for trimming tissues designated for microscopic examination. This change tracks changes made in the final OPPTS harmonized guideline.

13. New paragraphs (e)(3)(i)(B)(*4*) and (e)(3)(i)(B)(*5*) were added to specify that data on the identification of the animal diet and the animal acclimation period should be included in the test system data collection requirement. This addition tracks language added to the final OPPTS harmonized guideline.

14. A new paragraph (e)(4)(ii)(J) was added to specify that achieved dose (mg/kg/day) data (as a time-weighted average) would be recorded as part of the individual animal data recordation requirement if the test substance is administered in the diet or drinking water. A similar provision was added in the final OPPTS harmonized guideline.

F. Section 799.9510 TSCA Bacterial Reverse Mutation Test

1. Paragraph (e)(2)(i)(A)(*3*) was revised to delete language which indicated a preference for a particular approach to detect cross-linking mutagens. This revision tracks changes made in the final OPPTS harmonized guideline.

2. Paragraph (e)(2)(ii)(A) was revised to make grammatical corrections erroneously omitted in the original promulgation.

3. The language of paragraph (f)(3) was revised to be consistent with the test report requirement paragraph of the other TSCA guidelines.

G. Section 799.9530 TSCA In Vitro Mammalian Cell Gene Mutation Test

EPA is making no changes to this section.

H. Section 799.9538 TSCA Mammalian Bone Marrow Chromosomal Aberration Test

EPA is adding mandatory requirements in paragraph (e)(2)(ii)(B)(*3*) for the treatment of negative controls.

I. Section 799.9539 TSCA Mammalian Erythrocyte Micronucleus Test

The EPA is correcting some errors in the original promulgation.

1. Paragraphs (e)(2)(ii)(A) and (e)(3)(iii) were revised to be consistent with the comparable paragraphs in § 799.9538.

2. Paragraph (f)(2)(ii) was revised to identify the specific citation for the criteria to assess mutagencity instead of merely referring to "the above criteria."

3. The language of paragraph (f)(3) was revised to be consistent with the test report requirement paragraph of the other TSCA guidelines.

J. Section 799.9620 TSCA Neurotoxicity Screening Battery

The only change EPA is making to the TSCA neurotoxicity screening battery is the elimination of any need to use permanently injurious chemicals for behavioral measurements. Paragraph (e)(3)(ii) is thus revised by adding the same provisions which were added to the OPPTS final harmonized guideline.

K. Section 799.9780 TSCA Immunotoxicity

EPA is making no changes to this section.

IV. Why Is This Action Being Issued as a Final Rule?

EPA is publishing this action as a final rule without prior notice and an opportunity to comment because the Agency believes that providing notice and an opportunity to comment is unnecessary and would be contrary to the public interest. As explained above, this final rule does not impose any obligations on anyone until the test guidelines are incorporated in a test rule promulgated under TSCA section 4. Before any such test rule is promulgated, EPA will provide notice and an opportunity to comment on the incorporation of a particular test guideline into a specific test rule. In addition, the process for developing and amending the harmonized test guidelines includes broad public participation and extensive involvement of the scientific community. EPA therefore finds that there is "good cause" under section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(3)(B)) to make this amendment without prior notice and comment. Thus, this rule may be promulgated without prior opportunity for public notice and comment, pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), and may be made effective immediately, without a 30-day delay, pursuant to 5 U.S.C. 553(d)(3).

V. How Do the Regulatory Assessment Requirements Apply to This Action?

This final rule does not impose any requirements. It only amends test guidelines in the TSCA series of test guidelines that are published in the CFR and which would be considered for potential incorporation in a future test rule that would be proposed under TSCA section 4. As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997). This action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Nor does it require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled Enhancing the Intergovernmental

Partnership (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled Consultation and Coordination with Indian Tribal Governments (63 FR 27655, May 19,1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994). In addition, since this action is not subject to notice and comment requirements under the APA as discussed in Unit IV. of this preamble, or in any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

VI. Are There Any Applicable Voluntary Consensus Standards?

No. Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104–113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide an explanation to Congress, through OMB, when the Agency decides not to use available and applicable voluntary consensus standards when the NTTAA directs the Agency to do so.

As indicated earlier, this final rule does not impose any obligations on anyone until the test guidelines are incorporated in a test rule promulgated under TSCA section 4. Before any such test rule is promulgated, EPA will provide notice and an opportunity to comment on the incorporation of a particular test guideline into that specific test rule, including the availability of applicable voluntary consent standards.

In addition, although the NTTAA requirements do not specifically apply to the issuance of the harmonized test guidelines, EPA has sought comments on the availability of applicable voluntary consensus standards that should be considered during the development of future rules under TSCA. This allows the Agency to consider such standards during the development of the harmonized test guidelines, upon which the TSCA test guidelines are based.

VII. Will EPA Submit This Action to Congress and the Comptroller General?

Yes. 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. Section 808 allows the issuing agency to make a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). EPA has made such a good cause finding for this final rule, and established an effective date of June 30, 1999. Pursuant to 5 U.S.C. 808(2), this determination is supported by the brief statement in Unit IV. of this preamble. EPA will submit a report containing this final rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 799

Environmental protection, Chemicals, Hazardous substances, Health, Reporting and recordkeeping requirements.

Dated: June 21, 1999.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR part 799 is amended as follows:

PART 799—[AMENDED]

1. The authority citation for part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. Section 799.9346 is amended by revising the section heading, by revising paragraphs (d), (e)(1)(ii)(B), (e)(1)(iv)(A), (e)(1)(v)(E), (e)(1)(v)(F), (e)(12), and (e)(15)(i)(D), and adding paragraphs (f)(3)(ii)(D) and (f)(3)(ii)(E) to read as follows:

§ 799.9346 TSCA 90-Day Inhalation Toxicity.

* * * * *

(d) *Limit test.* If exposure at a concentration of 1 mg/L (expected human exposure may indicate the need for a higher concentration), or where this is not possible due to physical or chemical properties of the test substance, the maximum attainable concentration produces no observable toxic effects, then a full study using three concentrations might not be necessary.

(e) * * *

(1) * * *

(ii) * * *

(B) Dosing of rodents should generally begin no later than 8 weeks of age.

* * * * *

(iv) *Numbers.* (A) At least 20 animals (10 females and 10 males) should be used for each test group.

* * * * *

(v) * * *

(E) Control and test animals should be fed from the same batch and lot. The feed should be analyzed to assure adequacy of nutritional requirements of the species tested and for impurities that might influence the outcome of the rest. For feeding, conventional laboratory diets may be used with an unlimited supply of drinking water.

(F) The study should not be initiated until animals have been allowed a period of acclimatization/quarantine to environmental conditions, nor should animals from outside sources be placed on test without an adequate period of quarantine. An acclimatization period of at least 5 days is recommended.

* * * * *

(12) *Clinical pathology.* Hematology and clinical chemistry examinations shall be made on all animals, including controls. of each sex in each group. The hematology and clinical chemistry parameters should be examined at terminal sacrifice at the end of the study. Overnight fasting of the animals prior to blood sampling is recommended. Overall, there is a need for a flexible approach in the measures examined, depending on the observed or expected effects from a chemical, and in the frequency of measures, depending on the duration of potential chemical exposures.

(i) Hematology. The recommended parameters are red blood cell count, hemoglobin concentration, hematocrit, mean corpuscular volume, mean corpuscular hemoglobin, and mean corpuscular hemoglobin concentration, white blood cell count, differential leukocyte count, platelet count, and a measure of clotting potential, such as prothrombin time or activated partial thromboplastin time.

(ii) Clinical chemistry. (A) Parameters which are considered appropriate to all studies are electrolyte balance, carbohydrate metabolism, and liver and kidney function. The selection of specific tests will be influenced by observations on the mode of action of the substance and signs of clinical toxicity.

(B) The recommended clinical chemistry determinations are potassium, sodium, glucose, total cholesterol, urea nitrogen, creatinine, total protein and albumin. More than 2 hepatic enzymes, (such as alanine aminotransferase, aspartate aminotransferase, alkaline phosphatase, sorbitol dehydrogenase, or gamma glutamyl transpeptidase) should also be measured. Measurements of addtional enzymes (of hepatic or other origin) and bile acids, may also be useful.

(C) If a test chemical has an effect on the hematopoietic system, reticulocyte counts and bone marrow cytology may be indicated.

(D) Other determinations that should be carried out if the test chemical is known or suspected of affecting related measures include calcium, phosphorus, fasting triglycerides, hormones, methemoglobin, and cholinesterases.

(iii) Optionally, the following urinalysis determinations could be performed during the last week of the study using timed urine volume collection: appearance, volume, osmolality or specific gravity, pH, protein, glucose, and blood/blood cells.

* * * * *

(15) * * *

(i) * * *

(D) Lungs of all animals. Special attention to examination of the respiratory tract should be made for evidence of infection as this provides a convenient assessment of the state of health of the animals

* * * * *

(f) * * *

(3) * * *

(ii) * * *

(D) Identification of animal diet.

(E) Acclimation period.

* * * * *

3. Section 799.9380 is amended by revising paragraphs (e)(4)(i)(D), (e)(9) and (f)(3)(vi) to read as follows:

§ 799.9380 TSCA reproduction and fertility effects.

* * * * *

(e) * * *

(4) * * *

(i) * * *

(D) Estrous cycle length and pattern should be evaluated by vaginal smears for all P and F1 females during a minimum of 3 weeks prior to mating and throughout cohabitation; care should be taken to prevent the induction of pseudopregnancy

* * * * *

(9) *Histopathology*—(i) *Parental animals.* Full histopathology of the organs listed in paragraph (e)(8)(i) of this section shall be performed for ten randomly chosen high dose and control P and F1 animals per sex, for those animals that were selected for mating. Organs demonstrating treatment-related changes shall also be examined for the remainder of the high-dose and control animals and for all parental animals in the low- and mid-dose groups. Additionally, reproductive organs of the low- and mid-dose animals suspected of reduced fertility, e.g., those that failed to mate, conceive, sire, or deliver healthy offspring, or for which estrous cyclicity or sperm number, motility, or morphology were affected, shall be subjected to histopathological evaluation. Besides gross lesions such as atrophy or tumors, testicular histopathological examination should be conducted in order to to identify treatment-related effects such as retained spermatids, missing germ cell layers or types, multinucleated giant cells, or sloughing of spermatogenic cells into the lumen. Examination of the intact epididymis should include the caput, corpus, and cauda, which can be accomplished by evaluation of a longitudinal section, and should be conducted in order to identify such lesions as sperm granulomas, leukocytic infiltration (inflammation), aberrant cell types within the lumen, or the absence of clear cells in the cauda epididymal epithelium. The postlactational ovary should contain primordial and growing follicles as well as the large corpora lutea of lactation. Histopathological examination should detect qualitative depletion of the primordial follicle population. A quantitative evaluation of primordial follicles should be conducted for all F1 females; the number of animals, ovarian section selection, and section sample size should be statistically appropriate for the evaluation procedure used. Examination should include enumeration of the number of primordial follicles, which can be combined with small growing follicles (see paragraphs (g)(1) and (g)(2) of this section), for comparison of treated and control ovaries.

(ii) *Weanling.* For F1 and F2 weanlings, histopathological examination of treatment-related abnormalities noted in macroscopic examination should be considered, if such evaluation were deemed appropriate and would contribute to the interpretation of the study data.

(f) * * *

(3) * * *

(vi) Number of P and F1 females cycling pattern and mean estrous cycle length.

* * * * *

4. Section 799.9420 is amended as follows:

a. By revising paragraphs (d)(5)(ii)(C), (d)(5)(ii)(D), (d)(5)(iii)(G), (d)(7)(iv), (d)(9)(ii), (d)(9)(iii)(D)(*5*), (d)(10)(ii), and (d)(10)(iv).

b. By adding paragraphs (d)(9)(iii)(F)(*8*), (e)(3)(i)(B)(*4*), (e)(3)(i)(B)(*5*), and (e)(4)(ii)(J).

c. By removing paragraphs (d)(9)(iii)(A)(*13*), (d)(9)(iii)(E)(*6*), (d)(9)(iii)(G)(*1*), (d)(9)(iii)(G)(*2*), (d)(9)(iii)(G)(*4*), and (d)(9)(iii)(G)(*6*) and redesignating paragraph (d)(9)(iii)(G)(*3*) as paragraph (d)(9)(iii)(G)(*1*) and paragraph (d)(9)(iii)(G)(*5*) as paragraph (d)(9)(iii)(G)(*2*), and removing paragraph (d)(10)(i)(D).

§ 799.9420 TSCA carcinogenicity.

* * * * *

(d) * * *

(5) * * *

(ii) * * *

(C) Preparation of test substance. Liquid test substances are generally used undiluted, except as indicated in paragraph (e)(4)(vi) of this section. Solids should be pulverized when possible. The substance should be moistened sufficiently with water or, when necessary, with a suitable vehicle to ensure good contact with the skin. When a vehicle is used, the influence of the vehicle on toxicity of, and penetration of the skin by, the test substance should be taken into account. The volume of application should be kept constant, e.g. less than 100 uL for the mouse and less than 300 uL for the rat. Different concentrations of test solution should be prepared for different dose levels.

(D) The test substance shall be applied uniformly over a shaved area which is approximately 10 percent of the total body surface area. In order to dose approximately 10 percent of the body surface, the area starting at the scapulae (shoulders) to the wing of the ileum (hipbone) and half way down the flank on each side of the animal should be shaved. With highly toxic substances, the surface area covered may be less, but as much of the area as possible should be covered with as thin and uniform a film as practical.

(iii) * * *

(G) The actual concentration of the test substance shall be measured in the breathing zone. During the exposure period, the actual concentrations of the test substance should be held as constant as practicable, monitored continuously or intermittently depending on the method of analysis. Chamber concentrations may be measured using gravimetric or analytical methods as appropriate. If

trial run measurements are reasonably consistent (plus or minus 10 percent for liquid aerosol, gas, or vapor; plus or minus 20 percent for dry aerosol), the two measurements should be sufficient. If measurements are not consistent, then three to four measurements should be taken.

* * * * *

(7) * * *

(iv) Measurements of feed consumption should be determined weekly during the first 13 weeks of the study and at approximately monthly intervals thereafter unless health status or body weight changes dictate otherwise. Measurement of water consumption should be determined at the same intervals if the test substance is administered in the drinking water.

* * * * *

(9) * * *

(ii) At least the liver, kidneys, adrenals, testes, epididymides, ovaries, uterus, spleen, brain, and heart should be weighed wet as soon as possible after dissection to avoid drying. The lungs should be weighed if the test substance is administered by the inhalation route. The organs should be weighed from interim sacrifice animals as well as from at least 10 animals per sex per group at terminal sacrifice.

(iii) * * *

(D) * * *

(*5*) Nose.

* * * * *

(F) * * *

(*8*) Female mammary gland.

* * * * *

(10) * * *

(ii) If the results show substantial alteration of the animal's normal life span, the induction of effects that might affect a neoplastic response, or other effects that might compromise the significance of the data, the next lower dose levels shall be examined as described in paragraph (d)(10)(i) of this section.

* * * * *

(iv) Tissues and organs designated for microscopic examination should be fixed in 10 percent buffered formalin or a recognized suitable fixative as soon as necropsy is performed and no less than 48 hours prior to trimming.

* * * * *

(e) * * *

(3) * * *

(i) * * *

(B) * * *

(*4*) Identification of animal diet.

(*5*) Acclimation period.

* * * * *

(4) * * *

(ii) * * *

(J) Achieved dose (mg/kg/day) as a time-weighted average if the test substance is administered in the diet or drinking water.

5. Section 799.9510 is amended by revising paragraphs (e)(2)(i)(A)(*3*) introductory text, (e)(2)(ii)(A), and (f)(3) introductory text to read as follows:

§ 799.9510 TSCA bacterial reverse mutation test.

* * * * *

(e) * * *

(2) * * *

(i) * * *

(A) * * *

(*3*) At least five strains of bacteria should be used. These should include four strains of S. typhimurium (TA1535; TA1537 or TA97a or TA97; TA98; and TA100) that have been shown to be reliable and reproducibly responsive between laboratories. These four S. typhimurium strains have GC base pairs at the primary reversion site and it is known that they may not detect certain oxidizing mutagens, cross-linking agents, and hydrazines. Such substances may be detected by E. coli WP2 strains or S. typhimurium TA102 (see reference in paragraph (g)(19) of this section) which have an AT base pair at the primary reversion site. Therefore the recommended combination of strains is:

* * * * *

(ii) * * *

(A) *Solvent/vehicle.* The solvent/vehicle should not be suspected of chemical reaction with the test substance and shall be compatible with the survival of the bacteria and the S9 activity (for further information see the reference in paragraph (g)(22) of this section). If other than well-known solvent/vehicles are used, their inclusion should be supported by data indicating their compatibility. It is recommended that wherever possible, the use of an aqueous solvent/vehicle be considered first. When testing water-unstable substances, the organic solvents used be free of water.

* * * * *

(f) * * *

(3) *Test report.* The test report shall include the following information:

* * * * *

6. Section 799.9538 is amended by revising paragraph (e)(2)(ii)(B)(*3*) to read as follows:

§ 799.9538 TSCA mammalian bone marrow chromosomal aberration test.

* * * * *

(e) * * *

(2) * * *

(ii) * * *

(B) * * *

(*3*) Negative controls, treated with solvent or vehicle alone, and otherwise treated in the same way as the treatment groups, shall be included for every sampling time, unless acceptable inter-animal variability and frequencies of cells with chromosome aberrations are available from historical control data. If single sampling is applied for negative controls, the most appropriate time is the first sampling time. In the absence of historical or published control data demonstrating that no deleterious or mutagenic effects are induced by the chosen solvent/vehicle, untreated animals should be used.

* * * * *

7. Section 799.9539 is amended by revising paragraphs (e)(2)(ii)(A), (e)(3)(iii), (f)(2)(ii), and (f)(3) introductory text to read as follows:

§ 799.9539 TSCA mammalian erythrocyte micronucleus test.

* * * * *

(e) * * *

(2) * * *

(ii) * * *

(A) *Solvent/vehicle.* The solvent/vehicle shall not produce toxic effects at the dose levels used, and shall not be suspected of chemical reaction with the test substance. If other than well-known solvents/vehicles are used, their inclusion should be supported with reference data indicating their compatibility. It is recommended that wherever possible, the use of an aqueous solvent/vehicle should be considered first.

* * * * *

(3) * * *

(iii) *Dose levels.* If a range finding study is performed because there are no suitable data available, it shall be performed in the same laboratory, using the same species, strain, sex, and treatment regimen to be used in the main study (guidance on dose setting is provided in the reference in paragraph (g)(9) of this section). If there is toxicity, three dose levels shall be used for the first sampling time. These dose levels shall cover a range from the maximum to little or no toxicity. At the later sampling time only the highest dose needs to be used. The highest dose is defined as the dose producing signs of toxicity such that higher dose levels, based on the same dosing regimen, would be expected to produce lethality. Substances with specific biological activities at low non-toxic doses (such as hormones and mitogens) may be exceptions to the dose-setting criteria and should be evaluated on a case-by-case basis. The highest dose may also be defined as a dose that produces some indication of toxicity in the bone marrow (e.g. a reduction in the proportion of immature erythrocytes

among total erythrocytes in the bone marrow or peripheral blood).

* * * * *

(f) * * *

(2) * * *

(ii) A test substance for which the results do not meet the criteria in paragraph (f)(2)(i) of this section is considered non-mutagenic in this test.

* * * * *

(3) *Test report.* The test report shall include the following information:

* * * * *

8. Section 799.9620 is amended by revising paragraph (e)(3)(ii) to read as follows:

§ 799.9620 TSCA neurotoxicity screening battery.

* * * * *

(e) * * *

(3) * * *

(ii) Positive control data from the laboratory performing the testing shall provide evidence of the ability of the observational methods used to detect major neurotoxic endpoints including limb weakness or paralysis, tremor, and autonomic signs. Positive control data are also required to demonstrate the sensitivity and reliability of the activity-measuring device and testing procedures. These data should demonstrate the ability to detect chemically induced increases and decreases in activity. Positive control groups exhibiting central nervous system pathology and peripheral nervous system pathology are also required. Separate groups for peripheral and central neuropathology are acceptable (e.g. acrylamide and trimethyl tin). Permanently injurious substances need not be used for the behavioral tests. Historical data may be used if the essential aspects of the experimental procedure remain the same. Periodic updating of positive control data is recommended. New positive control data should also be collected when personnel or some other critical element in the testing laboratory has changed.

* * * * *

[FR Doc. 99–16526 Filed 6–29–99; 8:45 am]
BILLING CODE 6560–50–F

DEPARTMENT OF COMMERCE

48 CFR Part 1352

[Docket No. 981202294–8294–01]
RIN 0605–AA13

Solicitation Provisions and Contract Clauses; Women-Owned Small Business Sources

AGENCY: Department of Commerce.
ACTION: Final rule.

SUMMARY: The Department of Commerce (Department) is removing a section of the Commerce Acquisition Regulation (CAR) pertaining to the Federal Acquisition Regulation (FAR) contract clause "Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan." The FAR contains requirements for where the clause "Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan" is required in solicitations and contracts. Since the CAR is intended to supplement and implement the FAR without paraphrasing or duplicating the FAR language, the Department is removing the section of the CAR which duplicates the FAR requirement.

EFFECTIVE DATE: This rule is effective July 30, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Lisa Jandovitz, 202–482–0202.

SUPPLEMENTARY INFORMATION: The Federal Acquisition Regulations System was established for the codification and publication of uniform policies and procedures for acquisition by all executive agencies. The Federal Acquisition Regulations System consists of the Federal Acquisition Regulation (FAR), which is the primary document, and agency acquisition regulations that implement the FAR. The Commerce Acquisition Regulation (CAR) is codified at 48 CFR chapter 13. The solicitation provisions and contract clauses are codified at 48 CFR part 1352. The CAR is intended to supplement and implement the FAR without paraphrasing or duplicating FAR language. Therefore, section 1352.219–1 of Title 48 is being removed because it duplicates the FAR clause in 48 CFR 52–219–9 as prescribed by 48 CFR 19.708(b). There is no change in the solicitation provisions and contract clauses that will be used by the Department.

Rulemaking Requirements

This rule was determined to be "not significant" for purposes of Executive Order 12866. This rule does not contain a collection of information for purposes of the Paperwork Reduction Act. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612. The Department finds good cause to issue this rule without notice of proposal rulemaking and the opportunity for public participation. These procedures are unnecessary for this technical amendment to remove duplicate language that is codified in the Federal Acquisition Regulation (FAR). Retaining the present language could be confusing to the public. The rule will have no effect on procurement policy or cost or administrative impact on contractors or offerors. Because a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 553) or any other law for this rule, the analytical requirements of the Regulatory Flexibility Act are not applicable.

List of Subject in 48 CFR Part 1352

Government contracts, Government procurement.

For the reasons set forth in the preamble, 48 CFR part 1352 is amended to read as follows:

PART 1352—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

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

Authority: 41 U.S.C. 418b.

1352.219–1 [Removed]

2. Remove section 1352.219–1.

Dated: June 21, 1999.

Christine Makris,

Director, Acquisition Policy and Programs.

[FR Doc. 99–16579 Filed 6–29–99; 8:45 am]
BILLING CODE 3510–EC–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304062–9062–01; I.D. 062399A]

Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for species that comprise the shallow-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA), except for vessels fishing for pollock using pelagic trawl gear in those portions of the GOA open to directed fishing for pollock. This action is necessary because the third seasonal apportionment of the 1999 halibut bycatch allowance specified for the trawl shallow-water species fishery in the GOA has been caught.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 4, 1999, until 1200 hrs, A.l.t., October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Pacific halibut bycatch allowance for the GOA trawl shallow-water species fishery, which is defined at § 679.21(d)(3)(iii)(A), was established by the Final 1999 Harvest Specifications of Groundfish for the GOA (64 FR 12094, March 11, 1999) for the third season, the period July 4, 1999, through September 30, 1999, as 200 metric tons.

In accordance with § 679.21(d)(7)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the third seasonal apportionment of the 1999 Pacific halibut bycatch allowance specified for the trawl shallow-water species fishery in the GOA has been caught. Consequently, NMFS is prohibiting directed fishing for the shallow-water species fishery by vessels using trawl gear in the GOA, except for vessels fishing for pollock using pelagic trawl gear in those portions of the GOA open to directed fishing for pollock. The species and species groups that comprise the shallow-water species fishery are: pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and "other species".

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to prevent overharvesting the third seasonal apportionment of the 1999 Pacific halibut bycatch allowance specified for the trawl shallow-water species fishery in the GOA. A delay in the effective date is impracticable and contrary to the public interest. The fleet has already taken the third seasonal bycatch allowance of Pacific halibut. Further delay would only result in the 1999 Pacific halibut bycatch allowance specified for the trawl shallow-water species fishery in the GOA being exceeded. NMFS finds for good cause that the implementation of this action can not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.21 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 23, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–16673 Filed 6–29–99; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 64, No. 125
Wednesday, June 30, 1999

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 AGRICULTURE

Food and Nutrition Service

7 CFR Parts 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, and 285

RIN 0584–AB90

Food Stamp Program: Revisions to the Retail Food Store Definition and Program Authorization Guidance

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement provisions of the Food Stamp Program Improvements Act of 1994 to revise the criteria for eligibility of firms to participate in the Food Stamp Program (FSP) as retail food stores, and to provide for notification to such firms of eligibility criteria for participation in the FSP. The intended effect of this proposed rule is to ensure that food stamp recipients continue to have adequate access to retail food stores where they can purchase a wide variety of nutritious food items, intended for home preparation and consumption, that meet their daily food needs, and to clarify procedures and eligibility requirements for authorizing participation in the FSP as a retail food store. This proposed rule also reinserts part of a sentence inadvertently removed from the regulations by an earlier rule, and replaces references to the Secretary of Health and Human Services with references to the Commissioner of the Social Security Administration.

DATES: Comments must be received by August 30, 1999 to be assured of consideration.

ADDRESSES: Comments should be addressed to Judy Love, Redemption Management Branch, Benefit Redemption Division, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, Virginia 22302–1594, or faxed to (703) 305–2418. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) in room 706, 3101 Park Center Drive, Alexandria, Virginia.

FOR FURTHER INFORMATION CONTACT: Questions regarding this rulemaking should be addressed to Judy Love at the above address or by telephone at (703) 305–2418.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be significant and was reviewed by the Office of Management and Budget under Executive Order 12866.

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule and related Notice to 7 CFR Part 3015 subpart V (48 FR 29115, June 24, 1983), this Program is excluded from the scope of the Executive Order 12372 which requires inter-governmental consultation with State and local officials.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612). Samuel Chambers, Jr., the Administrator of FNS, has certified that this rule does not have a significant economic impact on a substantial number of small entities, based on preliminary implementation data. It may, however, impact a small number of firms that do not effectuate the purposes of the FSP.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies that conflict with its provisions, or that would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the **EFFECTIVE DATE"** paragraph of this preamble. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted. In the Food Stamp Program the administrative procedures are as follows: (1) for Program benefit recipients—State administrative procedures issued under to 7 U.S.C. 2020(e)(10) and 7 CFR 273.15; (2) for State agencies—administrative procedures issued under to 7 U.S.C. 2023, and set forth in 7 CFR 276.7 (for rules related to non-quality control (QC) liabilities) or 7 CFR Part 283 (for rules related to QC liabilities); (3) for Program retailers and wholesalers—administrative procedures issued under to 7 U.S.C. 2023, and set forth in 7 CFR 278.8.

Unfunded Mandate Reform Act of 1995

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. Under section 202 of the UMRA, FNS generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local or tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires FNS to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates under the regulatory provision of Title II of the UMRA for State, local and tribal governments or the private sector of $100 million or more in any one year. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, this notice announces our intent to collect additional information on the application completed by retail food stores to request approval to participate in the Food Stamp Program (FSP) and to obtain approval for 3 years of the revised applications.

Comments on this notice must be submitted by August 30, 1999.

Comments are invited on: (a) whether the proposed collection of information is necessary for the performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Lori Schack, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20502 (a copy may also be sent to Judy Love, Redemption Management Branch, Benefit Redemption Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302. For further information, or for copies of the information collection, please contact Ms. Love at the above address.)

All responses to this notice will be summarized, included in the request for OMB approval, and become a matter of public record.

Title: Food Stamp Program Store Applications.

OMB Number: 0584–0008.

Type of Request: Revision of a currently approved collection.

Abstract: The Food and Nutrition Service (FNS) of the U.S. Department of Agriculture is the Federal agency responsible for the FSP. The Food Stamp Act of 1977, as amended (the Act) (7 U.S.C. 2011–2036), requires that the Agency determine the eligibility of firms and certain food service organizations to accept and redeem food stamp benefits and to monitor them for compliance and continued eligibility.

Part of FNS's responsibility is to accept applications from retail food establishments and meal service programs that wish to participate in the FSP, review the applications in order to determine whether or not applicants meet eligibility requirements, and make determinations whether to grant or deny authorization to accept and redeem food stamp benefits. FNS is also responsible for requiring updates to application information and reviewing that information to determine whether or not the firms or services continue to meet eligibility requirements.

There are currently 3 application forms approved under OMB No. 0584–0008. Together these forms are used by retailers, wholesalers, meal service providers, certain types of group homes, shelters, and state-contracted restaurants, to apply to FNS for authorization to participate in the FSP. Form FNS–252, Food Stamp Application For Stores is generally used by stores, excluding facilities which provide meal services such as communal dining, shelters, restaurant and other meal service programs, which are newly applying for authorization; Form FNS–252R, Food Stamp Program Application For Stores-Reauthorization is used by the majority of currently authorized stores to apply for reauthorization, excluding facilities which provide meal services such as communal dining, shelters, restaurants and other meal service programs; and Form FNS–252–2, Application to Participate in the Food Stamp Program for Communal Dining Facility/Others generally used by communal dining and restaurant facilities and other food service programs which are newly applying or applying for reauthorization. In a few cases, at the discretion of the FNS field offices, some stores would be required to complete Form FNS–252 to apply for reauthorization. Section 9(c) of the Act provides the necessary authorization(s) to collect the information contained in these forms. This proposed rule contains new eligibility requirements that result in changes to the application form(s).

Except for two of the new eligibility requirements (discussed later in this notice), the burden imposed by the new requirements have already been incorporated into Form FNS–252 and FNS–252R, as appropriate. On May 6, 1996, FNS published a notice for public comment on the revisions resulting from these new statutory requirements and associated burden estimates. The burden estimates and comments received were submitted to OMB. OMB approved the burden estimates through May 30, 1999. On October 15, 1996, FNS issued final rules (61 FR 53595) which implemented a new collection requirement for certain users of Form FNS–252–2. The appropriate notice soliciting comments on the revised estimates was contained in the preamble of that rule. Again, the burden estimates and comments were submitted to OMB. That submission to OMB included the May 1996 estimates and the October 1996 estimates, and were approved by OMB through October 31, 1999. This new notice announces our intent to revise the existing burden estimates approved by OMB through October 31, 1999 and obtain OMB approval for an additional 3 years based on proposed re-estimates of the existing burden using more recent data as well as estimates for new information collection that was not contained in the May 6, 1996 or October 15, 1996 notices for public comment.

We do not collect information on the number of FSP applications received annually. Current burden estimates associated with these 3 application forms are determined from information maintained in STARS (Store Tracking and Redemption System) based on the total number of currently authorized stores or the number of newly authorized stores. The number of expected applications is divided between initial applications from new applicants and applications for reauthorization from currently authorized stores.

We are proposing new burden estimates which: use more recent store authorization data; include burden estimates associated with new information collection contained in this proposed rule which was not included in the May 6, 1996 notice; and, include a correction in burden estimates to capture a change in application requirements for private restaurants that was inadvertently omitted from the hourly burden estimates when last submitted to OMB.

Adjustments—Re-estimates Based on More Recent Data and Corrections

For burden estimates associated with new applicants (initial authorizations), we used the number of stores (all types) newly authorized/approved currently estimated at 20,696 (rounded to 20,700) based on FY 1997 year-end data from STARS and inflated this number by 10% (2,070) to capture a total of 22,770 applications expected to be received and processed from stores annually. It is estimated that 98% (22,315) of the 22,770 applications expected to be received would be on Form FNS–252 and 2% (455 would be on Form FNS–252–2. Due to a technical correction discussed later in this section of the preamble, the number of expected applications would be further changed to reflect an expected total of 22,347 applications using Form FNS–252 and 423 applications using Form FNS–252–2.

For burden estimates associated with applications for reauthorization, we used the total number of stores (all types) authorized (184,300) as of December 1997. Generally, authorized stores are subject to reauthorization at least once every 4 years. Thus, it is

estimated that 25% (46,000) of all authorized stores would be subject to reauthorization in any given year. Using, the number of authorized stores as of December 1997, it is estimated that 46,000 reauthorization applications would be expected to be received annually. Of the 46,000 reauthorization applications expected, it is estimated that 96% (44,160) will be on Form FNS–252R, 3% (1,380) will be on Form FNS–252–2, and 1% (460) will be on Form FNS–252.

Hourly burden time per response varies by type of application and includes the time to review instructions, search existing data resources, gather and copy the data needed, complete and review the application, and submit the form and documentation to FNS. It should be noted that the number of applicant and authorized stores has been declining over the past few years due to several program changes, such as changes in eligibility requirements, stronger sanctions against violators, and implementation of Electronic Benefit Transfer systems. These declines have resulted in a reduction in the overall number of respondents and ultimately a reduction in the overall proposed burden hours reflected in the summary chart.

Currently, private restaurants applying for FSP participation in the State-administered special restaurant program use Form FNS–252–2 to apply for participation. This category of applicant represents about 7% of the number of current applicants using Form FNS–252–2. Over time, it has been determined that we need additional information from such private restaurants to ensure that they meet necessary requirements of operation to carry out the intent of the FSP. The additional information needed would be captured by having these respondents, estimated at about 32, complete Form FNS–252 rather than Form FNS–252–2. We estimate that these restaurants will spend an estimated 10 minutes of additional burden time using the longer Form FNS–252, however, this contributes to a negligible amount to the increase in the average hourly burden rate reflected in the chart on page 10 because the number of respondents is so small. This change is a technical correction rather than a re-estimate based on more recent data, and is reflected in the number of initial applications expected to be received as shown in the summary chart.

As currently approved by OMB, the hourly burden rate per response for Form FNS–252 is 20 to 68 minutes, with the average being 27 minutes and 10 to 20 minutes for Form FNS 252–2, with the average being 10 minutes. These hourly burden rates are not affected by the re-estimated number of applications expected to be received or the technical correction. However, previous estimates to OMB erroneously reflected the average burden time for Form FNS–252–2 as 10 minutes. The average time is 12 minutes and this correction appears in the proposed estimates in the summary chart.

Adjustments—New Information Collection—Proposed Rule

This proposed rule requires that retail food stores qualifying under criterion A offer for sale on a continuous basis a variety of foods in each of the 4 staple food categories: Bread/Cereals; Dairy Products; Fruits/Vegetables; and Meat/Poultry/Fish. Forms FNS–252 and 252R would be affected by this new information collection. Currently, stores simply use a check box entitled "Variety" on Forms FNS–252 and FNS–252R to indicate that they have more than one type of staple food within each of the 4 staple food categories listed. Under the proposed rules (§ 278.1(b)(1)(ii)(A)), stores would have to declare that they have a minimum of 3 different types of staple foods in each of the 4 staple food categories. To implement this change, we would make a simple change to the heading of the current check-box item. Hourly burden associated with this change is expected to be negligible, so no change is made in the estimate.

The proposed regulations (§ 278.1(b)(1)(ii)(B)) further provide that stores qualifying under criterion A have at least $30,000 in annual wholesale staple food purchases. We would add a Yes/No check-box question to Forms FNS–252 and FNS–252R to capture this information. Most stores will know their wholesale staple food purchases exceed $30,000 and will check this box. Those that do not know this information will incur an estimated additional 10 minutes (or .1667 hours) of burden time to assemble and analyze readily available store records such as wholesale inventory receipts. This requirement does not affect users of Form FNS–252–2 as these applicants are meal service providers, which are not subject to the new requirement, nor does it affect stores qualifying under Criterion B, which requires that 50 percent or more of a firm's sales must be in staple foods. We do not know how many stores would incur this additional burden on Forms FNS–252 and 252R. For the purpose of assessing burden, we are assuming that at least an estimated 5% (1,140) of the number of applications expected to be received annually using Form FNS–252 (22,807) would incur this additional burden. We further assume that at least an estimated 5% (2,208) of the number of reauthorization applications expected to be received using Form FNS–252R (44,160) would incur the additional burden.

The hourly burden time for users of Form FNS–252 is estimated to be 20 to 68 minutes, with the average being 27 minutes. The hourly burden time for users of Form FNS–252R is estimated to be 5 to 8 minutes, with the average being 7 minutes. The estimated additional 10 minutes of burden time associated with the new information collection requirements would increase the average burden time for the affected respondents to 37 minutes for Form FNS–252 and 17 minutes for Form FNS–252R. Thus, the overall average hourly burden rate for all users of these forms would change from 27 to 27.5 minutes for Form FNS–252 and from 7 to 7.5 minutes for Form FNS–252R as a result of the new requirements.

Total number of respondents completing at least one of the 3 applications in question, taking into consideration the adjustments discussed above, would be as follows:

FNS–252:			
New authorizations	–	22,347	(22,770 × .98 + 32).
Reauthorizations	–	460	(184,000 × .25 × .01).
	.....	22,807	
FNS–252–2:			
New authorizations	–	423	(22,770 × .02 – 32).
Reauthorizations	–	1,380	(184,000 × .25 × .03).
		1,803	
FNS–252R:			

Reauthorizations	–	44,160	(184,000 × .25 × .01 – 1,380 – 460).
Total Responses		68,770	

The existing estimates, as approved by OMB through May 1999 and shown on the following chart, reflect the total annual number of responses as 80,613 and the annual burden hours as 18,396. The proposed number of responses would be 68,700 with total burden hours of 16,333 hours. The net effect of the proposed burden estimates is an overall decrease in burden hours of 2,063 hours annually.

Affected Public: Food Retail and Wholesale Firms, Meal Service Programs, certain types of Group Homes, Shelters, and State-contracted Restaurants.

Estimated Number of Respondents: 68,770.

Estimated Number of Responses per respondent: 1.

Estimated Time per Response: 0.237501.

Estimated Total Annual Burden: 16,333.

SUMMARY OF PROPOSED BURDEN ESTIMATES FOR FORMS FNS–252, 252–2 AND 252R

Title	Number of respondents	Responses per respondent	Total annual responses	Burden hours per response	Total annual burden hours
Form FNS–252:					
Existing	26,431	1	26,431	.4500	11,894
Proposed	22,807	1	22,807	.4583	10,452
Difference	–3,624	1	–3,624	+.0083	–1,442
Form FNS–252–2:					
Existing	2,592	1	2,592	.1855	481
Proposed	1,803	1	1,803	.2000	361
Difference	–789		–789	+.0145	–120
Form FNS–252R:					
Existing	51,590	1	51,590	.1167	6,021
Proposed	44,160	1	44,160	.1250	5,520
Difference	–7,430		–7,430	+.0083	–501
Totals:					
Existing	80,613		80,613		18,396
Proposed	68,770		68,770		16,333
Difference	–11,843		–11,843		–2,063

Background

Sections 201 and 202 of the Food Stamp Program Improvements Act of 1994, Pub. L. 103–225, (hereinafter, Pub. L. 103–225), revised the eligibility requirements found in section 3(k)(1) of the Food Stamp Act of 1977, as amended, 7 U.S.C. 2011–2036 (hereinafter the Act) for firms participating in the Food Stamp Program (FSP) as retail food stores. Under the current provisions of the Act, as amended by Pub. L. 103–225, a firm to be eligible to participate as a retail food store, under section 3(k)(1) of the Act, must offer for sale a variety of staple foods for home preparation and consumption in each of four staple food categories, including perishable foods in at least two of the categories, or have the majority of its total gross sales in staple foods for home preparation and consumption.

Current food stamp regulations, implementing section 3(k)(1) of the Act, provide that, in order to participate in the FSP, a firm must have more than 50 percent of its eligible food sales volume in staple food items intended for home preparation and consumption. In 1992, when the Department began the periodic reauthorization of retail food stores, as authorized by the Food, Agriculture, Conservation, and Trade Act of 1990, Pub. L. 101–624, it was determined that a significant number of small retail food stores participating in the Food Stamp Program, under section 3(k)(1) of the Act, no longer met the required ratio of staple food sales to eligible food sales. Concern developed over the possibility that a massive withdrawal of these retail food stores, especially stores serving recipients in inner-cities and rural areas, could create a hardship for food stamp recipients throughout the country. Accordingly, in Pub. L. 103–225, Congress revised the eligibility criteria that firms must meet in order to obtain and maintain FSP authorization to participate as a retail food store.

H.R. Report No. 352, 103rd Congress (1993) (November 10, 1993, page 3), which accompanied Pub. L. 103–225, (hereafter Report 352), stated that the revised eligibility criteria were intended to allow stores that ". . . sell a wide range and high percentage of nutritious staple foods . . ." to continue participating in the FSP, to ensure ". . . that food stamp recipients have adequate access to retail food stores. . . ." That same report also stated that the revised definition of a retail food store in section 3(k)(1) was intended to " . . . bar marginal food stores from participating in the program. . . ."

Under current rules implementing section 3(k)(1) of the Act, a firm's eligibility is based on the ratio of staple food sales to eligible food sales. At section 3(g) of the Act, "eligible food" is defined as any food or food product intended for home consumption except alcoholic beverages, tobacco, hot foods, or hot food products ready for immediate consumption. Thus, under current rules, a firm could qualify as long as its staple food sales exceeded 50 percent of its total eligible food sales. This means, for example, that a liquor store that sells a variety of staple snack foods such as chips, crackers, cheeses and hors d'oeuvres, would qualify for authorization as long as the staple food sales exceeded eligible accessory food sales, including carbonated and uncarbonated non-alcoholic beverages, coffee, tea, cocoa, candy, condiments, and spices. This was true even though a store's food sales may have represented only a small portion of its business. Consequently, such marginal food stores have been allowed to participate in the FSP under current rules.

As noted, Report 352 states that the revised definition of a retail food store under Pub. L. 103–225 was intended to bar such marginal food stores from participating in the FSP. Congress amended section 3(k)(1) to require that firms sell a wide range or high percentage of staple foods in order to be eligible to participate as a retail food store. Thus, based on Pub. L. 103–225, this rule proposes that in order to qualify under section 3(k)(1) of the Act, as amended, a firm must either offer for sale an ample variety of staple foods for home preparation and consumption in each of the four staple food categories, including perishable foods in at least two of the categories, or have the majority of a its total gross sales in staple foods for home preparation and consumption. This would effectively bar many marginal food stores from participation, and at the same time, ensure that food stamp recipients have access to retail food stores that sell an ample variety of staple foods intended for home preparation and consumption.

Pub. L. 103–225 and this proposed rule are not intended to affect the current prohibition against the participation of certain types of firms that do not effectuate the purposes of the Food Stamp Program, as set forth in Report 352. This includes, but is not limited to, stores selling only accessory foods, such as spices, candy, soft drinks, tea, or coffee; ice cream vendors selling solely ice cream; specialty doughnut shops or bakeries not selling bread. Furthermore, this rule is not intended to affect and does not change current statutory restrictions on the participation of meal services, wholesalers or the special restaurant programs for the elderly, disabled, and the homeless.

Pub. L. 103–225 and this proposed rule restate the long-standing requirement that a qualifying firm under section 3(k)(1) of the Act must sell staple foods for home preparation and consumption. As set forth in section 1 of the Act, the purpose of the FSP is "to provide for improved levels of nutrition among low-income households." Further, as set forth in section 2, the FSP should "permit low-income households to obtain a more nutritious diet through normal channels of trade * * *" The policies and concepts proposed in this rule are based on the underlying principle that a qualifying firm under section 3(k)(1) of the Act must either sell an ample variety of staple foods for home preparation and consumption, or have the majority of its total gross retail sales in staple foods intended for home preparation and consumption.

In addition, Pub. L. 103–225 states that the Secretary must issue regulations providing for periodic notice to participating retail food stores and wholesale food concerns of the definitions of "retail food store," "staple foods," "eligible foods," and "perishable foods." The Department is proposing that this notification, at a minimum, be provided at the time of the initial authorization of a firm, as well as at the time a participating retail food store is reauthorized.

Finally, this proposed rule reinserts language that was inadvertently removed in a regulation published on December 27, 1996, titled "Revisions in Use and Disclosure Rules Involving the Sharing of Information Provided by Retail and Wholesale Concerns with Other Federal and State Agencies". The language, which allows the Department to disclose information about firms participating in the FSP for administration and enforcement purposes, would be added to the first sentence in § 278.1(q) of the FSP regulations. This is consistent with section 9(c)of the Food Stamp Act of 1977, as amended, and section 17 of the Child Nutrition Act of 1966.

Revisions in Definitions and Eligibility Criteria Involving Retail Food Stores (7 CFR 271.2 and 7 CFR 278.1)

Under current rules (7 CFR 271.2), a retail food store is defined as having more than 50 percent of its total eligible food sales in staple food sales intended for home preparation and consumption. Pub. L. 103–225 amended section 3(k)(1) of the Act and established two separate criteria, meeting either one of which, absent any other restriction, would qualify a firm to be eligible to accept and redeem food stamp benefits as a participating retail food store. This rulemaking proposes to implement changes to section 3(k)(1) of the Act required by Pub. L. 103–225, to revise the definition of "retail food store" and "staple foods" to conform to the statutory changes. It also would define four new terms—"continuous basis," "perishable," "total gross retail sales" and "variety of foods"—that are used in the revised definition of a retail food store.

Eligibility Requirements Under Criterion A

Criterion A, section 3(k)(1)(A) as amended by Pub. L. 103–225, is the first basis upon which a firm may qualify for participation in the FSP as a retail food store. Section 3(k)(1)(A) requires that an establishment or house-to-house trade route offer for sale, on a continuous basis, a variety of staple foods intended for home preparation and consumption in each of the four categories of staple foods, as specified in subsection (u)(1) of the Act, including perishable foods in at least two of the four categories.

The Department proposes to revise the definition of "staple food" contained in regulations at 7 CFR 271.2 to mean those items intended for home preparation and consumption in the following four categories: (1) meat, poultry, or fish; (2) bread or cereals; (3) vegetables or fruits; and, (4) dairy products. "Staple foods" do not include accessory food items such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments, and spices (section 3(u)(2) of the Act). The definition of "staple food" under current rules in 7 CFR 271.2 and in previous statutory language at section 3(k)(1) of the Act, described "staple food" as items for home preparation and consumption, such as meat, poultry, fish, bread, breadstuffs, cereals, vegetables, fruits, fruit and vegetable juices, dairy products and the like, but not including accessory food items, such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments, and spices.

Hot foods, by statute, continue to be ineligible for purchase with food stamps under this proposed rule, and therefore do not qualify as staple foods for the purpose of determining eligibility. Pub. L. 103–225 and this rule do not change the definition of "eligible foods" that can be purchased with food coupons.

The revised statutory definition of retail food store under this criterion includes four new terms—"variety of foods," "continuous basis," "perishable foods," and "total gross retail sales" (section 3(k)(1)(A) of the Act, as amended by Pub. L. 103–225). Firms that qualify to participate in the Food Stamp Program as a retail food store under Criterion A, must stock and offer for sale a variety of foods on a continuous basis in each of the four defined staple food categories, with perishable foods in at least two of those categories.

Variety of Foods

The Department proposes that the term "variety of foods" means that a qualifying firm must maintain no fewer than three different varieties of staple food items for home preparation and consumption in each of the four defined staple food categories, including perishable foods in at least two of those categories.

The Department further proposes that the term "variety of foods" should not be interpreted as meaning different brands, different types of packaging,

different package sizes, or similar food items with varying ingredients. The purpose of this is to ensure that food stamp recipients have a reasonable selection of foods from which to choose. For example, a store could not satisfy the dairy requirement under Criterion A by stocking only skim milk, whole milk, and chocolate milk, because these milks with varying ingredients would count as only one variety. Examples of processed foods with similar ingredients that would count as a single staple food variety for the purpose of determining store eligibility are: various types and brands of sausage (mild, spicy, low salt, low fat); breakfast cereals; sliced breads (white, wheat, rye, oat bran, and multi-grains); pasta sauces; and milk (low fat, flavored, canned, powdered). Examples of unprocessed foods that, because of their similarities, would count as a single staple food variety for the purpose of determining store eligibility are: different types of apples, lettuce, mushrooms, potatoes, cabbage, tomatoes, squash, or onions. The Department is particularly interested in receiving comments on this aspect of the proposed rulemaking.

In addition, the Department proposes that multi-ingredient food items intended for home preparation and consumption, such as macaroni and cheese, canned beef stew, cold pizzas or frozen dinners, would only be counted as one variety of staple food, which would normally be based on the main staple food ingredient as determined by the Department. For example, macaroni and cheese would be counted as only one variety, a pasta, and not a cheese or both pasta and cheese, because pasta is the main ingredient. The Department believes this proposal is needed for clarification purposes and to ensure more consistent application of the new retail store definition in determining a firm's eligibility. The Department also believes this proposal is reasonable and prudent and meets the intent of Congress in requiring eligible stores to sell a variety of staple foods. The Department invites comments regarding this criteria.

Continuous Basis

The stated purpose of the FSP in section 2 of the Act is to alleviate hunger and malnutrition and to permit low-income households to obtain a more nutritious diet. Report 352 states that "only food stores that carry an ample supply of food items in each category of staple foods would be authorized to accept and redeem food stamps." It is, therefore, important that authorized firms qualifying under section 3(k)(1) of the Act be able to provide food stamp households access to an ample variety of staple food items in sufficient amounts on a continuous basis. The Department proposes that one way to measure whether or not qualifying firms offer a sufficient depth of stock in staple foods on a continuous basis is to require that firms meet a minimum annual staple food wholesale purchase threshold, which would require verification of at least $30,000 in staple food wholesale purchases annually. Wholesale purchases are purchases of goods by retailers for resale to consumers. This threshold may be periodically adjusted. Participating stores would be notified in advance of any changes in the minimum annual staple food threshold. The Department seeks comments on its proposed threshold, as well as any alternative suggestions.

The Department proposes that a retail food store covered by section 3(k)(1) of the Act would not qualify under Criterion A if it failed to meet the minimum $30,000 in staple food wholesale purchases annually. New stores must meet this standard to be authorized, and all participating stores must continue to meet this standard in order to maintain their authorization. New stores may meet the standard through projections of, at least, $30,000 in staple food wholesale purchases annually.

As mentioned above, Congress revised the eligibility requirements in section 3(k)(1) of the Act in response to concerns that a number of small firms (particularly convenience type stores), were at risk of losing their authorization to accept food stamps. This concern was particularly evident in inner-cities and rural areas where the Department seeks to ensure that food stamp households have access to nutritious foods that are intended for home preparation and consumption. The department anticipates that because of the relatively few firms that may be negatively impacted by these requirements and the small quantities of staple foods that affected stores sell to recipients, their ineligibility will not cause hardship to food stamp households and the standard will continue to allow adequate recipient access to eligible staple food for home preparation and consumption.

Perishable Foods

The Department proposes that, for the purpose of this rule, the term "perishable foods" means frozen staple foods as well as fresh, unrefrigerated or refrigerated staple foods that have a turnover rate of approximately 2 to 3 weeks to ensure that optimal quality is maintained. Frozen food is included as a perishable because of the potential for frozen foods to deteriorate if they are maintained at temperatures above freezing for lengthy periods of time. Typically, perishable foods will spoil or suffer significant deterioration in quality within a 2–3 week period. Examples of perishable food items include fresh milk; fresh or frozen vegetables, fruits, breads, meats, and fish. Two or more staple food categories must include perishable foods. Congressional intent for this requirement, as referenced in Report 352, is to ensure "* * *adequate turnover of items in those categories* * *." which is evidence that a firm is a legitimate food store regularly in the business of selling food for home preparation and consumption under section 3(k)(1) of the Act.

Eligibility Requirements Under Criterion B

The eligibility requirements under this criterion, section 3(k)(1)(B) of the Act, are similar to current rules, but rather than requiring a firm to have more than 50 percent of its total eligible food sales in staple foods, it requires that more than 50 percent of its total *gross* retail sales be in staple food sales. A firm that meets the eligibility requirements of the first criterion (Criterion A) (absent other restrictions) would not be required to meet this second criterion (Criterion B) and likewise, a firm that meets the second criterion (absent other restrictions) would not be required to meet the first criterion.

The Department wishes to clarify that total gross retail sales means *all* retail sales of the firm, including food and non-food merchandise, as well as services such as rental fees, professional fees, and entertainment/sports/game income. However, the Department proposes that retail service fees directly connected to the processing of staple foods, such as raw meat, poultry or fish by the service provider, would be calculated as staple food sales under Criterion B. This is to ensure that specialty firms, such as those selling only meat, are not negatively impacted by the proposed retail food store definition if they derive a high percentage of their gross retail sales from services that are not staple food sales but are directly related to staple food sales, such as meat processing fees. These types of specialty firms generally offer reasonably priced staple foods and provide a valued service to food stamp recipients, and clearly effectuate the purposes of the FSP. The Department wishes to reiterate, however, that service charges such as rental fees, professional fees, and entertainment/

sports/games incomes are to be included in the computation of a firm's total gross retail sales.

Verification of Information

As set forth in Pub. L. 103–225, the Department proposes that verification of information (such as a firm's food sales data, wholesale purchasing receipts, and inventory records) that covers an appropriate period of time may be required to be provided by the firm to the Department to document compliance with eligibility criteria. Failure to provide this information when requested would result in the denial or withdrawal of authorization.

Recipient Hardship Consideration

Historically, FSP rules and the Act have only stipulated special recipient hardship exceptions in rare cases involving stores that have committed violations and face disqualification from program participation under section 278.6. This rule does not propose to create a new recipient hardship exception for applicant firms. The Department is, however, requesting comments regarding justification for such an exception.

Ineligible Stores

The changes proposed in this rulemaking are intended to allow continued FSP participation as a retail food store for firms that effectuate the purposes of the FSP and which meet either of the criterion under section 3(k)(1). In keeping with the intent of Congress, it is not the purpose of this proposed rulemaking to expand participation to entities that have not been allowed to participate in the past under section 3(k)(1). Thus, the Department wishes to reiterate that firms that are primarily restaurants would qualify to participate in the FSP only under the restrictions of the special, State administered restaurant programs that serve only special populations (the elderly, disabled or homeless food stamp recipients) at concessional prices. These programs are specifically provided for in section 3(g) of the Act. Therefore, at section 271.2, paragraph 4, the Department has proposed that firms having more than 50 percent of their total gross retail sales in hot or cold prepared foods that are not intended for home preparation and consumption, such as prepared sandwiches, prepared salads and individual cones or dishes of ice cream, that are consumed on the premises or sold for carryout, will continue to be ineligible under section 3(k)(1) (A) or (B) of the Act. This position is strongly supported by the manner in which the statute at section 3(k) was constructed and subsequently amended by Pub. L. 103–225. That is, section 3(k) sets forth 4 separate and distinct types of eligible firms. Firms described in sections 3(k)(2), (3) and (4) are clearly distinguishable from those covered in 3(k)(1) and are singled out for special treatment. Section 3(k)(2) covers, among other firm types, private restaurants by directly referencing entities cited in sections 3(g) (3), (4), (5), (7), (8), and (9), under the definition of "food." Clearly Pub. L. 103–225 amended only section 3(k)(1) and did not change the restrictions on the types of firms covered under sections 3(k) (2), (3) and (4).

Finally, the provisions in sections 3(g) (3), (4) and (9) of the Act under the definition of "food," permit private establishments (i.e., restaurants) to accept food stamps only from elderly, disabled or homeless individuals, and only if the establishment has a contract with an agency of the State to offer meals to such persons at concessional prices.

Periodic Notification to Stores

In accordance with the provisions and requirements set forth in section 202 of Pub. L. 103–225, this rule proposes that firms participating as retail food stores will be provided periodic notification of program eligibility criteria. In order to maintain program integrity, authorized retail food stores must fully understand and comply with regulatory requirements to continue to participate in the FSP. Thus, the Department proposes that when a new firm applies for authorization, it will routinely be provided with materials that lay out the criteria for authorization under section 3(k)(1) of the Act. In addition, FNS will provide this information when a participating retail food store receives its reauthorization notification, and at other times, upon request. These materials, at a minimum, will include the definitions of "retail food store," "eligible foods," "staple foods," and "perishable foods."

Request for Comments on Proposed Retail Food Store Eligibility Criteria

Because the statutory requirements were effective upon enactment, most of the changes in store eligibility criteria required by Pub. L. 103–225 have been implemented. The proposed wholesale purchase threshold used to define the continuous basis requirement under Criterion A is new and has not been implemented. The Department believes most firms that are otherwise eligible under Criterion A will meet this new proposed requirement. Some small stores that are currently eligible may not meet this proposed threshold; however, because these stores tend to sell primarily staple food items, they should easily qualify under Criterion B, which does not include such a threshold.

The Department projects that the overall impact of this proposed rule will not affect most stores currently participating in the Food Stamp Program. FNS data shows that 1.7 percent of all stores evaluated for reauthorization between October, 1993 and September, 1998, (2,866 out of 168,079 stores) failed to meet either Criterion A or B. The Department requests comments on the effects of this proposed rule, including costs and benefits.

List of Subjects

7 CFR Part 271

Administrative practice and procedure, Food stamps, Grant programs—social programs.

7 CFR Part 278

Administrative practice and procedure, Banks, Banking, Claims, Food stamps, Groceries—retail, Groceries, General line—wholesaler, Penalties.

Accordingly, 7 CFR parts 271 through 285 are proposed to be amended as follows:

PARTS 271–285—[AMENDED]

1. The authority citation for parts 271 through 285 is revised to read as follows:

Authority: 7 U.S.C. 2011–2036.

PART 271—GENERAL INFORMATION AND DEFINITIONS

2. In § 271.2:

a. The definitions of "retail food store" and "staple food" are revised to read as follows:

§ 271.2 Definitions.

* * * * *

Retail food store means: (1) An establishment or house-to-house trade route that sells food for home preparation and consumption displayed in a public area, and, either offers for sale on a continuous basis, a variety of foods in sufficient quantities in each of the four categories of staple foods including perishable foods in at least two such categories (Criterion A) as set forth in § 278.1(b)(1), or has more than 50 percent of its total gross retail sales in staple foods (Criterion B) as set forth in § 278.1(b)(1). Entities that have more than 50 percent of their total gross sales in hot and/or cold prepared, ready-to-eat foods that are intended for

immediate consumption either for carry-out or on-premises consumption, and require no additional preparation, are not eligible for FSP participation as retail food stores under § 278.1(b)(1);

(2) An entity with indicators which may be used to establish that a firm is a legitimate retail food store. These include, but are not limited to, the following: a firm's marketing structure; appropriate retail business licenses; the posting of prices, and the accessibility of food items offered for sale; and

(3) An entity that meets this definition of retail food store as determined by visual inspection, sales records, wholesale purchase records, counting of stockkeeping units, or other inventory or accounting recordkeeping methods that are customary or reasonable in the retail food industry.

* * * * *

Staple food means those food items intended for home preparation and consumption in each of the following food categories: meat, poultry, or fish; bread or cereals; vegetables or fruits; and dairy products. Commercially processed foods and prepared mixtures with multiple ingredients shall only be counted in one staple food category. For example, foods such as cold pizza, macaroni and cheese, multi-ingredient soup, or frozen dinners, shall only be counted as one staple food item and will normally be included in the staple food category of the main ingredient as determined by FNS. Hot foods are not eligible for purchase with food stamps, and therefore do not qualify as staple foods for the purpose of determining eligibility under § 278.1(b)(1). Accessory food items including, but not limited to, coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments, and spices shall not be considered staple foods for the purpose of determining eligibility of any firm. However, accessory foods that are offered for sale in authorized retail food stores are eligible food items to be purchased with food stamp benefits.

* * * * *

PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND INSURED FINANCIAL INSTITUTIONS

3. In § 278.1:

a. Paragraphs (b)(1)(i) and (b)(1)(ii) are revised;

b. Paragraph (b)(1)(iii) is redesignated as paragraph (b)(1)(v) and revised;

c. Paragraph (b)(1)(iv) is redesignated as paragraph (b)(1)(vi) and a heading is added;

d. New paragraphs (b)(1)(iii) and (b)(1)(iv) are added;

e. The first sentence of paragraph (q) introductory text is revised and a new sentence is added after the first sentence.

f. Paragraph (q)(3)(iii) is amended by removing the words "Secretary of Health and Human Services" wherever they appear, and adding in their place the words "Commissioner of the Social Security Administration"; and,

g. A new paragraph (t) is added.

The revisions and additions read as follows:

§ 278.1 Approval of retail food stores and wholesale food concerns.

* * * * *

(b) *Determination of authorization.* * *

(1) *The nature and extent of the food business conducted by the applicant.* (i) *Retail food store.* An establishment or house-to-house trade route shall normally be considered to have food business of a nature and extent that will effectuate the purposes of the program if they sell food for home preparation and consumption and meet one of the following criteria:

(A) offer for sale, on a continuous basis, a variety of qualifying foods in each of the four categories of staple foods as defined in § 271.2 of this chapter, including perishable foods in at least two of the categories; or

(B) have more than 50 percent of the total gross retail sales of the establishment or route in staple foods; and

(C) eligibility determination may be based on, but not limited to, visual inspection, sales records, purchase records, counting of stockkeeping units, or other inventory or accounting recordkeeping methods that are customary or reasonable in the retail food industry. In determining eligibility such information may be requested for verification purposes, and failure to provide such documentation may result in denial or withdrawal from the FSP.

(ii) *Application of Criterion A.* In order to qualify under this criterion, firms shall:

(A) Offer for sale and displayed in a public area, qualifying staple food items on a continuous basis, evidenced by having on any given day, no fewer than three different varieties of food items in each of the four staple food categories;

(B) Meet a minimum annual staple food wholesale purchase requirement of $30,000 which may be shown through business records such as, but not limited to, wholesale purchase receipts or sales records, or by visual inspections. Failure to provide verifying information when requested shall result in the denial or withdrawal of authorization. Wholesale purchases are purchases of goods by retailers for resale to consumers. For new firms, this minimum annual staple food wholesale purchase requirement may be met by business projections. This minimum annual staple food wholesale purchase requirement may be periodically adjusted after advance notification to participating firms of such a change;

(C) Offer for sale perishable staple food items in at least two staple food categories. Perishable foods are items which are either frozen staple food items or fresh, unrefrigerated or refrigerated staple food items that will spoil or suffer significant deterioration in quality within 2–3 weeks;

(D) Variety of foods is not to be interpreted as different brands, different nutrient values, different varieties of packaging, or different package sizes. Similar processed food items with varying ingredients such as, but not limited to, sausages, breakfast cereals, milk, sliced breads, and cheeses, and similar unprocessed food items, such as, but not limited to, different varieties of apples, cabbage, tomatoes, or squash, shall not be considered as more than one staple food variety each for the purpose of determining variety. Multiple ingredient food items intended for home preparation and consumption, such as, but not limited to, cold pizza, macaroni and cheese, soup, or frozen dinners, shall only be counted as one staple food variety each and will normally be included in the staple food category of the main ingredient as determined by the FNS; and

(E) Failure to stock and offer for sale staple food items as required under paragraph (b)(1)(ii) of this section shall result in the store not meeting Criterion A.

(iii) *Application of Criterion B.* In order to qualify under this criterion, firms must have more than 50 percent of their total gross retail sales in staple food sales. Total gross retail sales must include all retail sales of a firm, including food and non-food merchandise, as well as services, such as rental fees, professional fees, and entertainment/sports/games income. However, a fee directly connected to the processing of staple foods, such as raw meat, poultry or fish by the service provider, shall be calculated as staple food sales under Criterion B.

(iv) *Ineligible firms.* Firms that do not meet the eligibility requirements in this section or that do not effectuate the purpose of the FSP shall not be eligible for program participation. New applicant firms that are found to be ineligible will be denied authorization for program participation and

authorized retail food stores found to be ineligible will be withdrawn from program participation. Ineligible firms under this paragraph (b)(1)(iv) include, but are not limited to, stores selling only accessory foods, including spices, candy, soft drinks, tea, or coffee; ice cream vendors selling solely ice cream; and specialty doughnut shops or bakeries not selling bread. In addition, firms that are considered to be restaurants, that is, firms that have more than 50 percent of their total gross retail sales in hot and/or cold prepared foods not intended for home preparation and consumption, shall not qualify for participation as retail food stores under Criterion A or B. This includes firms that primarily sell prepared foods that are consumed on the premises or sold for carryout. This does not, however, change the eligibility requirements for the special restaurant programs that serve the elderly, disabled, and homeless populations, as set forth in paragraph (d) of this section.

(v) *Wholesale food concerns.* Wholesale food concerns, the primary business of which is the sale of eligible food at wholesale, and which meet the staple food requirements in paragraph (b) of this section, shall normally be considered to have adequate food business for the purposes of the program, provided such concerns meet the criteria specified in paragraph (c) of this section.

(vi) *Co-located wholesale food concerns.* * * *

* * * * *

(q) *Use and disclosure of information provided by firms.* With the exception of EINs and SSNs, any information collected from retail food stores and wholesale food concern, such as ownership information and sales and redemption data, may be disclosed for purposes directly connected with the administration and enforcement of the Food Stamp Act and these regulations, and can be disclosed to and used by State agencies that administer the Special Supplemental Food Program for Women, Infants and Children (WIC). Such information may also be disclosed to and used by Federal and State law enforcement and investigative agencies for the purpose of administering or enforcing other Federal or State law, and the regulations issued under such other law.* * *

* * * * *

(t) *Periodic notification.* The FNS will issue periodic notification to participating retail stores and wholesale food concerns to clarify program eligibility criteria, including the definitions of "retail food store", "staple foods", "eligible foods", and "perishable foods". At a minimum, such information will be provided to stores at the time of authorization, reauthorization and upon request.

Dated: June 18, 1999.

Shirley R. Watkins,

Under Secretary, Food, Nutrition and Consumer Services.

[FR Doc. 99–16501 Filed 6–29–99; 8:45 am]

BILLING CODE 3410–30–U

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

Release of Solid Materials at Licensed Facilities: Issues Paper, Scoping Process for Environmental Issues, and Notice of Public Meetings

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for comment on issues paper and scoping process, and notice of plans for public meetings.

SUMMARY: The Nuclear Regulatory Commission (NRC) is considering a rulemaking that would set specific requirements on releases of solid materials in order to establish a regulatory framework more consistent with existing NRC requirements on air and liquid releases. The NRC is seeking early public input on the major issues associated with such a rulemaking, including conducting a scoping process related to the scope of environmental impacts. To aid in that process, the NRC is requesting comments on the issues discussed in this notice. NRC also intends to conduct four public meetings beginning in August of this year. This document provides background and topics of discussion for those meetings.

DATES: Submit comments by November 15, 1999. Comments received after this date will be considered if it is practicable to do so, but the Commission is able to assure consideration only for comments received on or before this date.

In addition to providing opportunity for written (and electronic) comments, public meetings on the issues paper and scoping process will be held as follows:

August 4–5, 1999—Chicago, Illinois, 8:30 am–5 pm, Hyatt Regency McCormick Place, 2233 South Martin Luther King Dr, Chicago, Illinois

September 15–16, 1999—San Francisco, California, 8:30 am–5 pm Radisson Miyako Hotel, 1625 Post Street, San Francisco, California

October 5–6, 1999—Atlanta, Georgia, 8:30 am–5 pm, Crown Plaza Atlanta Powers Ferry, 6345 Power Ferry Road NW, Atlanta, Georgia

November 1–2, 1999—Rockville, Maryland, 8:30 am–5 pm NRC Auditorium, 15545 Rockville Pike, Rockville, Maryland

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Rulemaking and Adjudications staff.

Deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking website through the NRC home page (*http://www.nrc.gov*). This site provides the capability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, (301) 415–5905 (*e-mail: CAG@nrc.gov*).

Copies of any comments received may be examined at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Frank Cardile, telephone: (301) 415–6185; e-mail: fpc@nrc.gov, Office of Nuclear Material Safety and Safeguards, USNRC, Washington DC 20555–0001. Specific comments on the public meeting process should be directed to Chip Cameron; e-mail *fxc@nrc.gov*, telephone: (301) 415–1642; Office of the General Counsel, US NRC, Washington DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Background

Unlike for air and liquid releases, the Commission currently has no specific regulatory requirements regarding release of solid materials. Even though the NRC does not have requirements in this area, it still receives requests from licensees for release of solid materials which it must evaluate on a case-by-case basis using existing guidance or case-specific criteria. Solid materials include metals, concrete, soils, equipment, furniture, etc., present at licensed nuclear facilities. To provide consistency in its regulatory framework for releases of all materials, the Commission is considering a rulemaking that would set specific requirements for release of solid materials.

The NRC is supplementing its standard rulemaking process by conducting enhanced public participatory activities including facilitated public meetings, before the start of any formal rulemaking process, to solicit early and active public input

on major issues associated with release of solid materials. The NRC will also utilize its website to disseminate information and solicit input.

As a first step, the NRC has prepared an issues paper that describes issues and alternatives related to release of solid materials. The intent of this paper is to foster discussion about these issues and alternatives before a rulemaking to set standards would begin. The content of the issues paper is contained in Section III. It is noted in Section III that NRC would evaluate environmental impacts of alternative courses of action in an EIS in any rulemaking conducted. To assist in that process, this notice is also announcing a process for developing the scope of an EIS, i.e., a "scoping process." Specific discussion of the scoping process is contained in Section IV of this notice. The principal issues discussed in the issues paper and in regard to the scoping process are the same and the Commission believes that it is beneficial to seek comment and hold discussions on both at the same time to best utilize and coordinate available expertise and input. The discussions presented in Sections III and IV provide background and topics of discussion that will be the subject of the public meetings.

II. Request for Written and Electronic Comments and Plans for Public Meetings

The NRC is soliciting comments on the items presented in the issues paper in Section III and the scoping process in Section IV. Comments may be submitted either in writing or electronically as indicated under the **ADDRESSES** heading. In addition to providing an opportunity for written comments, the NRC is holding facilitated public meetings at four different geographical locations on the issues discussed in Sections III and IV between August and November 1999 (see the **DATES** heading of this notice for the dates and locations of these meetings). The written public comment period will extend until after the last public meeting is held.

Based on the comments received both in written and electronic form, and at the public meetings, the Commission will decide whether to proceed with development of a proposed rule or take some other regulatory action. If the Commission decides to proceed further with a proposed rulemaking, any proposed rules will be published in the **Federal Register** for public review and comment.

III. Issues Paper on Release of Solid Materials at Licensed Facilities

Introduction

To provide consistency in its regulatory framework for releases of materials, the Commission is considering a rulemaking that would set specific requirements for release of solid materials. This section describes issues and alternatives related to the release of solid materials and is intended to foster discussion about these issues and alternatives before a rulemaking would begin.

Section A of this section describes some general considerations related to rulemaking, potential Commission actions, and the enhanced participatory process. Section B of this section discusses the major issues that would be associated with a rulemaking and also discusses various alternatives for proceeding.

A. Background

A.1 Current NRC Policies

A.1.1 Inconsistency of NRC regulations covering releases from licensed facilities

The NRC has the statutory responsibility for the protection of health and safety related to the use of source, byproduct, and special nuclear material under the Atomic Energy Act. A principal method of meeting this responsibility is through the body of regulations codified in Title 10, Chapter I, of the Code of Federal Regulations (10 CFR, Chapter I). The regulations in 10 CFR, Chapter I, have been developed using a rulemaking process that provides the opportunity for public review and comment under the Administrative Procedure Act and includes the analysis of costs and benefits and environmental impacts, and considers factors related to paperwork reduction. Agreement States administer equivalent programs applying equivalent regulations.

The Commission's regulations that set standards for protection of the public against radiation appear in 10 CFR Part 20. These regulations limit the radiation exposure (or "dose") that a member of the public can receive from the operation and decommissioning of an NRC-licensed activity, and also require that doses received are "as low as is reasonably achievable (ALARA)". The NRC has used the criteria on public dose limits and ALARA requirements in Part 20 (Sections 20.1301 and 20.1101, respectively) to establish limits in Table 2 of Appendix B of Part 20 on the amount of radioactivity in gaseous and liquid releases that may be released from a nuclear facility to the environment.

However, unlike the regulations applicable to gaseous and liquid releases from a licensed nuclear facility, there are no current specific criteria in Part 20 governing releases of solid materials by licensees, although there are some regulations [1] that cover the release of certain materials. Therefore, if a licensee requests approval of release of solid material, the NRC must consider the request on a case-by-case basis using existing regulatory guidance, license conditions, NRC Branch Technical Positions, etc.

The Commission recently amended its regulations in Part 20 (Subpart E) to establish criteria for unrestricted use of facility structures and lands at a decommissioned site (July 21, 1997; 62 FR 39058). Subpart E of Part 20 is focused on protection of persons entering and using decommissioned structures and lands at a site after a nuclear facility terminates its NRC license, but does not otherwise address release of solid material.

A.1.2 Solid materials potentially available for release

Solid materials include metals, building concrete, onsite soils, equipment, furniture, etc., that are present at, and/or used in, licensed nuclear facilities during routine operations. Most of this material will have no radioactive contamination, although some materials can have radioactive contamination either on their surfaces or distributed within their volumes. Contamination can be distributed in the volume of materials because: (1) they are relatively porous (e.g., soil) allowing contamination to spread into the material; (2) they become radioactive through activation; or (3) a recycling process (e.g., metal melting) can cause contamination that was previously on the surface of a piece of equipment to become distributed throughout its volume. The amount of contamination that a material has, if any, depends largely on the type of licensee involved and its location in the facility:

(a) For most NRC licensees, solid materials have no contamination because these licensees use sealed sources in which the radioactive material is encapsulated. These include small research and development facilities and industrial use of various

[1] For example, 10 CFR 20.2005, 35.92, and 36.57(e). In addition, 10 CFR 40.51 and 40.13 contain transfer or unimportant quantities provisions, respectively, which are the subject of a separate Commission-directed initiative on Part 40 and are outside the scope of this effort.

devices including gauges, measuring devices, and radiography.

(b) For other licensees (which includes nuclear reactors, manufacturing facilities, larger educational or health care facilities including laboratories, etc.), material generally falls into one of three groups based on its location or use in the facility:

(1) *Clean or unaffected areas of a facility*—The solid material in these areas would likely have no radioactive contamination resulting from licensed activities. These areas could include hospital waiting rooms, university office space in a laboratory, or metal ventilation ducts in the control room of a reactor facility.

(2) *Areas where licensed radioactive material is used or stored*—The material in these areas can become contaminated although the levels may likely be very low, or it may have none, because of contamination control procedures required at facilities licensed by the NRC. This could include material in certain laboratory areas in a university or hospital, or in certain buildings of a reactor facility.

(3) *Material used for radioactive service in the facility, or located in contaminated areas or in areas where activation can occur*—These materials generally have levels of contamination that would not allow them to be candidates for release unless they are decontaminated.

A.1.3 *Current NRC case-by case review of licensee requests for release of solid material*

Even though the NRC does not currently have specific criteria in Part 20 covering release of solid materials, licensees have made, and will likely continue to make, requests for release of solid material when it becomes obsolete or defective or when their facility is decommissioned. For material from clean or unaffected areas, knowledge of site radiological history is an important factor in determining whether the material is contaminated. The NRC evaluates requests for release on a case-by-case basis using either the table of surface contamination criteria in Regulatory Guide 1.86, "Termination of Operating Licenses for Nuclear Reactors," or other case-specific criteria for compliance with Part 20 requirements.

(a) *Regulatory Guide 1.86.* This guide, which was developed by the Atomic Energy Commission in 1974, provides a table of *Acceptable Surface Contamination Levels* for various radionuclides, including natural and enriched uranium, transuranics, and fission products. These surface contamination levels are stated in terms of measurable radioactivity levels (observed disintegrations per minute per 100 square centimeters of surface area), the values of which were based principally on the detection capabilities of readily available instrumentation at the time the guide was developed. The surface contamination levels were not based on the potential dose to an individual that may result from coming in contact with the released materials although such exposure is estimated to be low. Regulatory Guide 1.86 does not contain dose criteria. For some situations, the NRC will incorporate the values in the table in Regulatory Guide 1.86 into the license conditions of a facility.

(b) *Allowance of release if there are no detectable levels of radioactive contamination from licensed activities above background in the material.* Regulatory Guide 1.86 only addresses materials having surface contamination; it does not cover volumetric contamination. For some situations, the NRC allows release of volumetrically contaminated solid material if survey instrumentation does not detect radioactivity levels above background. This does not mean that the material is released without any radioactive contamination present on or in it; instead, it means that the material may be released with very low amounts of contamination that is not detectable with appropriate survey instruments. This method provides inconsistent and generally unsatisfactory licensing guidance because different survey instruments have different levels of detection. This can lead to disagreements and confusion over permissible levels of release and nonuniform levels of protection.

(c) *Use of 10 CFR 20.2002.* Licensees may request specific approval to dispose of materials containing low levels of licensed material in other than a licensed low-level waste disposal site in accordance with requirements in 10 CFR 20.2002. Section 20.2002 requires licensees to describe the material to be released and evaluate the doses that would result. Use of this approach requires case-specific NRC review and evaluation of the situation, which in the past has been used to authorize various releases of contaminated material.

A.2 NRC Actions To Address Inconsistency in Release Standards by Considering Rulemaking on Release of Solid Materials

A.2.1 Commission direction to consider rulemaking

Based on the issues and concerns described in Section A.1, the Commission, on June 30, 1998, directed the staff to consider rulemaking to establish a dose-based standard for release of solid materials so that licensee considerations and NRC review of the disposition of slightly contaminated solid materials are conducted in a consistent manner that protects public health and safety. The Commission also directed the NRC staff to include an opportunity for enhanced public participation, including use of NRC's Internet home page to solicit comments. This issues paper is the first step in soliciting views on major issues in this area.

A.2.2 Potential Alternative Courses of Action

Before conducting a rulemaking, the NRC generally considers alternative courses of action. Two broad alternatives that the NRC could consider are not doing a rulemaking (i.e., continue with the current practice of case-by case reviews) or developing a rulemaking for release of solid materials. If the NRC decided to proceed with rulemaking, it could:

(1) Permit release of solid materials for unrestricted use if the potential doses to the public from unrestricted use of the material were less than a specified level determined during the rulemaking process. Unrestricted use could result in recycle or reuse of the material in consumer products or industrial products, or disposal of the material as waste in landfills. Release of solid materials for unrestricted use is also referred to as "clearance", but for the purposes of this issues paper, the term "release for unrestricted use" is generally used.

(2) Restrict release of solid materials to only certain authorized uses. For example, future use of the material could be restricted to only certain industrial uses where the potential for public exposure is small.

(3) Do not permit either unrestricted or restricted release of solid material that has been in an area where radioactive material has been used or stored, and instead require all such materials to go to a licensed low-level waste (LLW) disposal facility.

In evaluating these alternatives, the NRC would consider potential human health and environmental impacts and

economic aspects associated with each alternative.

A.3 Current Policies of International Agencies, Other Federal Agencies, State Governments and Other Standards Setting Bodies Regarding Releases of Solid Materials

In considering rulemaking alternatives, the NRC would consider policies and precedents set by other nations and international agencies, by other Federal agencies, by States, and by other standards setting bodies.

International Efforts. There is considerable effort by other nations and by international agencies, such as the International Atomic Energy Agency (IAEA), to set standards in this area. Consistency with standards set by other nations and international agencies is important because materials can be both imported and exported between the U.S. and other countries and differing standards could create confusion and economic disparities in commerce. The generally accepted term in the international community for release of materials for unrestricted use is "clearance."

Individual countries, including Germany, France, Finland, Sweden, Taiwan, and the United Kingdom, have developed national guidance for clearance of materials. The standards in these guidance documents correspond fairly well. Two major international radiation protection organizations, the IAEA and the Commission of European Communities (CEC) have developed draft standards containing clearance levels for individual radionuclides. The NRC, the Environmental Protection Agency (EPA), and the Department of Energy (DOE) generally provide input and review on behalf of the U.S. in development of IAEA and CEC standards. Both sets of standards are based on a 0.01 millisievert (mSv) per year (1millirem (mrem) per year) annual dose which is broadly accepted as a trivial dose. Documents published by IAEA that document the development of their draft standards include Safety Series 89, "Principles for the Exemption of Radiation Sources and Practices from Regulatory Control," (1998), and IAEA-TECDOC–855, "Clearance Levels for Radionuclides in Solid Materials (Interim Report)."

One intended application of IAEA's proposed clearance levels is related to international trade, for example the import and export of scrap metals.

U.S. Environmental Protection Agency. The EPA, although not a regulator of licensees, is responsible for setting generally applicable environmental standards for radioactive materials under the Atomic Energy Act. The NRC, in regulating its licensees, implements environmental standards that EPA promulgates in the area of radiation protection. In the absence of EPA standards in a particular area, for example in the area of release of solid materials, the NRC has the authority to set radiation protection standards for its licensees. This can cause potential problems with the finality of NRC licensing decisions if EPA later issues standards in a particular area that are different from regulations that NRC has previously issued. Thus, it is important for the NRC to involve EPA closely in developing its standards.

In addition, as noted later in Section B (Issue No.2, under "Factors in decisionmaking"), the EPA has completed studies on environmental impacts of clearance of materials. The NRC and EPA have, and plan to continue to have, coordinated efforts in this area to ensure that effective and consistent release standards are established, while minimizing duplication of effort. In particular, the NRC and EPA, along with other Federal agencies, work together on the Interagency Steering Committee on Radiation Standards to coordinate their efforts on issues associated with establishing criteria for radiation protection. Accordingly, the EPA will not only be an important participant in the NRC rulemaking public meetings, but the NRC also plans to consult extensively with EPA throughout the rulemaking process and has invited EPA to be a member of the NRC working group.

In setting generally applicable environmental standards, EPA sets standards for a wide range of materials, including some which contain naturally occurring radioactive materials that have been enhanced as a result of man-made processes. A material that has been made exempt from regulation (see 40 CFR 261.4(b)(4)) is the ash from burning coal in power plants that has concentrated levels of radioactive materials (e.g., uranium, radium, thorium). Under this exemption, coal ash is allowed to be used in building materials; the radioactive material in the coal ash can result in small radiation doses to the general public as a result of its use. The dose level from use of exempted coal ash could be viewed as a precedent or benchmark for possible NRC release levels.

EPA is currently active in the development of screening guidelines for import into the U.S. of materials cleared in other countries. EPA has been working with the NRC and other Federal and international agencies. The importing of contaminated materials cleared by other countries into the U.S., which does not have in place generally applicable standards for this purpose, raises questions about the regulatory status of these materials after they enter the U.S.

U.S. Department of Energy. The DOE operates a number of nuclear facilities. Although generally not licensed by the NRC, the DOE faces issues concerning the disposition of materials from its facilities similar to those faced by NRC licensees.

In response to these needs, DOE has developed criteria for release of solid materials. These criteria generally endorse the numerical criteria of Regulatory Guide 1.86. The DOE criteria are contained in DOE Order 5400.5, Radiation Protection of the Public and the Environment, dated February 8, 1990 (and revised in 1993) and in the *Draft Handbook for Controlling Release for Reuse or Recycle of Non-Real Property Containing Residual Radioactive Material* (June 1997).

If the NRC issues a regulation containing criteria for release of solid materials, decisions would have to be made by DOE as to whether DOE would in the interest of consistency adopt the standards in the NRC regulation, or if DOE decides to release solid materials would NRC be required to authorize distribution of that material.

State governments. States face the same issues and needs that the NRC does and must also consider issues associated with release of naturally-occurring and accelerator produced materials (NARM). The Conference of Radiation Control Program Directors (CRCPD), an organization of state radiation agencies that develops suggested regulations, has established a committee to look into issues associated with release of solid materials.

Thirty States have entered into agreements with the NRC to assume regulatory authority over byproduct, source, and small quantities of special nuclear material. These "Agreement States" generally use NRC guidance such as that contained in Regulatory Guide 1.86 or similar guidance, in their regulatory programs.

In a related matter, Section 2901(a) of the Energy Policy Act of 1992 (Section 276(a) of the Atomic Energy Act) grants State governments (Agreement and non-Agreement States alike) the authority to regulate the disposal of low-level radioactive waste if the NRC exempts such waste after the enactment of Act. Several States and locales have, both prior to and subsequent to, passage of the Act established prohibitions against the disposal of radioactive material in

landfills. The implications of Sec. 276(a) on NRC's potential alternative courses of action noted in Section A.2 above are unclear and may depend on the ultimate nature of any rulemaking that NRC undertakes.

Other standards setting bodies. Various other organizations are involved in setting standards which can impact decisions related to alternative courses of action for release of solid materials.

One of those organizations is the National Council on Radiation Protection and Measurements (NCRP). The NCRP is a nonprofit corporation chartered by the U.S. Congress to review current significant studies made by other health research bodies, to develop and disseminate information and recommendations about protection against radiation, and to cooperate with national and international organizations with regard to these recommendations. The NCRP has made recommendations in its report NCRP No. 116 regarding acceptable levels of radiation exposure to the public, including levels considered to present trivial health risk.

In addition, various industry groups (e.g., the American National Standards Institute (ANSI)) set standards regarding a variety of areas including equipment design and operation, facility maintenance, and contamination levels in radioactive effluents. NRC must be cognizant of activities in these areas because Public Law 104–113 (passed by Congress in 1995) requires Federal agencies to use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical.

A.4 Previous Commission Efforts to Address Release of Solid Materials

The Commission previously sought to address considerations related to release of solid materials as a part of its issuance of a Below Regulatory Concern (BRC) Policy Statement on July 3, 1990 (55 FR 27522). BRC was an approach proposed by NRC to address a Congressional directive in the Low-Level Radioactive Waste Policy Amendments Act of 1985. The BRC Policy was a general statement of Commission policy and was intended to provide a broad decision framework for formulating rules or making licensing decisions to exempt from regulatory control certain practices involving small quantities of radioactive material. The BRC Policy was envisioned to have applicability in NRC rulemaking and guidance in four principal areas, one of which was setting a standard for release of solid materials for recycle. The Commission decided that a more extensive public involvement process in establishing these areas would be beneficial and hence instituted a moratorium on the BRC Policy in July 1991. Subsequently, in October 1992, the U.S. Congress enacted the Energy Policy Act of 1992 which revoked the BRC Policy Statement.

The NRC's current efforts differ from those associated with the BRC Policy in several ways. Unlike the broad policy-setting approach of the BRC policy, the NRC's current effort is focused on considering establishment of specific requirements for release of solid materials, which protect public health and safety, consistent with the existing framework of requirements in Part 20 for gaseous and liquid releases. As discussed in Section A.2, this would include a full assessment of potential scenarios and pathways for radiation exposure and an evaluation of the environmental impacts and cost-benefit basis of alternative approaches. In addition, the NRC would enhance participation in the rulemaking process through public meetings for interested parties. Any decisions made regarding release of solid materials at this time would be made through rulemaking and not through a policy statement.

A.5 Potential NRC Actions, Enhanced Public Participation and Public Meetings, and Preparation of Issues Paper

Generally, NRC's procedure in rulemaking is the NRC staff development of a proposed rule, Commission consideration, publication of the proposed rule for public comment, consideration of the comments by the NRC staff, preparation of a final rule, Commission review and approval, and publication of the final rule. As directed by the Commission, the NRC staff plans to enhance public participation in this process by conducting public meetings before any rulemaking would begin. The public meetings are planned to elicit informed discussions of options and approaches and the rationale for them. Although these public meetings are not designed to seek "consensus" in the sense that there is agreement on the issues, the public meetings are to be conducted at a very early stage of rulemaking to involve interested parties and the public with the following objectives: (a) to ensure that the relevant issues have been identified; (b) to exchange information on these issues; (c) to identify underlying concerns and areas of disagreement, and (d) where possible, approaches for resolution. The NRC staff also plans to enhance participation by providing website access to this issues paper and the ability to submit comments on the issues paper by e-mail.

If, following this early exchange of ideas (including comments from the public meetings and comments filed by other means such as Internet responses and written comments), the Commission decides to proceed with rulemaking, other rulemaking documents will be prepared. Specifically, the NRC will evaluate the implications of a rule with regard to the National Environmental Policy Act (NEPA). NRC will conduct these evaluations as specified in 10 CFR Part 51, which contains requirements on preparing environmental analyses, including the content of an environmental statement and the public process involved in developing the scope of an environmental statement. In addition, the NRC will prepare a Regulatory Analysis to evaluate costs versus benefits of a rule consistent with Executive Order 12291 and the Commission's regulatory analysis guidelines in NUREG/BR–0058. The NRC will also publish guidance to provide licensees with information on how to demonstrate compliance with the regulation. These documents would be made available on NRC's website.

B. Issues for Discussion

The Commission believes that the issues and alternatives discussed below provide a broad look at matters related to the consistency of its regulations on standards for release of solid materials from nuclear facilities. Therefore, the Commission is soliciting comments and information on these issues before proceeding. These issues, and other relevant and substantial issues identified by interested parties, will serve as the basis of discussion at the public meetings. The discussions at the public meetings will be used by the NRC staff in deciding upon an appropriate course of action.

Issue No. 1—Should the NRC Address Inconsistency in its Release Standards by Considering Rulemaking on Release of Solid Materials?

As discussed in Section A.1.1, NRC generally uses the public dose limits and ALARA requirements in Part 20 to establish limits on releases from nuclear facilities during routine operations and decommissioning. Currently, Part 20 contains specific criteria on the amount of radioactivity in gaseous and liquid releases that may be released from a nuclear facility to the environment. NRC also has requirements in Subpart E of Part 20 on unrestricted use of decommissioned lands and structures. However, NRC currently has no specific

requirement in its regulations on limits for release of solid materials.

Alternatives

The NRC has the following two broad options related to the issue of inconsistency of its regulations on release standards and licensee requests for release of solid materials: (1) continue the current practice of handling of licensee requests for release of solid materials on a case-by-case basis; or (2) include requirements in Part 20, as part of a consistent regulatory framework for evaluating releases of all materials, that would allow it to make decisions on licensee requests for release of solid materials that are protective of public health and safety.

(1) No NRC Rulemaking: Continue Current Practice of Handling Licensee Requests for Release on a Case-by-Case Basis

Under this option, no NRC rule would be prepared. Licensees will still continue to make requests for release of solid materials. As discussed in Section A.1.3, in order to comply with the requirements of Part 20, NRC evaluates licensee requests on a case-by case basis using regulatory guidance, branch positions, license conditions, etc. One basis for review has been NRC staff guidance in Regulatory Guide 1.86, which was originally published in June 1974 by the Atomic Energy Commission (AEC). Regulatory Guide 1.86 contains a table of acceptable total and removable surface levels for various radionuclides, including natural and enriched uranium, transuranics, and fission products, which are stated in terms of measurable radioactivity levels, but does not contain specific dose criteria. Regulatory Guide 1.86 has been used to evaluate unrestricted release of solid materials whose surfaces are slightly radioactive; it does not cover material with volumetric contamination. In addition to Regulatory Guide 1.86, Section A.1.3 notes that NRC also uses other case-specific criteria, such as the detection capability of instrumentation, and certain specific rule sections, in its evaluation of requests for release of solid materials.

(2) Develop a Proposed Rule

In this option, the NRC would proceed with rulemaking to supplement its gaseous and liquid release standards in Part 20 by developing dose-based regulations limiting releases of solid material to provide a consistent regulatory framework protective of public health and safety. This would involve conducting a rulemaking under the Administrative Procedure Act, and developing, as regulatory bases, an environmental analysis under NEPA and an analysis of costs and benefits in a Regulatory Analysis. Based on Commission direction discussed in Section A.2.3, a rulemaking would use an enhanced participatory process involving early public input and website access to rulemaking documents.

Specific Items for Discussion

Should the NRC continue with the current practice of making decisions on a case-by-case basis, or should it proceed to develop a proposed rule that would establish generic criteria for release of solid materials? What are the considerations that should go into making this a decision?

(1) Does the current system of NRC case-by-case decisions on release of solid materials, using existing guidance, provide an adequate regulatory framework? Can volumetric contamination in small amounts be released in a manner similar to that done for small amounts of surface contamination on materials that have been released to unrestricted areas under the criteria in Regulatory Guide 1.86? If a rule is not issued, should Regulatory Guide 1.86 be updated with a set of dose-based values?

(2) Should the NRC develop dose-based regulations on release of solid material? Would a rule allow the NRC to better address volumetric contamination in solid materials in an explicit and consistent regulatory manner that meets both licensee needs and public concerns? Would a rule also meet additional specific regulatory needs such as the specific types of material to be covered, restricted vs. unrestricted use, etc?

(3) To what extent would such a rule contribute to maintaining public safety, enhancing the effectiveness and efficiency of the NRC, building public confidence, and reducing unnecessary regulatory burden?

(4) Would issuance of an NRC rule on release of solid material definitively resolve licensee questions regarding finality of NRC release decisions if EPA, which has authority to set generally applicable environmental standards in this area, promulgates a rule at a later date?

(5) Substantial NRC resources would be needed to conduct the complex safety, environmental, and regulatory analyses required to support a rulemaking. Without a regulation, the NRC will have to review the anticipated increase in requests for release of solid materials on a case-by-case basis which could mean less efficient and less consistent reviews. Would potential savings in resources by having a regulation in place offset the resources spent on rulemaking?

Issue No. 2—If NRC Decides to Develop a Proposed Rule, What are the Principal Alternatives for Rulemaking that Should be Considered, and What Factors Should be Used in Making Decisions Between Alternatives?

If the answer to Issue No.1 is to conduct a rulemaking to include requirements in Part 20 on release of solid material, a rulemaking (including the development of technical basis information, evaluation of environmental impacts and cost-benefit analyses, and the public review and comment process) would be conducted to evaluate potential rulemaking alternatives.

Rulemaking Alternatives

Potential alternatives for rulemaking in this area are:

(1) *Permit release of materials for unrestricted use if the potential dose to the public from the material are less than a specified level determined during the rulemaking process*—In this alternative, a licensee could release for unrestricted use ("clearance") material that meets the permissible level in the standards. Potential alternative dose levels resulting from unrestricted use of the material could include doses of 0.1 mSv/yr (10 mrem/yr), 0.01 mSv/yr (1 mrem/yr), 0.001 mSv/yr (0.1 mrem/yr) above background, as well as no dose above background. To provide some perspective on these levels: (a) the dose from natural background to people in the U.S. can vary widely based on the area of the country where people live, lifestyle, and other factors, and averages about 3 mSv/yr (300 mrem/yr) but may vary from 1 to 10 mSv/yr (100 to 1000 mrem/yr); (b) NRC's public dose limit is 1 mSv/yr (100 mrem/yr), (c) the dose from use of recycled coal ash in concrete block as permitted by EPA can be about 3 percent of natural background (about 0.1 mSv/yr (10 mrem/yr)), (d) a person receives 0.1 mSv (10 mrem) on a round-trip coast-to-coast flight, and (e) 0.01 mSv/yr (1 mrem/yr) is a level which the National Council of Radiation Protection and Measurements (NCRP) considers a trivial risk. In addition, a 0.01 mSv/yr (1 mrem/yr) value is also the level being considered for release for unrestricted use (or "clearance") in the European community.

(2) *Restrict release of solid materials to only certain authorized uses* (see more detail in Issue No. 3).

(3) *Do not permit either unrestricted or restricted release of solid material that has been in an area where radioactive material has been used or stored*—In this alternative, all such materials in the facility would be required to go to a licensed LLW disposal facility.

(4) *Other alternative(s)*—Other appropriate alternatives may be determined during the rulemaking process.

(5) *Other decisionmaking factors,* (i.e., non-dose based criteria).

Factors in Decisionmaking

Principal factors in making decisions regarding the alternatives include human health and environmental impacts, cost-benefit considerations, impacts on other industries, resource conservation, the capability to survey the material to assure that it meets permissible levels, existing international, national, and State standards, and other factors raised during the rulemaking process.

Human health and environmental impacts: In assessing potential rulemaking alternatives, NRC would consider a broad range of possible impacts, both radiological and non-radiological. These could include evaluation of radiation dose to individuals from release of solid materials, assessment of collective doses to different population groups from the release, transportation, processing and disposal impacts, impacts on biota, land use impacts, impacts on radiation sensitive industries, and societal impacts. Some of these impacts may be competing. For example, a lower dose criterion would result in less material available for release (and instead sent to a LLW disposal site) which, in turn, would lower the radiation dose impact to the public from exposure to that material. However, the lower dose criterion could cause an increase in other impacts, for example those impacts associated with mining, fabrication, and transport of fresh metal to replace that sent to a LLW disposal site. Because these impacts would take place over different time periods and expose different populations, a precise comparison is difficult. Nevertheless, the decisionmaking process could consider these impacts separately and also consider the net collective impact for these disparate factors.

NRC recently published a draft report for comment on radiological assessments for clearance of equipment and materials from nuclear facilities, NUREG–1640 (2 volumes). The report provides dose factors for both surficial and volumetric radioactivity and compares them with results from Regulatory Guide 1.86 and from EPA values, European Community recommended clearance levels and IAEA draft clearance levels.

Most of the aforementioned policies, guidelines, recommendations and standards are dose based and thus are intended to be protective of public health and safety. In addition to protection of public health and safety, the U.S. Atomic Energy Act, as amended, also charges the NRC with protection of property. Some industries may be adversely affected by materials that are cleared based upon dose based standards because of sensitivity to radiation effects from the cleared material e.g., the film and electronic industries and the metal recycling industry which performs radiation monitoring of metal scrap to detect and protect itself from radioactive sources accidentally mixed with scrap.

As a first step in assessment of impacts, the NRC has issued a draft report for comment that provides a technical basis for determining potential doses to individuals from a wide range of potential scenarios by which members of the public could come in contact with material that had been released for unrestricted use (or "cleared") from licensees ("Radiological Assessment for Clearance of Equipment and Material from Nuclear Facilities", NUREG–1640, February 1999). The report contains an analysis of material flow models based on an evaluation of the recycle/reuse industry in the U.S. and of potential scenarios by which a member of the public could reasonably expect to be exposed. Solid materials that are candidates for release that are evaluated in the report include iron/steel, copper, aluminum, and concrete. The EPA has issued a report similar to NUREG–1640 which is accessible on EPA's website at http://www.epa.gov/radiation/cleanmetals/publications.htm. While some of the analysis and approaches in the EPA report are different from NRC's report, the overall results from the EPA and the NRC reports are similar.

Cost-benefit considerations: Executive Order 12291 contains provisions that require Federal agencies, in their rulemakings, to consider cost-benefit evaluations of alternative courses of action. Consistent with Executive Order 12291, NRC has established guidelines for preparing regulatory analyses of alternative courses of action in support of its rulemaking decisions (NUREG/BR–0058). Benefits would generally derive from the net reduction in environmental impacts discussed above. Costs which could be included in a regulatory analysis could include: (1) the costs of alternative courses of action including surveys at licensed facilities, as well as surveys at non-licensed facilities that may use or receive released solid materials, to verify that permissible release levels have been met; (2) the potential for having to respond to contamination alarms at facilities handling released material; (3) economic impact on recycle/scrap/manufacturing processes; (4) replacement metal production; and (5) alternative options for disposing of the material.

Implementation considerations: A potential concern with implementation of a proposed rule is the capability to measure radioactive contamination corresponding to the very low alternative dose levels discussed above. The ability to measure radioactivity depends on both the amount and type of radioactive material. In particular, a rulemaking alternative that would require survey instrumentation to verify that there is *no* dose above natural background could be extremely difficult, if not impossible, to implement because of the variation in natural background and the limited capability of field survey instruments to detect such low levels.

Other international, national, and State standards: In considering rulemaking alternatives, the NRC would also consider requirements, guidelines, policies and precedents set by international agencies, other Federal agencies, or States. Consistency with standards set by other countries and international agencies is important because materials can be both imported and exported between the U.S. and other countries and differing standards could create confusion and economic disparities in commerce.

Items for Discussion

(A) Human Health and Environmental Impacts

(1) What individual dose level is acceptable regarding release of solid materials from licensed facilities for unrestricted use? Should release of solid materials for unrestricted use be permitted at a dose level (for example, 0.1, 0.01, or 0.001 mSv/yr [10, 1.0, or 0.1 mrem/yr], or no dose, above background (or other dose)) which is established in rulemaking based on a balancing of risks from various alternatives? Or, should release of solid materials not be permitted if they are potentially contaminated from the use of licensed radioactive material?

(2) How should environmental impacts be balanced and what types of

impacts should be considered in decisionmaking?

(i) In considering radiological impacts from materials released for unrestricted use in the public sector, what pathways of exposure to people, such as those already considered in NUREG–1640, should be considered? As noted above, NUREG–1640 contains a technical basis for determining potential doses to individuals from a wide range of potential scenarios by which members of the public could come in contact with material that had been released for unrestricted use. The report contains an analysis of material flow models based on an evaluation of the recycle/reuse industry in the U.S. and of potential scenarios by which a member of the public could reasonably be exposed.

(ii) In considering other environmental impacts, what impacts, both radiological and non-radiological, should be considered? Such impacts could include mining of new metals to replace metals that could be potentially released but which are sent to a LLW disposal site, production of metal products, transportation of materials, etc.

(iii) How should net environmental impacts from all the radiological and non-radiological impacts be balanced?

(3) What is the potential for exposures to multiple sources of material released for unrestricted use, and what are ways in which persons could be exposed to multiple sources? How should potential for exposure to multiple sources be considered in setting an acceptable dose level? To what extent is there a potential that a single scrap facility would handle inputs of released solid materials from several different licensed facilities?

(4) What societal impacts should be considered and how should they be factored into the environmental evaluation? For example, material released for unrestricted use from nuclear facilities could result in concern, confusion, or fear if the public either does not clearly understand that the risk is small or does not accept the risk.

(5) How should the impacts upon industries that have special concerns about the presence of radioactivity in materials, e.g., film, electronic, and metal recycling, be considered and factored into decisionmaking?

(B) Cost-benefit Considerations

(1) As noted above, Executive Order 12291 requires Federal Agencies to consider cost-benefit in its consideration of rulemaking alternatives. NRC uses NUREG/BR–0058 as its guideline in analysis of the cost-benefit of regulatory alternatives. In using NUREG/BR–0058:

(i) How should economic factors be incorporated into rulemaking decisions, including costs of survey methods and appropriate instruments to measure very low levels of volumetrically contaminated material, economic risks associated with release of solid materials, costs of decontamination, ALARA issues, etc.

(ii) How should economic impacts be balanced against net environmental impacts?

(2) What are the major economic costs associated with release of solid materials into commerce?

(3) What are the major economic costs associated with landfill disposal of material released for unrestricted use? Would problems be encountered in this material going to a landfill?

(4) What economic risks are associated with release of solid materials for unrestricted use? For example, what are the risks (and associated costs) that materials released from a nuclear facility could be rejected at a melter or scrap yard based on a radiation survey at that point? What means could minimize such economic risks?

(5) What is the potential for buildup of radioactivity in commerce as a result of continued release of solid material for unrestricted use over time? How should such a buildup be estimated? What is the potential that this buildup could contribute significantly to either the net environmental impact, to economic impacts on general commerce, or to public concern?

(C) Implementation Considerations

(1) What is the capability of surveying materials (both for surface and volumetric contamination) at the different alternative dose levels being considered, and what effect would that have on setting a standard? Are these survey capabilities readily available to licensees? Should there also be provisions for survey capability at receiving facilities and what should be the nature of those provisions? What economic impact would the use of different or advanced survey techniques have on the facilities releasing the material and the facilities accepting the material for reuse or recycle? How can surveys be designed to prevent releasing material in excess of permissible levels? Over what volume or mass of material should surveys be performed in assessing compliance with release levels? Should materials of varying concentration levels be combined, and, if so, how?

(2) What different survey methods should be used for assuring that materials from different areas of a facility, and having different potential for contamination, meet the criteria of a dose-based standard? For example, should the survey of solid materials from areas known to be free of contamination rely upon knowledge of facility radiological history and knowledge of plant processes, and, if so, how?

(3) How should criteria for release of solid material be incorporated into NRC's regulations, i.e., should they be expressed as a dose criteria and/or be expressed as concentration values in different media based on specified dose objectives and standard models for exposure?

(D) Other considerations including international, national, and State guidelines

(1) With regard to international, national, and State standards:

(a) How should guidelines on unrestricted release, or "clearance," set by international standards-setting bodies such as the IAEA and International Commission on Radiological Protection (ICRP), as well as those set by other countries, be considered in setting a level for release of material from NRC-licensed facilities in the U.S.? How should efforts by the EPA to set import screening guidelines be considered?

(b) How should guidelines of other U.S. agencies, e.g., DOE and EPA, be considered? To what degree should standards set by NRC be consistent with other EPA standards, such as those for recycled coal ash (see Section A.2.2.3)? With regard to issues of finality of NRC licensing decisions, what potential problems could occur if EPA later issues standards for release of solid materials different from an NRC regulation?

(c) How should recommendations made by U.S. standards setting bodies, such as the National Council on Radiation Protection and Measurements (NCRP), be considered?

(d) How should standards set by U.S. industry groups, such as the American National Standards Institute (ANSI), be considered? Are industry standards currently available, or anticipated during the time frame for this rulemaking, that could be adopted in lieu of or in addition to NRC requirements on release of solid materials?

(e) Should NRC simply adopt the standards in 1(a), 1(b), or 1(c), and their associated health risk level, rather than conduct analyses of its own?

(f) What are the economic and other impacts of having NRC standards different from standards that may be set by international agencies, EPA, or other national bodies?

(g) What compatibility categories, as described in NRC's "Policy Statement on Adequacy and Compatibility of Agreement State Programs," published September 3, 1997 (62 FR 46517), and in NRC's Management Directive 5.9, "Adequacy and Compatibility of Agreement State Programs," should be assigned to any rule on release of solid materials? Compatibility refers to the extent to which Agreement State radiation control programs are consistent with NRC's program for the regulation of Atomic Energy Act radioactive materials to ensure that an adequate and coherent nationwide effort is collectively established for regulation of such materials.

(2) Should existing NRC standards, including the public dose limit of 1 mSv/yr (100 mrem/yr) in 10 CFR 20.1301, and Subpart E of Part 20 which contains a dose criterion of 0.25 mSv/yr (25 mrem/yr) for release of decommissioned structures and lands, be considered in setting allowable doses for release of solid material for unrestricted use? A consideration in this question is that there are different circumstances between Subpart E and the issues being discussed in this paper. For example, Subpart E limits the dose from the single release of structures and land at a site to 0.25 mSv/yr (25 mrem/yr). In contrast, unrestricted release of the materials considered in this issues paper could involve periodic releases over the facility lifetime at a dose level to be set in the rulemaking.

Issue No. 3—If NRC Decides to Develop a Proposed Rule Containing Criteria for Release of Solid Materials, Could Some Form of Restrictions on Future Use of Solid Materials be Considered as an Alternative?

As discussed in Section A.2.2, release of solid materials for unrestricted use would allow them to be recycled or reused in consumer products or industrial products, or be disposed of in solid waste landfills. A potential alternative could involve limiting release of solid materials by restricting their future use to some authorized use.

Alternatives

Potential alternatives for restricted use of solid materials could include:

(1) Restrict the first use of solid material to certain authorized uses

In this alternative, the release of radioactive material would be restricted to certain authorized uses to ensure that it is processed into one or more specific products. For example, material could be recycled for use in an industrial product such as steel beams that would be designated for use in a foundation or structural support for a bridge or monument. Because of uncertainties related to controlling potential uses of the material after it leaves a licensee's facility, it may be necessary to require that processing of the material for the first use be done under a specific license issued by the NRC. This alternative might be beneficial for materials contaminated by nuclides having short to moderate half-lives, allowing substantial reduction in contamination due to radioactive decay within the lifetime of the structure in which it is placed. This alternative would probably not be applicable for all materials (e.g., wood products and some metals such as copper). End user certification could be difficult to enforce.

(2) Restrict release of solid material to permitted disposal

This alternative would restrict the release of slightly contaminated solid material from nuclear facilities to disposal at municipal solid waste landfills. Solid material with higher levels of radioactive contamination would continue to be handled as radioactive waste and be disposed of at licensed facilities. Municipal solid waste landfills are issued permits by State regulatory authorities in accordance with 40 CFR 258, "Criteria for Municipal Solid Waste Landfills" as well as other State and local regulations. The rationale for this alternative is that exposure pathways at landfills can be fairly well defined and quantified, and that many of the pathways of potential exposure associated with the recycling of metal into consumer products or industrial products would not be present. Additional restrictions could involve disposal at industrial solid waste facilities rather than at sanitary waste landfills.

Issues associated with this alternative include the fact that additional NRC and/or EPA rulemaking may be required to implement this alternative. For example, the definitions of solid waste and/or byproduct material (or associated regulations) might need to be revisited to allow disposal at solid waste landfills of material having residual radioactivity. Several State and local governments currently have prohibitions against the disposal of radioactive material in landfills which would make this alternative less feasible. An additional issue is the possibility that material could be sent to a landfill under a use restriction, but it could be removed from the landfill and sold as scrap or reused.

Items for Discussion

(1) Should the NRC consider restrictions on future use of solid materials as an alternative to unrestricted use (similar to the license termination rule)?

(2) If so, what types of restricted uses should be considered?

(3) What types of controls could restrict use to assure that the material would not be released for unrestricted use? Would these controls be reasonable? Would it be necessary to license processing of the material for the first use in order to assure protection of public health and safety? For example, if iron/steel were to be restricted to use in bridge support, should the company processing the steel into bridge supports be licensed by the NRC? Or could sufficient restrictions be placed on the processing company to assure that the steel went where it was supposed to without the company having an NRC license?

(4) How long would the use be restricted? What radionuclides, and associated time periods for radioactive decay, would be reasonable to consider as candidates for restricted use? What would happen to the material when it reached the end of its useful restricted life?

(5) If restrictions were placed on future use of materials, would the NRC need to be involved in continued regulation or tracking of the material? Would States need to be involved? Or could a mechanism for institutional control, similar to that used in the license termination rule be used to assure the continued restricted use of materials? Note that Subpart E of 10 CFR Part 20 (Section 20.1403) contains requirements regarding acceptable dose levels for restricted use, allowable institutional controls and financial arrangements, etc.

(6) What type of public involvement should there be in decisions concerning restricted use of materials? Should it be similar to the method used in the license termination rule where licensees are required to seek advice from affected parties when proposing a site for restricted use? Note that Subpart E of 10 CFR Part 20 (Section 20.1403) also contains requirements for licensees to seek advice on from affected parties and also the methods to be used in obtaining that advice. A potential problem in establishing a public involvement process for restricted use of materials is that (unlike license termination of buildings or a site where affected parties

in a community can be fairly readily identified for a restricted site in a community) material leaving the site could be sent for restricted use in different areas and uses. Can a meaningful public involvement process be developed for setting restrictions on future material use in specific licensing cases?

(7) How should considerations and predictions of future public uses of materials and the restrictions on those materials be developed to provide credible approaches for restricted use?

(8) What dose should be permitted for material released for restricted use? Should the same alternative dose levels as for unrestricted use (see Issue No.2) also be considered for restricted use, or should some other value, either higher or lower, be considered? By way of comparison, the allowable dose in Subpart E of Part 20 for restricted use of released lands and structures is the same as for unrestricted use, provided the controls remain effective.

(9) What specific problems are associated with restricting materials to landfill disposal?

Issue No. 4—If NRC Decides to Develop a Proposed Rule, What Materials Should be Covered?

A rule developed by the NRC could cover selected materials (for example, certain metals such as iron and steel) or could be a broad rule encompassing all materials. Any alternatives chosen for consideration would be dependent on information available on the various materials. Currently, the NRC has developed the following technical background information:

(1) An analysis of individual doses resulting from unrestricted release of steel, aluminum, copper, and concrete (draft NUREG–1640, February 1999) has recently been completed. These materials were analyzed because they were considered to represent those most likely to become available and also to represent most of the volume of slightly contaminated material available for release from NRC-licensed facilities into the public sector, other than soil.

(2) Discussions with licensees have indicated that there are large quantities of soil with very low amounts of radioactive contamination that are available for release. Although NUREG–1640 does not include specific analyses for soil, work done previously for the license termination rule provides baseline technical information on individual dose factors and environmental analysis for soil which could be adapted for use for this application. This previous work includes NUREG–1496, "Generic Environmental Impact Statement on Radiological Criteria for License Termination," NUREG/CR–5512, "Residual Radioactive Contamination from Decommissioning," and NUREG–1549, "Decision Methods for Dose Assessment to Comply with Radiological Criteria for License Termination."

(3) The NRC does not have similar analyses completed for other slightly contaminated materials potentially available for release.

Alternatives

Alternative rule approaches could be that the rule would apply to—

(1) only a select group of solid materials, including certain metals (steel, aluminum, copper) as well as concrete and soil.

(2) a wider group of materials to also include other materials under license including sludge, sewage, wood, glass, and others.

(3) a select group of materials (Alternative 1) and conduct rulemaking on other materials in Alternative 2 at a later time.

Specific Items for Discussion

(1) Should the NRC proceed with a rulemaking covering all materials, with the option of conducting further rulemaking at a later time for certain materials if the impact to all affected parties, including the regulators, is too great or the analysis too complicated or time consuming?

(i) Is it appropriate to proceed with certain materials, including steel, aluminum, copper, concrete, and soil, so that rulemaking can be done in a timely manner using the information developed for these materials in NUREG–1640, and associated analyses as described above, as input to the environmental analyses and regulatory analyses? Would experience gained with the rule on steel, aluminum, copper, concrete, and soil be useful in evaluating requirements for release of other materials later?

(ii) Would issuing a rule now for only certain materials noted in Alternative No.1 limit NRC's capability to deal effectively with requests for release that could be made in the future for other materials? Other similar materials, such as sludges, slag, asbestos, etc., could also potentially be the subject of requests for release. To help answer that question, how many and what types of materials are licensees actually requesting release for today or are anticipated over the next decade?

(iii) Should the NRC perform additional analyses at this time of individual doses resulting from other materials potentially available for release to support rulemaking decisions for these materials even if it impacts the schedule for rulemaking for release of steel, aluminum, copper, and concrete?

(2) What other materials would be the candidates for rulemaking? Do analyses for these materials currently exist or are they under development?

(3) If the NRC proceeds with rulemaking limited to certain materials indicated in Alternative 1, how should it handle requests for release of other materials, i.e., should it proceed with a subsequent rulemaking for other materials, and, if so, how and when should it proceed with this later rulemaking? Should the additional materials be released under existing guidelines until the subsequent rule is developed, or should the release of these materials be postponed until a rulemaking is conducted? If the rulemaking establishes dose objectives for release and implements those objectives through tables of values for specific materials, should the dose objective also be used to guide case-specific release of other materials through licensing actions or exemptions?

(4) What would be the associated costs, effective survey methods, and dose impacts of the alternatives?

(5) Should the NRC rulemaking be extended to cover materials that may be released from nuclear facilities operated by the DOE?

IV. Scoping Process for Environmental Impact Statement

As discussed in Section III.A.5 and III.B of this notice, if the Commission decides to proceed with a rulemaking, it will have to consider the effect of its actions on the environment in accordance with the National Environmental Policy Act (NEPA). Section 102(1) of NEPA requires that the policies, regulations, and public laws of the United States be interpreted and administered in accordance with the policies set forth in NEPA. It is the intent of NEPA to have Federal agencies incorporate consideration of environmental issues into their decisionmaking processes.

NRC regulations implementing NEPA are contained in 10 CFR Part 51. To fulfill its responsibilities under NEPA, the NRC would prepare an environmental impact statement (EIS) by analyzing alternative courses of action and the impacts and costs associated with those alternatives. In keeping with the requirements of 10 CFR Part 51, an EIS would analyze alternatives for establishing requirements for release of solid

materials. All reasonable alternatives associated with the proposed action would be analyzed to determine their impacts and costs.

The Commission's regulations in 10 CFR 51.26 contain requirements for conducting a scoping process before preparing an EIS, including preparation of a notice of intent in the **Federal Register** regarding the EIS and indication that the scoping process may include holding a scoping meeting. Requirements are contained in 10 CFR 51.27 regarding the content of the notice of intent, in particular that it should describe the proposed action and describe possible alternatives to the extent that information is available. In addition, the notice of intent is to describe the proposed scoping process, including the role of participants, whether written comments will be accepted, and whether a public scoping meeting will be held.

Participants in this scoping process on the environmental impacts of release of solid materials from licensed facilities may attend any of the four public meetings indicated under the **DATES** heading of this notice and provide oral comments on the proposed action and possible alternatives. The Commission will also accept written (and electronic) comments on the proposed action and alternatives from the public, as well as from meeting participants, as indicated under the **DATES** and **ADDRESSES** heading of this notice.

According to 10 CFR 51.29, the scoping process is to address the following topics:

(1) *Define the proposed action.* The NRC is considering codifying radiological criteria for release of solid materials from licensed facilities. Detailed information on the proposed action is described in Section III.A.2 and III.A.5 of this notice.

(2) *Determine EIS scope and significant issues to be analyzed in-depth.* The NRC is considering analyzing the impacts and costs associated with alternative regulatory approaches to establish radiological criteria for release of solid materials from licensed facilities. Information regarding: (a) types, and contamination levels, of solid materials present in licensed facilities potentially available for release is contained in Section III.A.1.2 and Section III.B (Issue No. 4) of this notice; (b) pathways of exposure to solid materials released from licensed facilities is contained in Section III.B (Issue No. 2) of this notice and discussed in detail in the draft NUREG–1640 and in NUREG–1496 as referenced in Section III.B; (c) regulatory alternatives and method of approach for analysis of the alternatives is contained in Section III.A.2.2 and III.B (Issue No. 2) of this notice. Principal factors in making decisions regarding the alternatives are indicated in Section III.B (Issues No. 2, 3, and 4) of this notice.

(3) *Identify and eliminate from detailed study issues which are not significant or which are peripheral or which have been covered by prior environmental review.* The NRC has not yet eliminated any non-significant issues. However, the NRC is considering elimination of the following issues from the scope because they have been analyzed in previous EIS's (NUREG–0586 and NUREG–1496) and included in earlier rulemakings (53 FR 24018, June 28, 1988, and 63 FR 84088, July 21, 1997): (i) planning necessary to conduct decommissioning operations in a safe manner; (ii) assurance that sufficient funds are available to pay for decommissioning; (iii) the time period in which decommissioning should be completed; (iv) radiological criteria for decommissioning of lands and structures; and (v) the fact that consideration is not given to an alternative in which a licensee would abandon material or equipment without some treatment or licensed disposal.

Analysis of the scope of environmental impacts for this effort would be principally intended to provide input to decisionmaking for establishing overall criteria for release of solid materials, and would not involve analysis of site-specific issues which may arise in the licensing process at specific facilities. The extent to which the environmental analysis may be applicable to a site specific NEPA process would be described in a draft EIS and draft rulemaking.

(4) *Identify any environmental assessments or environmental impact statements which are being or which will be prepared that are related but are not part of the scope of the EIS under consideration.*

None are being prepared.

(5) *Identify other environmental review or consultation requirements related to the proposed action.* The NRC has contracted with ICF to provide technical assistance in the environmental analyses. The NRC is also placing contracts to obtain specific technical assistance regarding exposure pathways, collective doses, costs, and the capability of radiation survey instruments to practically and accurately detect radioactive contamination at levels near background.

(6) *Indicate the relationship between the timing of the preparation of environmental analysis and the Commission's tentative planning and decisionmaking schedule.* The schedule for issuance of an EIS has not been developed. The NRC staff will provide to the Commission, early in the year 2000, a report on the results of the public meetings and other public comments on the issues paper and the scoping process and include a schedule for any further rulemaking in this area, including the schedule for preparation of an associated draft EIS.

(7) *Describe the means by which an EIS would be prepared.* If the NRC proceeds with rulemaking in this area, it would prepare a draft EIS in accordance with its regulations in 10 CFR Part 51. Specifically, in accord with 10 CFR Part 51.71, a draft EIS would be prepared using the considerations of the scoping process and would include a preliminary analysis that considers and balances the environmental and other effects of the proposed action and the alternatives available for reducing or avoiding adverse environmental and other effects, as well as the environmental, economic, technical and other benefits of the proposed action.

In accordance with 10 CFR 51.29, at the conclusion of the scoping process, a concise summary of the determinations and conclusions reached, including the significant issues identified, will be prepared and a copy sent to each participant in the scoping process.

Dated at Rockville, Maryland, this 22nd day of June 1999.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 99–16598 Filed 6–29–99; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ASO–9]

Proposed Amendment of Class E Airspace; Roosevelt Roads NS (Ofstie Field), PR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Class E airspace at Roosevelt Roads NS (Ofstie Field), PR. A Global Positioning System (GPS) Runway (RWY) 9 Standard Instrument Approach

Procedure (SIAP) has been developed for Antonio Rivera Rodriquez Airport. As a result, additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for Instrument Flight Rules (IFR) operations at Antonio Rivera Rodriquez Airport. The operating status of the airport will change from Visual Flight Rules (VFR) to include IFR operations concurrent with the publication of the SIAP.

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

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 99–ASO–9, Manager, Airspace Branch, ASO–520, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, telephone (404) 305–5627.

FOR FURTHER INFORMATION CONTACT: Nancy B. Shelton, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5627.

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 the airspace docket number and be submitted in triplicate to the address listed above. Comments 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 Airspace Docket No. 99–ASO–9." 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. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, 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

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace Branch, ASO–520, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend Class E airspace at Roosevelt Roads NS (Ofstie Field), PR. A GPS RWY 9 SIAP has been developed for Antonio Rivera Rodriquez Airport. As a result, additional controlled airspace extending upward from 700 feet AGL is needed to accommodate the SIAP and for IFR operations at Antonio Rivera Rodriquez Airport. The operating status of the airport will change from VFR to include IFR operations concurrent with the publication of the SIAP. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would 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 rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

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; AIRWAYS; 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 7400.9D, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ASO PR E5 Roosevelt Roads NS (Ofstie Field), PR [Revised]

Roosevelt Roads NS (Ofstie Field), PR
(Lat. 18°14′53″N, long. 65°37′59″W)
Antonio Rivera Rodriquez Airport, PR
(Lat. 18°08′07″N, long. 65°29′30″W)

That airspace extending upward from 700 feet or more above the surface of the earth within a 12-mile radius of Roosevelt Roads NS (Ofstie Field) Airport and within a 6.5-mile radius of Antonio Rivera Rodriquez Airport; excluding that portion within the San Juan, PR, Class E airspace area and that portion within Restricted Area R–7104.

* * * * *

Issued in College Park, Georgia, on June 16, 1999.

Signed by:

Nancy B. Shelton,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 99–16660 Filed 6–29–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

Regulation of the Operation of Motorized Personal Watercraft in the Gulf of the Farallones National Marine Sanctuary

AGENCY: Marine Sanctuaries Division (MSD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Extension of Comment Period.

SUMMARY: On April 23, 1999, NOAA published a proposed rule and notice of availability of a Draft Environmental Assessment (DEA) restricting the use of motorized personal watercraft in the Gulf of the Farallones National Marine Sanctuary (FR Volume 64, Number 78, pages 19945–19952). On May 20, 1999, NOAA published a notice of public meeting and extension of the comment period. On June 9, 1999, NOAA published an extension of the comment period. This notice further extends the comment period.

DATES: Comments on the proposed rule or DEA must be received by July 21, 1999.

ADDRESSES: Comments should be sent to Ed Ueber, Sanctuary Manager, Gulf of the Farallones National Marine Sanctuary, Ft. Mason, Building 201, San Francisco, California 94123; fax: (415) 561–6616; email: ed.ueber@noaa.gov. Comments received will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Ed Ueber at (415) 561–6622.

SUPPLEMENTARY INFORMATION: NOAA proposes to amend the regulations governing the Gulf of the Farallones National Marine Sanctuary (Sanctuary) to prohibit the operation of motorized personal watercraft (MPWC) in the nearshore waters of the Sanctuary. Specifically, the operation of MPWC would be prohibited from the mean high-tide line seaward to 1,000 yards (approximately 0.5 nautical mile), including seaward of the Farallone Islands. The proposed rule would ensure that Sanctuary resources and qualities are not adversely impacted and would help avoid conflicts among various users of the Sanctuary.

The original notice of proposed rule, published on May 23, 1999, had a 30 day comment period, which closed on May 24. On May 20, 1999, NOAA published a notice to the **Federal Register** extending the comment period until June 11, 1999. On June 9, 1999, in response to a request to further extend the comment period, NOAA published a notice in the **Federal Register** extending the comment period until July 1, 1999. Due to concerns regarding the adequacy of time for review of all supporting documentation to the proposed rule, this notice further extends the comment period until July 21, 1999.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: June 25, 1999.

Ted Lillestolen,

Deputy Assistant Administrator, Ocean Services and Coastal Zone Management.

[FR Doc. 99–16674 Filed 6–29–99; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[REG–101519–97]

RIN 1545–AV00

Withdrawal of Notice of Federal Tax Lien in Certain Circumstances

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the withdrawal of notices of federal tax liens in certain circumstances. The proposed regulations reflect changes made to section 6323 of the Internal Revenue Code of 1986 by the Taxpayer Bill of Rights 2. The proposed regulations affect all taxpayers seeking withdrawals of notices of federal tax liens.

DATES: Written comments and requests for a public hearing must be received by September 28, 1999.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (REG–101519–97), room 5228, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered to: CC:DOM:CORP:R (REG–101519–97), room 5228, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the "Tax Regs" option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at http://www.irs.ustreas.gov/prod/tax_regslist.html.

FOR FURTHER INFORMATION CONTACT: Kevin B. Connelly, (202) 622–3640 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Procedure and Administration Regulations (26 CFR part 301) relating to the withdrawal of notices of federal tax liens under section 6323 of the Internal Revenue Code (Code). Section 501(a) of the Taxpayer Bill of Rights 2 (TBOR2), Public Law 104–168, 110 Stat. 1452 (1996), amended section 6323 to authorize the Secretary to withdraw a notice of federal tax lien in certain limited circumstances. Section 501(a) also requires the Secretary to notify credit reporting agencies, financial institutions and creditors of the withdrawal upon the written request of the taxpayer. These proposed regulations reflect the amendments made by Section 501(a) of TBOR2.

Explanation of Provisions

Section 501(a) of TBOR2 amended section 6323 of the Code by authorizing the Secretary to withdraw a notice of federal tax lien under certain conditions and providing that upon written request of the taxpayer the Secretary will notify any credit reporting agency and any financial institution or creditor identified by the taxpayer. These proposed regulations implement section 501(a).

The proposed regulations provide that a district director, the director of a service center or the Assistant Commissioner (International) (the relevant person being referred to as "the director") may withdraw a notice of federal tax lien if the director determines that one of the conditions enumerated in paragraph (b) of the regulations exists. The notice of federal tax lien is withdrawn by filing a notice of withdrawal in the office in which the notice of federal tax lien is filed and providing the taxpayer with a copy of the notice. Following the withdrawal of a notice of federal tax lien, chapter 64 of subtitle F, relating to collection, is applied as if the IRS had never filed a notice of federal tax lien. The withdrawal of a notice of federal tax lien does not affect the underlying tax lien. The withdrawal simply relinquishes any lien priority the IRS had obtained under section 6323 of the Code when the IRS filed the notice being withdrawn.

The proposed regulations provide that the director has the authority to

withdraw a notice of federal tax lien if one of the following conditions exists: (1) The filing of the notice of federal tax lien was premature or otherwise not in accordance with the administrative procedures of the Secretary; (2) the taxpayer has entered into an agreement under section 6159 to satisfy the liability for which the lien was imposed by means of installment payments, unless the agreement by its terms provides that the notice will not be withdrawn; (3) the withdrawal of notice will facilitate collection of the tax liability for which the lien was imposed; or (4) the withdrawal of notice would be in the best interest of the taxpayer, as determined by the National Taxpayer Advocate, and in the best interest of the United States, as determined by the director.

The fourth ground for withdrawal (i.e., withdrawal based on the best interests of the parties) requires that the withdrawal be in the best interests of both the United States and the taxpayer. Therefore, two distinct determinations must be made before a director may withdraw a notice of federal tax lien based on the best interests of the parties. Under the proposed regulations the director alone will determine whether the withdrawal of a notice of federal tax lien is in the United States' best interest. The National Taxpayer Advocate generally will determine whether the withdrawal of a notice is in the taxpayer's best interest; however, if a taxpayer requests the director to withdraw a notice and has not requested the National Taxpayer Advocate to determine the taxpayer's best interest, a finding by the director that the withdrawal is in the taxpayer's, as well as the United States', best interest will be sufficient to support the withdrawal of notice. The director is not authorized to determine that the withdrawal of a notice is not in the taxpayer's best interest. Only the National Taxpayer Advocate is authorized to make that determination.

The proposed regulations provide that a person may request the withdrawal of a notice of federal tax lien by writing to the director (marked for the attention of the Chief, Special Procedures Function) of the district in which the notice is filed. A written request for withdrawal must include: (1) The name, current address, and taxpayer identification number of the person requesting withdrawal of the notice of federal tax lien; (2) a copy of the notice of federal tax lien affecting the property, if available; (3) the grounds upon which the withdrawal of notice of federal tax lien is being requested; (4) a list of the names and addresses of any credit reporting agency and any financial institution or creditor that the taxpayer wishes the director to notify of the withdrawal of notice of federal tax lien; and (5) a request to disclose information relating to the withdrawal to the persons or entities listed.

The director must consider each taxpayer's request for withdrawal of notice of federal tax lien and determine whether any of the conditions authorizing withdrawal exists and whether to issue a withdrawal. The director also may issue a notice of withdrawal based on information received from a source other than the taxpayer.

If the director grants a withdrawal of notice of federal tax lien, the taxpayer may supplement the list of credit reporting agencies and financial institutions or creditors provided with the request for withdrawal. If no list was submitted with the request to withdraw, a list may be submitted after the notice is withdrawn. A request to supplement the list must be sent in writing to the director (marked for the attention of the Chief, Special Procedures Function) of the district in which the notice of federal tax lien is filed. The request must contain: (1) The name, current address, and taxpayer identification number of the person requesting the notification; (2) a copy of the notice of withdrawal; (3) the names and addresses of the persons or entities the taxpayer wishes the IRS to contact; and (4) a request to disclose the withdrawal to the persons or entities listed.

The regulations will be effective when the final regulations are published in the **Federal Register** with respect to withdrawals of any notice of federal tax lien occurring after such date regardless of when the notice was filed.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the collection of information in the regulation is exempt pursuant to 5 U.S.C. 601(7)(B), the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small businesses.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments that are submitted timely (preferably a signed original and eight (8) copies) to the IRS. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the "Tax Regs" option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at http://www.irs.ustreas.gov/prod/tax_regslist.html. All comments will be available for public inspection and copying. The IRS and Treasury Department specifically request comments on the clarity of the proposed rule and how it may be made easier to understand. A public hearing may be scheduled if requested in writing by a person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these regulations is Kevin B. Connelly, Office of Assistant Chief Counsel (General Litigation) CC:EL:GL, IRS. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, the IRS proposes to amend 26 CFR part 301 as follows:

PART 301—PROCEDURE AND ADMINISTRATION

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

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 301.6323(j)–1 is added to read as follows:

§ 301.6323(j)–1 Withdrawal of notice of federal tax lien in certain circumstances.

(a) *In general.* A district director, the Assistant Commissioner (International), or the director of a service center (collectively the director) may withdraw a notice of federal tax lien filed under this section, if the director determines that any of the conditions in paragraph (b) of this section exist. A notice of federal tax lien is withdrawn by the

director filing a notice of withdrawal in the office in which the notice of federal tax lien is filed. If a notice of withdrawal is filed, chapter 64 of subtitle F, relating to collection, will be applied as if the withdrawn notice had never been filed. A copy of the notice of withdrawal will be provided to the taxpayer. Upon written request by a taxpayer with respect to whom a notice of federal tax lien has been or will be withdrawn, the director will promptly make reasonable efforts to notify any credit reporting agency and any financial institution or creditor identified by the taxpayer of the withdrawal of such notice. The withdrawal of a notice of federal tax lien will not affect the underlying federal tax lien.

(b) *Conditions authorizing withdrawal.* The director may authorize the withdrawal of a notice of federal tax lien upon determining that one of the following conditions exists:

(1) *Premature or not in accordance with administrative procedures.* The filing of the notice of federal tax lien was premature or otherwise not in accordance with the administrative procedures of the Secretary.

(2) *Installment agreement.* The taxpayer has entered into an agreement under section 6159 to satisfy the liability for which the lien was imposed by means of installment payments. If, however, the agreement specifically provides that a notice of federal tax lien will not be withdrawn, the director may not grant a request for withdrawal of that notice of federal tax lien under this paragraph (b)(2).

(3) *Facilitate collection.* The withdrawal of the notice of federal tax lien will facilitate the collection of the tax liability for which the lien was imposed.

(4) *Best interests of the United States and the taxpayer*—(i) *In general.* The taxpayer or the National Taxpayer Advocate has consented to the withdrawal of the notice of federal tax lien, and withdrawal of the notice would be in the best interest of the taxpayer, as determined by the National Taxpayer Advocate, and the United States, as determined by the director.

(ii) *Best interest of the taxpayer.* The National Taxpayer Advocate generally will determine whether the withdrawal of a notice of federal tax lien is in the best interest of the taxpayer. If, however, a taxpayer requests the director to withdraw a notice and has not specifically requested the National Taxpayer Advocate to determine the taxpayer's best interest, a finding by the director that the withdrawal of notice is in the best interest of the taxpayer will be sufficient to support withdrawal.

(5) *Examples.* The following examples illustrate the provisions of this paragraph (b):

Example 1. A is an employee of X Corporation. A notice of federal tax lien has been filed to secure an outstanding tax liability against A. A, who has no assets and no other secured creditors, has agreed to pay the balance of tax due through payroll deductions at a rate higher than the Internal Revenue Service could obtain through a wage levy in order to get the notice of federal tax lien withdrawn. X Corporation has agreed to allow A to enter into a payroll deduction agreement. In this situation, the director may withdraw the notice of federal tax lien to facilitate collection.

Example 2. A owes $1,000 in federal income taxes. A enters into an agreement to pay the outstanding federal income tax liability in installments. The agreement provides that a notice of federal tax lien may be filed if the taxpayer defaults. A timely pays the installments each month and has not defaulted in any way. Eleven months after entering into the installment agreement, the Internal Revenue Service files a notice of federal tax lien. Noting that there has been no default, the taxpayer asks the Internal Revenue Service to withdraw the notice of federal tax lien. In this situation, the director may withdraw the notice of federal tax lien because the taxpayer has entered into an installment agreement that does not prohibit the withdrawal of the notice.

Example 3. A is the owner of a farm machinery dealership against whom a notice of federal tax lien has been filed to secure an outstanding tax liability. A currently is paying the tax liability by an installment agreement that prohibits the withdrawal of the notice of federal tax lien. X Corporation has agreed to provide A with 100 tractors to increase A's inventory if the notice of federal tax lien is withdrawn. A asks the Internal Revenue Service to withdraw the notice of federal tax lien. The director determines that the withdrawal of the notice of federal tax lien is in the best interest of the United States because it would enable A to generate additional tractor sales, and increased sales would enable A to increase the amount of his installment payments as well as reduce the amount of time needed to satisfy the liability. A, who has no other assets or secured creditors, has agreed to modify his installment agreement. If the National Taxpayer Advocate (or the director in lieu of the National Taxpayer Advocate) determines that the withdrawal is in the best interests of the taxpayer, the director may withdraw the notice of federal tax lien because withdrawal is in the best interest of the taxpayer and the United States. Alternatively, the director may withdraw the notice of federal tax lien to facilitate collection.

(c) *Determinations by the director.* The director must determine whether any of the conditions authorizing the withdrawal of a notice of federal tax lien exist if a taxpayer submits a request for withdrawal in accordance with paragraph (d) of this section. The director also may make this determination based on information received from a source other than the taxpayer. If the director determines that conditions authorizing the withdrawal are not present, the director may not authorize the withdrawal. If the director determines conditions for withdrawal are present, the director may (but is not required to) authorize the withdrawal. If the basis for the withdrawal is the best interests of the taxpayer and the Internal Revenue Service, the taxpayer or the National Taxpayer Advocate must consent to the withdrawal.

(d) *Procedures for request for withdrawal*—(1) *Manner.* A request for the withdrawal of a notice of federal tax lien must be made in writing to the director (marked for the attention of the Chief, Special Procedures Function) of the district in which the notice of federal tax lien is filed.

(2) *Form.* The written request will include the following information and documents—

(i) Name, current address, and taxpayer identification number of the person requesting the withdrawal of notice of federal tax lien;

(ii) A copy of the notice of federal tax lien affecting the taxpayer's property, if available;

(iii) The grounds upon which the withdrawal of notice of federal tax lien is being requested;

(iv) A list of the names and addresses of any credit reporting agency and any financial institution or creditor that the taxpayer wishes the director to notify of the withdrawal of notice of federal tax lien; and

(v) A request to disclose the withdrawal of notice of federal tax lien to the persons listed in paragraph (d)(2)(iv) of this section.

(e) *Supplemental list of credit agencies, financial institutions, and creditors*—(1) *In general.* If the director grants a withdrawal of notice of federal tax lien, the taxpayer may supplement the list in paragraph (d)(2)(iv) of this section. If no list was provided in the request to withdraw the notice of federal tax lien, the list in paragraph (d)(2)(iv) of this section and the request for notification in paragraph (d)(2)(v) of this section may be submitted after the notice is withdrawn

(2) *Manner.* A request to supplement the list of any credit agencies and any financial institutions or creditors that the taxpayer wishes the director to notify of the withdrawal of notice of federal tax lien must be sent in writing to the director (marked for the attention of the Chief, Special Procedures

Function) of the district in which the notice of federal tax lien is filed.

(3) *Form.* The request must include the following information and documents—

(i) Name, current address, and taxpayer identification number of the taxpayer requesting the notification of any credit agency or any financial institution or creditor of the withdrawal of notice of federal tax lien;

(ii) A copy of the notice of withdrawal, if available;

(iii) A supplemental list, identified as such, of the names and addresses of any credit reporting agency and any financial institution or creditor that the taxpayer wishes the director to notify of the withdrawal of notice of federal tax lien; and

(iv) A request to disclose the withdrawal of notice of federal tax lien to the persons listed in paragraph (e)(3)(iii) of this section.

(f) *Effective date.* This section is effective on or after the date final regulations are published in the **Federal Register** with respect to a withdrawal of any notice of federal tax lien.

Michael P. Dolan,

Deputy Commissioner of Internal Revenue.

[FR Doc. 99–16164 Filed 6–29–99; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF EDUCATION

34 CFR Part 694

Office of Postsecondary Education; Gaining Early Awareness and Readiness for Undergraduate Programs; Negotiated Rulemaking Committee

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice of negotiated rulemaking on GEAR UP.

SUMMARY: We announce our intention to establish a negotiated rulemaking committee to draft proposed regulations to implement chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (HEA), "Gaining Early Awareness and Readiness for Undergraduate Programs" (GEAR UP). The committee will be balanced and representative of the significantly affected interests. We request nominations for participants from anyone who believes that his or her organization or group should participate in the negotiated rulemaking process for the development of the GEAR UP proposed regulations.

DATES: We will consider all nominations for membership on the committee received by Friday, July 9, 1999.

ADDRESSES: Please send your nomination to Philip Schulz, U.S. Department of Education, 400 Maryland Avenue, SW, Room 4020, ROB–3, Washington D.C. 20202–5243, or fax to Philip Schulz at (202) 260–5872. You may also email your nominations to: philip__schulz@ed.gov.

FOR FURTHER INFORMATION CONTACT: Philip Schulz, U.S. Department of Education, 400 Maryland Avenue, SW, Room 4020, ROB–3, Washington, DC 20202–5243. Telephone: (202) 708–8429. If you use a telecommunications device for the deaf (TDD) you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: Section 492 of the Higher Education Act of 1965, as amended (HEA) requires that, before publishing any proposed regulations to implement programs under Title IV of the HEA, the Secretary obtain public involvement in the development of the proposed regulations. After obtaining advice and recommendations, the Secretary must conduct a negotiated rulemaking process to develop the proposed regulations.

On March 2, 1999, we published in the **Federal Register** (64 FR 10184) final regulations (applicable only to the fiscal year 1999 competition) to implement GEAR UP. Section 437(d) of the General Education Provisions Act exempts from the rulemaking requirements in the Administrative Procedure Act regulations governing the first grant competition under a new or substantially revised program authority (20 U.S.C. 1232(d)(1)). In order to make awards on a timely basis, we published the regulations for the fiscal year 1999 competition in final under the authority of section 437(d). Further, we determined that, to make grants under the competition before the funds expired, the use of negotiated rulemaking for the fiscal year 1999 competition would be impracticable and contrary to the public interest under section 492(b)(2) of the HEA.

We will develop the regulations that will apply to subsequent competitions for GEAR UP funding by following the negotiated rulemaking procedures in section 492 of the HEA. We intend to select participants for the negotiated rulemaking process from nominees of the organizations or groups that represent the interests significantly affected by the proposed regulations. To the extent possible, we will select from the nominations individuals reflecting the diversity in the industry, representing both large and small participants, as well as individuals serving local areas and national markets, in accordance with section 492(b)(1) of the HEA.

Structure of Committees

The ultimate goal of negotiated rulemaking is to reach a consensus on the proposed regulations through discussion and negotiation among interested and affected parties, including the Department of Education. With this in mind, we will conduct these negotiations within a structure that is designed to meet this goal fairly and efficiently. We expect to keep the committee to somewhere between 15–18 members. We believe this is an appropriate number to allow significantly affected parties to be represented, without making the committee so large as to be unmanageable and potentially unsuccessful. We therefore encourage organizations and groups to work together to nominate someone that would represent a coalition of organizations or groups. The meetings will be open to the public.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm

http://www.ed.gov/news.html

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, D.C. area, at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html.

(Catalog of Federal Domestic Assistance Number does not apply.)

Program Authority: 20 U.S.C. 1090a.

Dated: June 25, 1999.

Claudio R. Prieto,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 99–16656 Filed 6–29–99; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[GA–33–2–9926b; FRL–6368–5]

Approval and Promulgation of Implementation Plans Georgia; Approval of Revisions to the Georgia State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On March 15, 1995, the State of Georgia, through the Environmental Protection Division (EPD), submitted revisions to their State Implementation Plan (SIP) regarding permitting exemptions. EPA is granting final approval to these revisions.

In the Final Rules Section of this **Federal Register**, EPA is approving the Georgia State Plan submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates that it will not receive any significant, material, and adverse comments. A detailed rationale for the approval is set forth in the direct final rule published elsewhere in today's **Federal Register**. If no adverse comments are received, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action.

DATES: Written comments must be received on or before July 30, 1999.

ADDRESSES: Written comments should be addressed to Scott Martin at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the day of the visit.

Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303–3104.

Georgia Department of Natural Resources, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354.

FOR FURTHER INFORMATION CONTACT: Scott Martin at (404) 562–9036.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final Rule which is located in the Rules section of this **Federal Register**.

Dated: June 17, 1999.

Winston A. Smith,

Acting Regional Administrator, Region 4.

[FR Doc. 99–16377 Filed 6–29–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 210–0103b; FRL–6365–2]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Modoc County Air Pollution Control District, Siskiyou County Air Pollution Control District, Tehama County Air Pollution Control District, and Tuolumne County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is approving revisions to the California State Implementation Plan (SIP). This action is an administrative change which revises the definitions in Modoc County Air Pollution Control District (MCAPCD), Siskiyou County Air Pollution Control District (SCAPCD), Tehama County Air Pollution Control District (TCAPCD), and Tuolumne County Air Pollution Control District (TUCAPCD).

The intended effect of approving this action is to incorporate changes to the definitions for clarity and consistency and to update the Exempt Compound list in TCAPCD definition's rule to be consistent with the revised federal and state VOC definitions. EPA is proposing approval of these revisions to be incorporated into the California SIP for the attainment of the national ambient air quality standards (NAAQS) under title I of the Clean Air Act (CAA or the Act). In the Final Rules section of this **Federal Register**, the EPA is approving the state's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

DATES: Written comments must be received by July 30, 1999.

ADDRESSES: Comments should be addressed to: Andrew Steckel, Chief, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rule revisions and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812.

Modoc County Air Pollution Control District, 202 West 4th Street, Alturas, CA 96101–3915

Siskiyou County Air Pollution Control District, 1855 Placer Street, Ste. 101, Redding, CA 96001–1759

Tehama County Air Pollution Control District, P.O. Box 38 (1750 Walnut St.), Red Bluff, CA 96080–0038

Tuolumne County Air Pollution Control District, 22365 Airport, Columbia, CA 95310

FOR FURTHER INFORMATION CONTACT: Cynthia G. Allen, Rulemaking Office (Air–4), Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1189.

SUPPLEMENTARY INFORMATION: This document concerns MCAPCD Rule 1.2, Definitions and 7.1, Definitions (Agricultural Burning); SCAPCD Rule 7.1, Agricultural Burning Definitions; TCAPCD Rule 1:2, Definitions; and TUCAPCD Rules 101, Title; 102, Definitions; and Regulation III, Open Burning, Rule 300, General Definitions. These rules were submitted to EPA on March 26, 1990 (Tuolumne), December 31, 1990 (Modoc and Siskiyou), and May 13, 1991 (Tehama) by the California Air Resources Board. For further information, please see the information provided in the direct final action that is located in the rules section of this **Federal Register**.

Dated: June 8, 1999.

Nora L. McGee,

Acting Regional Administrator, Region IX.

[FR Doc. 99–16375 Filed 6–29–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[MI73–7281b; FRL–6366–4]

Approval and Promulgation of State Implementation Plans; Michigan

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the State's request to redesignate the Detroit area, which includes portions of Wayne, Oakland, and Macomb Counties, to attainment for carbon monoxide (CO). The EPA is also proposing to approve the corresponding 175A maintenance plan associated with the redesignation request as a revision to the Michigan State Implementation Plan (SIP) for attaining and maintaining the National Ambient Air Quality Standard for CO.

In the final rules section of the **Federal Register**, EPA is approving the State's submittal as a direct final rule without prior proposal because EPA views this action as a noncontroversial action and anticipates no relevant adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this rule, no further activity is contemplated, and the direct final rule will become effective. If EPA receives relevant adverse comments, the direct final rule will be withdrawn, and all public comments received during the 30-day comment period set forth below will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: EPA must receive written comments by July 30, 1999.

ADDRESSES: Send written comments to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: John Mooney at (312) 886–6043.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section of this **Federal Register**. Copies of the documents relevant to this action are available for public inspection during normal business hours at the above address. (Please telephone John Mooney at (312) 886-6043 before visiting the Region 5 Office.)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Particulate matter, Volatile organic compound.

40 CFR Part 81

Environmental protection, Air pollution control, Intergovernmental relations, Carbon Monoxide.

Authority: 42 U.S.C. 7401–7671q.

Dated: June 7, 1999.

Francis X. Lyons,

Regional Administrator, Region 5.

[FR Doc. 99–16373 Filed 6–29–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6369–8]

RIN 2060–AH47

National Emission Standards for Hazardous Air Pollutants: Group I Polymers and Resins and Group IV Polymers and Resins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing an indefinite stay of the compliance dates for portions of the national emission standards for hazardous air pollutants (NESHAP) for Group I Polymers and Resins and Group IV Polymers and Resins. This proposal would stay, indefinitely, the compliance dates for existing affected sources and new affected sources with an initial start-up date on or after March 9, 1999, which are subject to the Group I Polymers and Resins and Group IV Polymers and Resins NESHAP requirements for all emission points except equipment leaks. This proposed stay will remain in effect until the date that the amendments to these rules (which were proposed on March 9, 1999) are promulgated, at which point the EPA will publish new compliance dates for these affected sources. We are proposing this stay of the compliance date for existing affected sources and new affected sources with an initial start up date on or after March 9, 1999, because of the significant amendments to these NESHAP that were proposed on March 9, 1999. It is unlikely that those amendments will be promulgated before the compliance dates for existing sources subject to Group I and Group IV Polymers and Resins regulations (September 5, 1999, and September 12, 1999, respectively).

In the "Rules and Regulations" section of today's **Federal Register**, we are publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comment. We have explained our reasons for this action in the corresponding direct final rule, located in the final rules section of today's **Federal Register**. If we receive a significant adverse comment on an amendment, paragraph, or section of this rule and that provision may be addressed separately from the remainder of the rule, we may adopt as final those provisions of the rule that are not subject to a significant adverse comment and withdraw those provisions that did receive adverse comment. For any provisions that are withdrawn, we will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

DATES: *Comments:* Written comments must be received by July 30, 1999, unless a hearing is requested by July 12, 1999. If a hearing is requested, written comments must be received by August 16, 1999.

Public Hearing. Anyone requesting a public hearing must contact the EPA by July 12, 1999. If requested, a public hearing will be held in Research Triangle Park, North Carolina, beginning at 10 a.m. on July 14, 1999.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A–92–44 (Group I Polymers and Resins) and/or Docket Number A–92–45 (Group IV Polymers and Resins), Room M–1500, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. The EPA requests that a separate copy also be sent to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**). Comments may also be submitted electronically by following the instructions provided in **SUPPLEMENTARY INFORMATION.**

Public Hearing. If a public hearing is held, it will be held at the EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing to present oral testimony should contact Ms. Marguerite Thweatt, Organic Chemicals Group (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5673 by July 12, 1999.

Docket. Docket numbers A–92–44 and A–92–45, containing information relevant to this proposed rulemaking, are available for public inspection between 8:00 a.m. and 5:30 p.m., Monday through Friday (except for Federal holidays) at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (MC–6102), 401 M Street, SW, Washington, DC 20460, telephone: (202) 260–7548. The docket is located at the above address in Room M–1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Robert E. Rosensteel, Organic Chemicals Group, Emission Standards Division (MD–13), Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5608, electronic mail address rosensteel.bob@epa.gov.

SUPPLEMENTARY INFORMATION:

Regulated Entities

The regulated category and entities affected by this action include:

Category	Examples of regulated entities
Industry	Butyl Rubber, Halobutyl Rubber, Epichlorohydrin Elastomer, Ethylene Propylene Rubber, Hypalon™, Neoprene, Nitrile Butadiene Rubber, Nitrile Butadiene Latex, Polybutadiene Rubber, Styrene-Butadiene Rubber or Latex, Acrylonitrile Butadiene Styrene Resin, Styrene Acrylonitrile Resin, Methyl Methacrylate Acrylonitrile Butadiene Styrene Resin, Methyl Methacrylate Butadiene Styrene Resin, Poly(ethylene terephthalate) Resin, Polystyrene Resin, and Nitrile Resin producers.

This table is not intended to be exhaustive but, rather, provides a guide for readers likely to be interested in the proposed revisions to the regulations affected by this action. To determine whether your facility is affected by this action, you should carefully examine all of the applicability criteria in the promulgated versions of subparts U and JJJ (61 FR 46906 and 61 FR 48208, respectively), as well as in the proposed amendments to the applicability sections (40 CFR 63.480 and 63.1310). If you have any questions regarding the applicability of this proposal to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Electronic Access and Filing Addresses

This proposal, its accompanying direct final rule, the promulgated NESHAP (40 CFR part 63, subparts U and JJJ), and other background information are available in Docket Numbers A–92–44 and A–92–45 or by request from the EPA's Air and Radiation Docket and Information Center (see **ADDRESSES**). These documents can also be accessed through the EPA web site at: http://www.epa.gov/ttn/oarpg. For further information and general questions regarding the Technology Transfer Network (TTN), call Mr. Hersch Rorex (919) 541–5637 or Mr. Phil Dickerson (919) 541–4814.

Electronic comments and data may be submitted by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov. Submit comments as an ASCII file, avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on diskette in Word Perfect 5.1 or 6.1 or ACSII file format. Identify all comments and data in electronic form by the docket numbers A–92–44 and/or A–92–45. No Confidential Business Information (CBI) should be submitted through electronic mail. Electronic comments may be filed online at many Federal Depository Libraries.

What Are the Administrative Requirements for this Proposal?

I. Docket

The dockets are organized and complete files of all the information submitted to or otherwise considered by EPA in the development of the final standards. The principal purposes of the docket are to allow interested parties to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process; and to serve as the record in case of judicial review (except for interagency review materials (section 307(d)(7)(A)).

II. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), EPA must determine whether the regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Executive Order defines "significant regulatory action" as one that is likely to result in standards 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 EPA has determined that this proposal does not meet any of the criteria enumerated above and therefore, does not constitute a "significant regulatory action" under the terms of Executive Order 12866.

III. Executive Order 13045

Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), applies to any rule that is determined to be "economically significant" as defined under Executive Order 12866, and concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to

influence the regulation. This proposal is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

IV. Paperwork Reduction Act

For both the Group I and Group IV Polymers and Resins NESHAP, the information collection requirements (ICRs) were submitted to OMB under the Paperwork Reduction Act. At promulgation, OMB had already approved the ICR for the Group IV Polymers and Resins NESHAP and assigned OMB control number 2060–0351. Subsequently, OMB approved the ICR for the Group I Polymers and Resins NESHAP, and on July 15, 1997 (62 FR 37720) assigned OMB control number 2060–0356.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The EPA has amended 40 CFR 9.1 to indicate the ICRs contained in the Group I and IV Polymers and Resins NESHAP.

The amendments to the NESHAP contained in this proposal should have no impact on the information collection burden estimates made previously. Therefore, the ICRs have not been revised.

V. Regulatory Flexibility Act

The EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this proposal. The EPA has also determined that this proposal will not have a significant adverse economic impact on a substantial number of small businesses, as it only stays the compliance dates for certain sources and imposes no additional regulatory requirements on owners or operators of affected sources. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

VI. Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that this proposal does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in aggregate, or the private sector in any 1 year, nor does this proposal significantly or uniquely impact small governments, because it contains no requirements that apply to such governments or impose obligations upon them. Thus, the requirements of the UMRA do not apply to this proposal.

VII. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local, or tribal governments, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's proposal does not create a mandate on State, local, or tribal governments. This proposal does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to these proposed amendments.

VIII. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's proposal notice does not significantly or uniquely affect the communities of Indian tribal governments. Further, this proposal notice, provided herein, does not significantly alter the control standards imposed by subpart U or subpart JJJ for any source, including any that may affect communities of the Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this proposal notice.

IX. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) directs all Federal agencies to use voluntary consensus

standards instead of government-unique standards in their regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., material specifications, test methods, sampling and analytical procedures, business practices, etc.) that are developed or adopted by one or more voluntary consensus standards bodies. Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials (ASTM), the National Fire Protection Association (NFPA), and the Society of Automotive Engineers (SAE). The NTTAA requires Federal agencies like EPA to provide Congress, through OMB, with explanations when an agency decides not to use available and applicable voluntary consensus standards.

This action does not involve the proposal of any new technical standards. Therefore, NTTAA requirements are not applicable to today's proposal.

List of Subjects in 40 CFR Part 63

Environmental protection, air pollution control, hazardous substances, reporting and recordkeeping requirements.

Dated: June 24, 1999.

Carol M. Browner,

Administrator.

[FR Doc. 99–16636 Filed 6–29–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6369–7]

RIN 2060–AD06

Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule, amendments.

SUMMARY: On December 27, 1996, the Agency published a rule in the **Federal Register** implementing certain provisions in section 112(g) of the Clean Air Act (Act). After the effective date of that rule, all owners or operators of major sources of hazardous air pollutants (HAP) that are constructed or reconstructed are required to install maximum achievable control technology (MACT) (unless specifically exempted), provided they are located in a State with an approved title V permit program. When no applicable Federal emission limitation has been promulgated under section 112(d) of the Act, the Act requires the permitting authority (generally a State or local agency responsible for the program) to determine a MACT emission limitation on a case-by-case basis. If the permitting authority has not yet established procedures for requiring MACT on constructed or reconstructed major sources by the required date, the rule provides that the EPA Regional Administrator will determine MACT emission limitations on a case-by-case basis for a period of up to one year. This action proposes to amend the rule governing constructed or reconstructed major sources—by providing a longer time period (up to 30 months) during which the EPA Regional Administrator may determine MACT emission limitations on a case-by-case basis—if the permitting authority has not yet established procedures for requiring MACT on constructed or reconstructed major sources. This action is needed in order to ensure that major sources can obtain MACT determinations required for construction or reconstruction in those jurisdictions where permitting authorities require extra time to establish procedures to implement the section 112(g) rule. Because the ability of major sources to obtain permits after June 29, 1999 depends upon the timely issuance of this rule, this amendment is being issued as a direct final rule in the final rules section of this **Federal Register**.

DATES: *Comments.* EPA will accept comments regarding this proposal on or before July 10, 1999. Additionally, a public hearing regarding this proposal will be held if anyone requesting to speak at a public hearing contacts the EPA by July 7, 1999. If a hearing is requested, the hearing will be held on July 14, 1999 beginning at 10:00 a.m.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket No. A–91–64 (see docket section below), Room M–1500, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. EPA requests that a separate copy also be sent to the contact person listed below.

Public Hearing. If a public hearing is held, it will be held at the EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina on July 14, 1999 beginning at 10 a.m. Persons requesting to speak at or interested in attending a public hearing concerning this proposal should contact Ms. Kathy Kaufman, Information Transfer and Program Integration Division (MD–12), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–0102.

Docket. Docket No. A–91–64, containing the supporting information for the original Regulations Governing Equivalent Emission Limitations by Permit rule is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at the EPA's Air and Radiation Docket and Information Center (6102), 401 M Street, S.W., Washington, D.C. 20460, or by calling (202) 260–7548. A reasonable fee may be charged for copying. An electronic version of this rule is available for download through the EPA web site at: http://www.epa.gov/ttn/oarpg. For further information and general questions regarding the Technology Transfer Network (TTNWEB), call Mr. Hersch Rorex (919) 541–5637 or Mr. Phil Dickerson (919) 541–4814.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Kaufman, Information Transfer and Program Integration Division (MD–12), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–0102.

SUPPLEMENTARY INFORMATION: If EPA does not receive timely adverse comments or a timely hearing request concerning this proposed rule, no further action will be taken concerning this proposal, and the direct final rule in the final rules section of this **Federal Register** will automatically go into effect on the date specified in that rule. If EPA receives timely adverse comment or a timely hearing request, we will publish a withdrawal in the **Federal Register** informing the public that the direct final rule will not take effect. In that event, we will address all public comments in a subsequent final rule based on this proposal. The EPA will not provide further opportunity for public comment on this action. All parties interested in commenting on this amendment must do so at this time. Electronic comments and data may be submitted by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov. Submit comments as an ASCII file, avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on diskette in Word Perfect 5.1 or 6.1 or ACSII file format. Identify all comments and data in electronic form by the docket numbers A–91–64. No Confidential Business Information (CBI) should be submitted

through electronic mail. Electronic comments may be filed online at many Federal Depository Libraries.

This action extends the time period (up to 30 months) during which the EPA Regional Administrator may determine MACT emission limitations on a case-by-case basis, if the permitting authority has not yet established procedures for requiring MACT on constructed or reconstructed major sources. For an additional explanation of the nature of the proposed amendment, the detailed rationale supporting the amendment, and the rule provision, see the information provided in the direct final rule in the final rules section of this **Federal Register**.

Administrative Requirements

A. Docket

The docket for this regulatory action is A–91–64, the same docket as the original final rule, and a copy of today's amendment to the final rule will be included in the docket. The principle purposes of the docket are: (1) to allow interested parties a means to identify and locate documents so that they can effectively participate in the rulemaking process; and (2) to serve as the record in case of judicial review (except for interagency review materials) (Section 307(d)(7)(A) of the Act). The docket is available for public inspection at the EPA's Air and Radiation Docket and Information Center, the location of which is given in the **ADDRESSES** section of this document.

B. Paper Reduction Act

The information collection requirements of the previously promulgated rule for Regulations Governing Equivalent Emission Limitations by Permit were submitted to and approved by the Office of Management and Budget. A copy of this Information Collection Request (ICR) document (ICR No. 1658.01) may be obtained from Sandy Farmer, OPPE Regulatory Information Division (2136), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, or by calling (202) 260–2740. Today's change to the final rule does not affect the information collection burden estimates made previously. Therefore, the ICR has not been revised.

C. Analysis Under E.O. 12866, the Unfunded Mandates Reform Act of 1995, the Regulatory Flexibility Act, and the Small Business Regulatory Enforcement Fairness Act of 1996

Because the regulatory revisions that are the subject of today's notice would delay an existing requirement, this action is not a "significant" regulatory action within the meaning of Executive Order 12866, and does not impose any Federal mandate on State, local and tribal governments or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995. Further, the EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this action under the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act of 1996. The regulatory change proposed here is not expected to affect the regulatory burdens on small businesses, and will not have a significant impact on a substantial number of small entities. Therefore, I certify that this action will not have a significant economic impact on a substantional number of small entities.

D. National Technology Transfer and Advancement Act

Under Section 12 of the National Technology Transfer and Advancement Act of 1995, the EPA must consider the use of "voluntary consensus standards," if available and applicable, when implementing policies and programs, unless it would be "inconsistent with applicable law or otherwise impractical." The intent of the National Technology Transfer and Advancement Act is to reduce the costs to the private and public sectors by requiring federal agencies to draw upon any existing, suitable technical standards used in commerce or industry.

A "voluntary consensus standard" is a technical standard developed or adopted by a legitimate standards-developing organization. The Act defines "technical standards" as "performance-based or design-specific technical specifications and related management systems practices." A legitimate standards-developing organization must produce standards by consensus and observe principles of due process, openness, and balance of interests. Examples of organizations that are regarded as legitimate standards-developing organizations include the American Society for Testing and Materials (ASTM), International Organization for Standardization (ISO), International Electrotechnical Commission (IEC), American Petroleum Institute (API), National Fire Protection Association (NFPA) and Society of Automotive Engineers (SAE).

Since today's action does not involve the establishment or modification of technical standards, the requirements of the National Technology Transfer and Advancement Act do not apply.

E. Executive Order 13045—Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that (1) OMB determines is "economically significant" as defined under Executive Order 12866, and (2) EPA determines the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety aspects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

These regulatory revisions are not subject to the Executive Order because it is not economically significant as defined in E.O. 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

F. Executive Order 13084—Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. These rule

revisions impose no enforceable duties on these entities. Accordingly, the requirements of Section 3(b) of Executive Order 13084 do not apply to this rule.

G. Executive Order 12875: Enhancing the Intergovernmental Partnership

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule changes do not create a mandate on State, local or tribal governments. The rule changes do not impose any additional enforceable duties on these entities. Accordingly, the requirements of Section 1(a) of Executive Order 12875 do not apply to this rule.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practices and procedures, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: June 24, 1999.

Carol M. Browner,

Administrator.

[FR Doc. 99–16682 Filed 6–29–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 80, 85 and 86

[AMS–FRL–6369–5]

RIN 2060–A123

Control of Air Pollution from New Motor Vehicles: Proposed Tier 2 Motor Vehicle Emissions Standards and Gasoline Sulfur Control Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Clarification of Proposed Rule, Provision of Supplemental Information and Request for Comment.

SUMMARY: EPA published a Notice of Proposed Rulemaking (NPRM) on May 13, 1999, proposing a major program designed to significantly reduce the emissions from new passenger cars and light trucks, including pickup trucks, minivans, and sport-utility vehicles (the "Tier 2 program"). This program would provide for cleaner air by significantly reducing vehicle emissions that contribute to increased ambient levels of ozone and particulate matter (PM), as well as other types of pollution. The proposed program combines requirements for cleaner vehicles and requirements for lower levels of sulfur in gasoline. On May 14, 1999, a panel of the Court of Appeals for the District of Columbia Circuit ruled, among other things, that the recently-promulgated national ambient air quality standards (NAAQS) for ozone and PM represented unconstitutional delegations of authority, and remanded the record to EPA for further consideration. This document clarifies that the decision of the panel does not change EPA's proposed requirements for a Tier 2 program and does not impact EPA's proposed determination that the Tier 2 program is a necessary and appropriate regulatory program that would provide cleaner air and greater public health protection. This document also provides additional ozone modeling information that was not included in the Notice of Proposed Rulemaking. EPA welcomes comment on this document.

DATES: *Comments:* We must receive your comments on the May 13, 1999 NPRM and on this document by August 2, 1999.

ADDRESSES: *Comments:* You may send written comments in paper form or by E-mail. Send paper copies of written comments (in duplicate if possible) to Public Docket No. A–97–10 at the following address: U.S. Environmental Protection Agency (EPA), Air Docket (6102), Room M–1500, 401 M Street, S.W., Washington, D.C. 20460. If possible, we also encourage you to send an electronic copy of your comments (in ASCII format) to the docket by e-mail to A-and-R-Docket@epa.gov or on a 3.5 inch diskette accompanying your paper copy. If you wish, you may send your comments by E-mail to the docket at the address listed above without the submission of a paper copy, but a paper copy will ensure the clarity of your comments.

Please also send a separate paper copy to the contact person listed below. If you send comments by E-mail alone, we ask that you send a copy of the E-mail message that contains the comments to the contact person listed below.

EPA's Air Docket is open from 8:00 a.m. to 5:30 p.m., Monday through Friday, except on government holidays. You can reach the Air Docket by telephone at (202) 260–7548 and by facsimile at (202) 260–4400. We may charge a reasonable fee for copying docket materials, as provided in 40 CFR Part 2.

FOR FURTHER INFORMATION CONTACT: Carol Connell, U.S. EPA, National Vehicle and Fuels Emission Laboratory, 2000 Traverwood, Ann Arbor, MI 48105; Telephone (734) 214-4349, FAX (734) 214–4816, E-mail connell.carol@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Tier 2 Proposal

On May 13, 1999. EPA published in the **Federal Register** its proposal to reduce emissions from light-duty vehicles (LDVs) and light-duty trucks (LDTs). 64 FR 26004. The proposal would also significantly reduce sulfur content in gasoline. The proposed program would phase in beginning in 2004. The program is projected to result in reductions of approximately 800,000 tons of nitrogen oxides (NO_X) per year by 2007 and 1,200,000 tons by 2010. It would eventually result in reductions of about 70 percent in emissions of NO_X from LDVs and LDTs nationwide by 2020. In addition, the proposed program would reduce the contribution of vehicles to other serious health and environmental problems, including particulate matter, visibility problems, toxic air pollutants, acid rain, and nitrogen loading of estuaries.

EPA proposed the standards for LDVs and LDTs pursuant to its authority under section 202 of the Clean Air Act (CAA or the Act). In particular, section 202(i) of the Act provides specific procedures that EPA must follow to determine whether Tier 2 standards for

LDVs and certain LDTs [1] are appropriate beginning in the 2004 model year. Specifically, we are required to first issue a study regarding "whether or not further reductions in emissions from light-duty vehicles and light-duty trucks should be required" (the "Tier 2 study"). This study "shall examine the need for further reductions in emissions in order to attain or maintain the national ambient air quality standards." It is also to consider (1) The availability of technology to meet more stringent standards, taking cost, lead time, safety, and energy impacts into consideration, and, (2) the need for, and cost effectiveness of, such standards, including consideration of alternative methods of attaining or maintaining the national ambient air quality standards. EPA must then submit the study as a Report to Congress. EPA submitted its Report to Congress on July 31, 1998.

Following the Report to Congress, EPA is required to determine by rulemaking whether: (1) There is a need for further emission reductions; (2) the technology for more stringent emission standards from the affected classes will be available; and (3) such standards are needed and cost-effective, taking into account alternatives. If EPA makes affirmative determinations, then the Agency is to promulgate new, more stringent motor vehicle standards ("Tier 2 standards"). EPA proposed affirmative responses to the three questions above and proposed new standards. EPA also proposed standards for larger light-duty trucks (up to 8500 pounds GVWR) under the general authority of Section 202(a)(1) and under Section 202(a)(3) of the Act, which requires that standards applicable to emissions of hydrocarbons, NO_X, CO and PM from heavy-duty vehicles [2] reflect the greatest degree of emission reduction available for the model year to which such standards apply, giving appropriate consideration to cost, energy, and safety.

EPA proposed its gasoline sulfur controls pursuant to our authority under section 211(c)(1) of the Clean Air Act. Under section 211(c)(1), EPA may adopt a fuel control if at least one of the following two criteria is met: (1) The emission products of the fuel cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or (2) the emission products of the fuel will significantly impair emissions control systems in general use or which would be in general use in a reasonable time were the fuel control to be adopted.

We proposed to control sulfur levels in gasoline based on both of these criteria. Under the first criterion, we believe that existing sulfur content in gasoline used in Tier 1 and LEV technology vehicles contributes to ozone pollution, air toxics, and PM at levels which can be reasonably expected to endanger public health or welfare. Under the second criterion, we believe that in the absence of gasoline sulfur control, sulfur in fuel that would be used in Tier 2 technology vehicles would significantly impair the emissions control systems expected to be used in such vehicles.

EPA promulgated new NAAQS for ozone and PM_{10} in 1997. 62 FR 38652 (July 18, 1997); 62 FR 38856 (July 18, 1997). In proposing the Tier 2 standards, EPA proposed its determination of air quality need after considering data related to both the new NAAQS for ozone (the "8-hour ozone NAAQS") and the pre-existing ozone NAAQS (the "1-hour ozone NAAQS") as well as both the new PM_{10} NAAQS and the pre-existing PM_{10} NAAQS. Based on the data EPA believes the need for Tier 2 and sulfur control is strongly justified for both the new and pre-existing ozone and PM NAAQS.

B. Court Opinion

On May 14, 1999, a panel of the U.S. Court of Appeals for the District of Columbia Circuit found, by a 2–1 vote, that sections 108 and 109 of the Clean Air Act, as interpreted by EPA, represent unconstitutional delegations of Congressional power. *American Trucking Ass'ns, Inc., et al.,* v. *Environmental Protection Agency,* Nos. 97–1440, 1441 (D.C. Cir. May 14, 1999). The Court remanded the record to EPA. One judge dissented, finding that the majority's opinion "ignores the last half-century of Supreme Court nondelegation jurisprudence." *Id.*, slip op. at 31.

The Court also ruled on other general issues and on issues specific to each NAAQS. The Court upheld EPA's rules on some of these claims, but ruled against the Agency on others. Regarding the 8-hour ozone NAAQS, the Court found that the statute permits EPA to promulgate a revised ozone NAAQS and to designate the attainment status of areas. However, the Court curtailed EPA's ability to require states to comply with the revised ozone NAAQS. Further the Court directed the Agency to determine whether tropospheric ozone has a beneficent effect, and if so, assess ozone's net adverse health effect. The Court also ruled that EPA's use of PM_{10} (rather than, for example, $PM_{10-2.5}$ [3]) as an indicator of coarse particulate matter was arbitrary, in light of the separate NAAQS for $PM_{2.5}$, and vacated the new PM_{10} standard. The Court invited briefing on the appropriate remedy for the $PM_{2.5}$ NAAQS, as well as the status of the previous PM_{10} standard in light of the Court's ruling. In general, the Court did not find fault with the scientific basis for EPA's determinations regarding adverse health effects from ozone or PM.

EPA and the Department of Justice are currently evaluating the options concerning review of the panel's decision.

II. Effect of the Panel Decision on the Tier 2 Rule

EPA has received several questions regarding whether the decision of the panel has any effect on the Tier 2 proposal. As discussed below, EPA believes that, regardless of the eventual outcome of the Court case, the proposed Tier 2 Rule is justified as a necessary and important measure for reducing air pollutants and protecting public health. The proposed regulations continue to conform to the statutory requirements of the Act for the 1-hour ozone standard and the pre-existing PM_{10} NAAQS.

A. Vehicle Standards

1. Proposed Determinations Under Section 202(i)

Under section 202(i), EPA must promulgate new standards for LDVs and LDTs weighing 3750 lbs. or less if EPA determines that: (1) There is a need for further reductions in emissions in order to attain or maintain the national ambient air quality standards; (2) the technology for more stringent emission standards from the affected classes is available; and (3) such standards are needed and cost-effective, taking into account alternative methods of attaining or maintaining the national ambient air quality standards. EPA proposed this finding in the May 13, 1999 NPRM. EPA continues to view its proposed finding appropriate under the CAA after consideration of the D.C. Circuit decision.

a. Air Quality Need

EPA continues to believe that there is a need for further reductions in emissions to attain or maintain the ozone and PM_{10} NAAQS. The NPRM discussed this need criterion in relation

[1] LDTs with a loaded vehicle weight less than or equal to 3750 pounds.

[2] LDTs that have gross vehicle weight ratings above 6000 pounds are considered heavy-duty vehicles under the Act. See section 202(b)(3). For regulatory purposes, we refer to these LDTs as "heavy light-duty trucks," made up of LDT3s and LDT4s.

[3] The Court described PM10–2.5 as the measure of particulate matter with diameter between 2.5 and 10 micrometers.

to both the 8-hour and the 1-hour ozone standards and in relation to both the revised PM_{10} and the pre-existing PM_{10} standards. It is clear from the proposal that further reductions are needed to ensure achievement of the 1-hour ozone and pre-existing PM_{10} NAAQS. As described in the preamble, 72 million people outside of California lived in 36 metropolitan areas and 2 counties designated nonattainment under the 1-hour ozone NAAQS as of August 10, 1998, while 13 million people outside of California lived in 68 counties designated nonattainment under the pre-existing PM_{10} NAAQS. 64 of the counties, with a population of about 8 million people, are not included in current ozone nonattainment areas. Therefore, approximately 80 million people live in areas currently designated nonattainment under one or both of the NAAQS.

Though EPA projects that ozone control programs will reduce the number of these areas in the future, it is clear that, absent Tier 2 controls, nonattainment problems under the 1-hour ozone standard will continue well into the future. In the proposal, EPA projected future ozone levels by applying a "rollback method" to selected areas in the region analyzed by the Ozone Transport Assessment Group (OTAG).[4] We used this method to estimate 2007 design values for both the 8-hour and 1-hour ozone standards. The 1-hour results indicated that eight metropolitan areas and two rural counties with a combined population of approximately 39 million are projected to have design values in excess of the 1-hour ozone NAAQS in 2007, after presuming implementation of controls from the Regional Ozone Transport Rule (ROTR).[5] As indicated in Table 1, these areas would be scattered throughout the OTAG region, including areas in Texas, Louisiana, Indiana and throughout the northeast, indicating that nonattainment of the 1-hour ozone standard would remain a substantial and widespread concern.

TABLE 1.—METROPOLITAN AREAS/RURAL COUNTIES WITH DESIGN VALUES PROJECTED TO EXCEED THE 1-HOUR STANDARD IN 2007 USING ROLLBACK METHOD WITH ROTR CONTROLS BUT WITHOUT TIER 2/SULFUR CONTROLS

Name	Design Value (ppb)	Pop'n.
Iberville County LA	132	31,049
La Porte County IN	131	107,066
Beaumont-Port Arthur, TX MSA	129	361,218
Hartford, CT MSA	125	1,157,585
Houston-Galveston-Brazoria, TX CMSA	175	3,731,029
Longview-Marshall, TX MSA	129	193,801
Memphis, TN–AR–MS MSA[a]	125	1,007,306
New York-Northern New Jersey-Long Island, NY–NJ–CT–PA CMSA:	136	19,549,649
Philadelphia-Wilmington-Atlantic City, PA–NJ–DE–MD CMSA	126	5,893,019
Washington-Baltimore, DC–MD–VA–WV CMSA	126	6,726,395
Total population		38,758,117
Number of metro areas		8
Metro pop.		38,620,002
Number of counties		2
County pop.		138,115

[a] 1-hour ozone NAAQS no longer applies in a portion of the MSA.

The OTAG analysis region did not include California, and therefore EPA does not have comparable projections of future air quality in that state. It is important to note that California has under its authority designed and implemented a vehicle and fuel control program, and therefore EPA did not propose to apply the proposed Tier 2/gasoline sulfur program in California. However, in its proposal EPA noted in qualitative terms the importance of the Tier 2 and sulfur control reductions to California's efforts to reach attainment with the 1-hour ozone standard. Nine areas in California currently designated as nonattainment, and two counties currently designated as being in attainment, with a population of approximately 30 million, have current design values above the 1-hour ozone NAAQS. It appears that some California areas with an attainment deadline of 1999 will not meet that date, and therefore will require additional emission reductions to attain. Attainment of the 1-hour standard in the remaining areas by their various later attainment dates remains the goal of California and EPA, but will be challenging to accomplish. Though this regulation does not directly regulate California vehicles, ozone levels in California are reduced through reductions in emissions from vehicles sold outside California that subsequently enter California temporarily or permanently. According to California, about 7 to 10 percent of all car and light truck travel in California takes place in vehicles originally sold outside of California. In fact, the state of California has recently filed an update to its State Implementation Plan for the South Coast Air Basin that expressly claims that the Tier 2 program will lead to four tons of reduced NO_X emissions per day in the South Coast area in 2010.[6] Furthermore, low gasoline sulfur levels would prevent poisoning of the catalysts of California vehicles that travel outside California and later return to the state.

The 1-hour ozone design values for 2007 presented in Table 1 above were based on an analysis approach called the "rollback method" that combines modeling results for future years with recent measured ozone levels to project future ozone levels. The general concept in this method is to first determine the design value from the monitoring data for a three-year base period, then

[4] OTAG evaluated a region that included all or part of the easternmost 37 states.

[5] The design value is the calculated ozone level, based on ozone measurements in the area, that is compared to the NAAQS to determine compliance with the standard.

[6] California Air Resources Board, Executive Order G–99–037, May 20, 1999, Attachment A, p. 6–7, 10.

estimate the percentage reduction between the base year and a future year (the year 2007 is used in Table 1) using the regional ozone modeling system. Finally, the percentage reduction is applied to the ambient design value to project the design value for the future year. A more detailed discussion of this approach appears in the draft RIA.

The rollback approach was applied to both the 1-hour or 8-hour ozone predictions in the Tier 2/gasoline sulfur proposal. EPA has more commonly used the "exceedence method," which estimates future ozone levels from the modeling results more directly. The exceedence approach is more consistent than the rollback method with EPA's guidance to states regarding technical methods used to demonstrate attainment with the existing 1-hour ozone standard. In this method, the predicted ozone concentrations in 2007 are compared to the ozone standard of interest to characterize whether the area is likely to experience an exceedence of the ozone standard in the future. A more complete description of this guidance can be found in "Guidance on Use of Modeled Results to Demonstrate Attainment of the Ozone NAAQS", U.S. EPA (1996), EPA–454/B–95–007, (June 1996).

In light of the recent Court decision, EPA is providing a more thorough presentation of the available ozone modeling data on the need for additional emission reductions to meet the 1-hour ozone standard, to provide additional information for public comment.

In the ROTR, EPA used the exceedence method to determine whether designated 1-hour nonattainment areas would be likely to experience exceedences in 2007, considering the effects of growth and emission control measures. EPA used an exceedence approach to estimate the impacts of controls on 1-hour ozone concentrations because this approach is more consistent with the 1-hour standard than a rollback approach. The form of the 1-hour standard considers the number of exceedences at a monitoring site over a three-year period. Year-to-year variations in meteorological conditions can result in considerable variation in the number of exceedences at a given location across successive three-year periods. Using the exceedence approach based on modeling for specific ozone episodes provides for a consistent set of meteorological conditions over which to evaluate the effects of control strategies on 1-hour exceedences. In moving to an 8-hour standard, EPA changed the form of the standard from an exceedence based approach to an average concentration based approach. Specifically, 8-hour design values are calculated as the 3-year average of the 4th highest 8-hour value in each year at a monitoring site. As a result of this multi-year averaging, the effects of variations in year-to-year meteorological conditions are reduced and thus, 8-hour design values are likely to be more stable over time than 1-hour exceedences. The rollback method, which is based on the average ozone reductions calculated from model predictions, is consistent with the form and temporal stability of 8-hour design values.

Consistent with our guidance on 1-hour attainment demonstrations and with our reliance on the exceedence approach in the ROTR, EPA has now analyzed the air quality modeling results using the exceedence method. The results of this analysis are presented as supplemental information that bears on our proposed finding regarding the need for additional reductions in ozone precursor emissions to help areas attain the NAAQS.

Table 2 shows results of the exceedence method for the 1-hour standard. It lists 17 current nonattainment areas that are projected to experience exceedences of the 1-hour standard in 2007, even after implementation of the ROTR, the National Low Emission Vehicle Program, the 2004 highway diesel engine standards, the Phase II nonroad diesel engine standards, and other federal emission control measures.[7] These results indicate that there are more, and more geographically dispersed, metropolitan areas which need further ozone precursor emission reductions to meet the 1-hour ozone NAAQS, than was indicated by the rollback method as reported in Table 1. The population of these 17 areas exceeds 70 million. Details of this analysis are given in a memo to Air Docket A–97–10, titled "Exceedence Method Analysis of Photochemical Modeling in Support of Tier 2/Sulfur."

TABLE 2.—METROPOLITAN AREAS PROJECTED TO EXPERIENCE EXCEEDENCES OF THE 1-HOUR STANDARD IN 2007 OR 2010, AS APPLICABLE, WITH ROTR CONTROLS BUT WITHOUT TIER 2/SULFUR CONTROLS

[Does not include areas for which the 1-Hour Ozone NAAQS no longer applies.]

Metropolitan area	1990 population
Atlanta, GA MSA	2,959,500
Baton Rouge, LA MSA[a]	528,261
Beaumont-Port Arthur, TX MSA[a]	361,218
Birmingham, AL MSA	839,942
Chicago-Gary-Kenosha, IL-IN-WI CMSA	8,239,820
Cincinnati-Hamilton, OH-KY-IN CMSA[b]	1,817,569
Dallas-Fort Worth, TX CMSA[a]	4,037,282
Hartford, CT MSA	1,157,585
Houston-Galveston-Brazoria, TX CMSA[a]	3,731,029
Los Angeles-Riverside-San Bernardino CA CMSA[a, c]	13,000,000
Louisville, KY-IN MSA	949,012
Milwaukee-Racine, WI CMSA	1,607,183
New York-Northern New Jersey-Long Island, NY-NJ-CT-PA CMSA	19,549,649
Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD CMSA	5,893,019
Springfield, MA MSA	587,884
St. Louis, MO-IL MSA	2,492,348

[7] The deadline for submission of state implementation plans under the ROTR was recently stayed by a panel of the Court of Appeals for the D.C. Circuit pending further review. EPA believes that the ROTR is fully consistent with the Clean Air Act and should be upheld. However, it should be noted that in the absence of the controls mandated in the ROTR, the emission reductions from the Tier 2 program would be even more necessary for compliance with the NAAQS.

TABLE 2.—METROPOLITAN AREAS PROJECTED TO EXPERIENCE EXCEEDENCES OF THE 1-HOUR STANDARD IN 2007 OR 2010, AS APPLICABLE, WITH ROTR CONTROLS BUT WITHOUT TIER 2/SULFUR CONTROLS—Continued

[Does not include areas for which the 1-Hour Ozone NAAQS no longer applies.]

Metropolitan area	1990 population
Washington-Baltimore, DC-MD-VA-WV CMSA	6,726,395
Total Population	74,479,686
Number of Areas	17

[a] = These areas are not subject to the ROTR and were modeled accordingly.
[b] = 1-hour ozone NAAQS proposed to no longer apply.
[c] = The attainment date considered for Los Angeles-Riverside-San Bernardino is 2010. For other listed areas, the date considered is 2007. For the former area, the possibility of 2010 exceedences without Tier 2/Sulfur controls is inferred from the inclusion of these reductions in the most recently submitted SIP update. For other areas, the prediction is based on the exceedence method applied to regional ozone modeling results.

Our preliminary analysis indicates that the proposed Tier 2/Sulfur program would reduce the number and severity of ozone exceedences in areas currently designated nonattainment under the existing 1-hour ozone standard. We expect to conduct further analysis of the impact of the Tier 2/sulfur program on exceedences of the current 1-hour ozone standard as part of our analysis for the final rule.

EPA invites comment on the appropriateness of using the exceedence and/or rollback method in this rulemaking for purposes of analyzing future compliance with the 1-hour ozone NAAQS.

As discussed at length in the proposed rule, emissions from LDVs and LDTs will represent a large percentage of emissions of ozone precursors once the ROTR is implemented. To the extent that significant additional reductions in precursors are needed for the areas discussed above to attain or maintain the 1-hour ozone NAAQS, EPA believes that reductions from LDVs and LDTs in particular will be necessary.

The NO_X and sulfur dioxide emissions from LDVs and LDTs also contribute to elevated particulate matter levels as these emissions are transformed by physical and chemical processes in the atmosphere. The resulting particulate matter contributes to current and projected nonattainment with the pre-existing PM_{10} standard. In the NPRM, EPA presented its projection that 33 counties outside of California, with a population of approximately eleven million, and twelve counties in California, with a population of about seven million, would not be in attainment with the pre-existing PM_{10} standard in 2010, absent further emission reductions[8]. These projections were made during the rulemaking that established the revised PM^{10} standard. The following additional information is presented regarding current and projected attainment of the pre-existing PM_{10} standard.

Twenty-one of the 45 counties which EPA projected to be in nonattainment with the pre-existing PM_{10} standard in 2010 are not part of metropolitan areas. In these 21 rural counties, PM_{10} levels are likely to be dominated by natural events (volcanoes, wind-blown dust, or wildfires) or by single large industrial sources of PM_{10}. As such, the PM and PM precursor reductions from the Tier2/Sulfur proposal are less likely to materially affect their attainment and maintenance of the standard, although EPA invites comment on this issue.

Table 3 lists the 24 urban counties projected to be in nonattainment in 2010. For two areas (Lubbock Co. and Spokane Co.) there is specific indication that natural events are responsible for the high PM_{10} levels. Also, while Philadelphia was projected to be in nonattainment in this analysis, additional emission reductions have since occurred there through a source shutdown, which may result in PM_{10} attainment in 2010. The remaining 21 urban counties contain about 15 million people. The reductions in PM and PM precursors resulting from the Tier 2/Sulfur rule would help to reach and maintain the NAAQS in such areas. Of these 21 counties and 15 million people, 17 counties and 9 million people are not included in the projected ozone exceedence areas listed in Table 2 above.

TABLE 3.—COUNTIES, IN METROPOLITAN AREAS ONLY, PROJECTED NOT TO ATTAIN THE PRE-EXISTING PM_{10} STANDARD IN 2010

Name	Population (1990)
Bernalillo Co NM	480,577
Kern Co CA	369,608
Scott Co IA	150,973
Lane Co OR	282,912
Fresno Co CA	667,000
Haris Co TX[a]	2,818,199
Clark Co NV	741,368
Riverside Co CA[a]	1,170,413
San Bernardino Co CA[a]	1,418,380
Lubbock Co TX[b]	222,636
Ouachita Par LA	142,938
Davidson Co TN	510,784

[8] The predictions of 2010 nonattainment under the pre-existing PM_{10} NAAQS were made on the basis of individual counties, not metropolitan areas. The methods used to project PM concentrations in 2010 from 1990 emissions and ambient concentration data introduce several sources of uncertainty. Uncertainties exist regarding emission inventory estimates from human and natural sources, monitoring data, and the models used to account for physical and chemical processes in the atmosphere.

TABLE 3.—COUNTIES, IN METROPOLITAN AREAS ONLY, PROJECTED NOT TO ATTAIN THE PRE-EXISTING PM_{10} STANDARD IN 2010—Continued

Name	Population (1990)
New Haven Co CT[a]	804,219
Cass Co NE	21,318
Philadelphia Co PA[a, c]	1,585,577
Maricopa Co AZ	2,122,101
Utah Co UT	263,590
Pennington Co SD	81,343
Washoe Co NV	254,667
Yolo Co CA	141,000
San Diego Co CA	2,498,016
Santa Cruz Co CA	229,734
Spokane Co WA[d]	361,333
Hancock Co WV	35,233
Total Population	17,373,919
Number of Areas	24
Population of 21 Areas Without Specific Indication of Natural Events or Additional Emission Reduction	15,204,373
Population of 17 Areas Without Specific Indication of Natural Events or Additional Emission Reduction, and Not Listed in Table 2	8,993,162

[a] Counties in areas also projected to exceed the 1-hour ozone standard (listed in Table 2 above).
[b] PM10 levels in excess of the NAAQS in Lubbock Co. TX are considered to be due to fugitive dust from agricultural land. The area is implementing USDA guidelines on control of fugitive dust.
[c] Monitored PM10 levels in excess of the NAAQS in Philadelphia Co. PA are considered to have been due to a lead smelting operation which has ceased operation.
[d] The state of Washington has submitted a Natural Events Action Plan for Spokane Co.

Based on the above, EPA reiterates its proposed finding that there is a need for further reductions in emissions in order to attain or maintain the NAAQS, even when consideration is limited to the one-hour ozone and the pre-existing PM_{10} NAAQS. A total of approximately 83 million people living in 17 metropolitan areas and 17 individual metropolitan counties projected to not be in attainment of either or both of these standards would be helped by Tier 2/Sulfur controls. We invite comment on all the information presented in this section of this notice.

b. Technological Feasibility and Cost-Effectiveness

EPA's NPRM proposed a determination that technology would be available for meeting emission standards more stringent than current levels. Indeed, the NPRM proposed a finding that the standards are fully feasible for LDVs and LDTs. The Court's decision does not concern this issue and therefore does not affect EPA's rationale.

The Court decision also does not change EPA's proposed determination regarding the need for and relative cost-effectiveness of the Tier 2 standards. The Tier 2 program, costing between $1213 and $2134 per ton of NO_X and HC reduced, compares favorably to other possible control programs that might be used to meet the ozone NAAQS. The Tier 2/Gasoline Sulfur proposal made a summary comparison was made to the over 50 technologies identified in the ozone NAAQS revision rulemaking as alternative means for reducing NO_X and VOC emissions to meet the 1-hour and 8-hour NAAQS. 64 FR 26004, 26074. The average cost effectiveness of these technologies varied from hundreds of dollars per ton to tens of thousands of dollars per ton. If all of the technologies identified for the ozone NAAQS analysis costing less than $10,000/ton were implemented nationwide, they would produce NO_X emission reductions of about 2.9 million tons per year, compared to the 2.8 million tons per year for Tier 2 once the program is fully implemented. As summarized in the Tier 2/sulfur NPRM, we found that these additional local emission control measures only brought 2 of the 19 projected 8-hour ozone nonattainment areas into attainment. While not mentioned in the Tier 2/sulfur NPRM, this same analysis showed that these additional local emission control measures only brought 1 of the 9 projected 1-hour ozone nonattainment areas into attainment. Thus, there appears to be a strong need for the Tier 2 and sulfur standards, in order for local areas to achieve, not only the 8-hour ozone NAAQS, but also the 1-hour ozone NAAQS. In addition, as discussed in the NPRM, the cost-effectiveness of the Tier 2 program is within the range of the cost-effectiveness of other mobile source control programs that have already been promulgated. Given the continuing need for further emission reductions to comply with the 1-hour NAAQS discussed above, we believe that the Tier 2/gasoline sulfur control proposal is a cost effective approach for attaining and maintaining the NAAQS.

The magnitude of emission reductions that can be achieved by this program would be difficult to achieve from any other source category. Given the percentage of emissions of ozone precursors that come from LDVs and LDTs and the possible alternative control programs areas may use to meet the ozone standard, it would be difficult to attain and maintain the ozone NAAQS (1-hour or 8-hour) in a cost-effective manner without substantial reductions from LDVs and LDTs.

Moreover, the monetized benefit estimates used for the benefit cost analysis of the Tier 2/gasoline sulfur proposal are not affected by the Court action. 64 FR 26078–79 (May 13, 1999). The estimates of benefits are based on (a) Our estimates of the emission reductions that the rule would produce, (b) our projections of the air quality changes that would result from these emission reductions, (c) the changes in various health and welfare endpoints caused by the air quality changes, and (d) the value of reductions in those health and welfare endpoints. None of these pieces of the benefits analysis are dependent upon the specific level of the NAAQS. Emission reductions and related air quality changes are determined by the requirements of the rule itself. The changes in health and welfare effects are determined solely

from the underlying scientific studies relating effects and endpoint changes. Similarly, the valuation of changes in these end points is derived directly from the scientific literature. None of these factors depends on the specific NAAQS level.

2. Section 202(a)

EPA's proposed vehicle standards for LDTs above 3750 pounds are governed by the general provisions of section 202(a)(1) and (2) and provisions of section 202(a)(3).[9] Under section 202(a)(1), EPA shall promulgate "standards applicable to the emission of air pollutant from any class * * * of new motor vehicles . . ., which in his judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare." Under section 202(a)(2), such standards must provide appropriate lead time, "giving appropriate consideration to the cost of compliance within such period." Section 202(a)(3), applicable to heavy-duty vehicles, requires EPA standards to "reflect the greatest degree of emission reduction achievable through the application of technology which the Administrator determines will be available for the model year to which such standards apply, giving appropriate consideration to cost, energy, and safety factors associated with the application of such technology."

The Court's decision does not address these provisions, and does not change EPA's belief that the proposed Tier 2 standards are lawful and appropriate under these criteria. As noted above and in the proposal, the standards in this proposed rule would reduce emissions that cause or contribute to ozone, particulate matter, air toxics, acid rain, and other air pollution. We believe that the information provided in the NPRM, as well as the information that EPA relied on in setting the NAAQS for ozone and PM, will support a conclusion that these kinds of air pollution can be reasonably anticipated to endanger the public health or welfare.

Based on this and the information presented in the NPRM on the technological feasibility and cost of emissions controls to reduce vehicle emissions, EPA continues to believe that it is appropriate to propose these emissions standards to reduce vehicle emissions of VOCs, NO_X and PM, given that they cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare. Specifically with respect to ozone and PM, this is the case even if one only considers reductions needed to achieve or maintain ambient air quality at the levels of the pre-existing NAAQS. Moreover, the Court's opinion does not address EPA's determination that the 1-hour ozone standard fails to protect health with an adequate margin of safety,[10] and further reductions are needed. Further, the discussion above shows that, in the absence of the Tier 2 program, healthful air quality is not achieved even if we look only at the pre-existing NAAQS. Moreover, as discussed above, the Court's opinion does not change EPA's belief that the standards proposed are technologically feasible in the time permitted, giving appropriate consideration to cost. We seek public comment on all aspects of this supplemental notice, including the continuing need for the proposed vehicle emission reductions.

B. Gasoline Sulfur Restrictions

Under section 211(c)(1), EPA may adopt a fuel control where one or more of the following conditions apply: (1) the emission products of the fuel cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or (2) the emission products of the fuel will significantly impair emissions control systems in general use or which would be in general use were the fuel control to be adopted. The Court's decision does not address these provisions and does not change our view that the proposed gasoline sulfur standards are lawful and appropriate under this criterion.

Under the first criterion, we believe that emissions products related to sulfur in gasoline used in Tier 1 and LEV technology vehicles contribute to ozone pollution, air toxics, and PM. The information provided in the NPRM and in this notice, as well as the information that EPA relied on in setting the NAAQS for ozone and PM, support the conclusion that emissions from Tier 1 and LEV technology vehicles contributes to these kinds of air pollution, and that these kinds of air pollution can be reasonably anticipated to endanger the public health or welfare. The information provided in the NPRM indicates that when Tier 1 and LEV technology vehicles are operated on higher-sulfur fuel, emissions which give rise to ozone, air toxics, and PM pollution increase substantially. The sulfur levels proposed in the NPRM would result in substantial reductions in these emissions (as discussed more fully below) and the resulting ozone, air toxics, PM, and other air quality problems.

Based on this and the information presented in the NPRM on the technological feasibility and cost of controls to reduce gasoline sulfur, EPA believes that it is appropriate to propose the gasoline sulfur standards to reduce vehicle emissions of VOCs, NO_X and PM, given that they cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare. EPA believes that reductions in gasoline sulfur would provide substantial reductions in these emissions, and would achieve significant reductions soon after implementation, because reducing sulfur in gasoline would immediately reduce emissions from the existing vehicle fleet. Specifically with respect to ozone and PM, this is the case even if one only considers reductions needed to achieve or maintain ambient air quality at the levels of the pre-existing NAAQS. Moreover, the Court's opinion does not question EPA's determination that the 1-hour ozone standard has little or no margin of safety, and further reductions are needed. As required by Section 211(c)(2)(A) prior to regulation under the public health or welfare criterion of Section 211(c)(1), EPA considered all relevant medical and scientific evidence available relating to the emissions impact of sulfur in gasoline, including its impact on emissions of ozone precursors, PM, and air toxics. EPA also considered whether vehicle standards under Section 202 would be technologically and economically feasible. For the reasons

[9] The proposed evaporative standards are governed by section 202(a) and 202(k).

[10] The one-hour standard for ozone was set 20 years ago, in 1979, based on the science available at that time. 44 FR 8202 (1979). EPA next reviewed the ozone NAAQS in 1993, in compliance with a court-ordered schedule, and concluded that revision was not appropriate at that time. 58 FR 13008 (1993). EPA recognized that its 1993 decision was based on out-of-date criteria that did not include a large emerging database suggesting the one-hour standard might need revision. Id. at 13013, 13018. In light of the court-ordered deadline EPA determined to complete the review and proceed "as rapidly as possible" with the next review to assess the new science. Id. at 13008, 13015–13016. Even during the course of the 1993 review, EPA's science advisors, the Clean Air Scientific Advisory Committee (CASAC), concluded that the one-hour standard provided "little, if any, margin of safety." 61 FR 65716, 65727 (1996). In addition, several members of the CASAC panel recommended that consideration should be given to a lower 1-hour level of 0.10 ppm to offer some protection against effects for which there was preliminary information at that time of associations with 8-hour exposures to ozone. *Id.* The criteria supporting the 1997 revision of the ozone NAAQS confirmed that the one-hour standard was inadequate to protect public health with an adequate margin of safety. For example, the criteria document stated that there is "strong evidence that ambient exposures to ozone can cause significant exacerbations of pre-existing respiratory disease in the general public at concentrations below 0.12 ppm." U.S. EPA (1996), Air Quality Criteria for Ozone and Related Photochemical Oxidants, EPA/600/P–93/004abcF, p. 7–171.

discussed above, the Court's opinion does not change our analysis under section 211(c)(2)(A).

Moreover, the Court's decision is not relevant to the second criterion of section 211(c)(1). Under this criterion, EPA is proposing the sulfur standards based on our belief that sulfur in the gasoline that will be used in Tier 2 technology vehicles will significantly impair the emissions control systems expected to be used in such vehicles. The Court's decision does not affect this proposal, as EPA's position on the sulfur sensitivity of Tier 2 emissions control technology is based on a technical analysis of the capability of vehicle emission control technology.

As required by section 211(c)(2)(B) prior to regulation under this criterion of section 211(c)(1), EPA also considered the available scientific and economic data, including an analysis of costs and benefits of emissions control systems that are or will be in general use and require low sulfur fuel, and those that are or will be in general use and do not require low sulfur fuel. As described in Appendix D of the Regulatory Impact Analysis, EPA believes that there are no emissions control systems for gasoline vehicles meeting the proposed Tier 2 standards that would not require low sulfur fuel, and therefore believes that the benefits that would be achieved through implementation of the proposed Tier 2 and gasoline sulfur programs cannot be achieved through the use of emission control technology that is not sulfur-sensitive. The efficiency of catalytic converters used in gasoline-powered vehicles is very sensitive to the level of sulfur in gasoline. As discussed in the Regulatory Impact Analysis supporting the rule, NO_X emissions increase by about 15% in Tier 1 vehicles as gasoline sulfur levels rise from 40 to 330 ppm. LEV technologies are even more sensitive to sulfur, with NO_X increases of 40–130% measured in testing programs. NLEV vehicles are now being sold in the northeastern United States and will be sold in the remainder of the United States by 2001. A substantial portion of the NO_X emission reduction benefits from the gasoline sulfur program would arise immediately as a result of the reductions of emissions in the current fleet in these early years. As described in section II.A.1.b. above, the Court's decision does not affect EPA's analysis of the costs and benefits of the Tier 2 program or the gasoline sulfur program. Moreover, the Court's decision is not relevant to EPA's analysis of whether vehicle emissions control technology that is not sulfur-sensitive will be in general use.

EPA's proposal also proposes that the sulfur standards are feasible in the lead time provided. The Court's decision does not concern this issue and therefore does not disturb EPA's rationale.

III. Public Comment

We seek comments on all aspects of this Supplemental document, including the continuing need for Tier 2 emission standards for vehicles and reducing sulfur in gasoline to attain and maintain the NAAQS. In addition, we have just completed four public hearings around the country on the Tier 2 proposal and continue to welcome written public comments on the Tier 2/Gasoline sulfur proposal until the closing date of August 2, 1999. Please see the **ADDRESSES** section in this document for how and where to send any comments on the Tier 2 Proposal, as well as any comments you may have on the supplemental information provided in today's document.

Dated: June 23, 1999.

Carol M. Browner,

Administrator.

[FR Doc. 99–16683 Filed 6–29–99; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

42 CFR Part 66

RIN 0925–AA16

National Research Service Awards

AGENCY: National Institutes of Health, Department of Health and Human Services.

ACTION: Notice of proposed rulemaking.

SUMMARY: The National Institutes of Health (NIH) proposes to amend the regulations governing National Research Service Awards (NRSA) in order to incorporate changes necessitated by enactment of the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) Reorganization Act of 1992, Public Law 102–321, and the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

DATES: Comments on the proposed changes must be received on or before August 30, 1999 in order to ensure that NIH will be able to consider the comments in preparing the final rule.

ADDRESSES: Comments should be sent to Jerry Moore, NIH Regulations Officer, National Institutes of Health, 6011 Executive Blvd., Room 601, MSC 7669, Rockville, MD 20892.

FOR FURTHER INFORMATION CONTACT: Jerry Moore, NIH Regulations Officer, at the address above, or telephone (301) 496–4607 (not a toll-free number). For further information about the National Research Service Awards program contact the Extramural Outreach and Information Resources Office (EOIRO), Office of Extramural Research, 6701 Rockledge Drive, Room 6208, MSC 7910, Bethesda, MD 20892–7910, (301) 435–0714 (not a toll-free number). Information may also be obtained by contacting the EOIRO via its e-mail address (asknih@odrockm1.od.nih.gov) and by browsing the NIH Home Page site on the World Wide Web (http://www.nih.gov).

SUPPLEMENTARY INFORMATION: The ADAMHA Reorganization Act of 1992, Pub. L. 102–321, was enacted on July 10, 1992. That Act transferred the National Institute on Alcohol Abuse and Alcoholism (NIAAA), the National Institute on Drug Abuse (NIDA), and the National Institute of Mental Health (NIMH) to NIH, effective October 1, 1992, and provided for the administration of treatment and service programs under a newly created Substance Abuse and Mental Health Services Administration (SAMHSA). In order to avoid confusion between the ADAMHA Minority Access to Research Careers (MARC) and the NIH MARC program, the name of the ADAMHA program was changed to Career Opportunities in Research Education and Training (COR). Currently, the MARC program is administered by the National Institute of General Medical Sciences (NIGMS) and the COR program is administered by the NIMH. NIH proposes revising paragraph (g) of § 66.102 of the existing regulation to reflect this name change and the current organization locations of the respective programs.

Subsequently, the National Institutes of Health Revitalization Act of 1993, Public Law 103–43, was enacted on June 10, 1993. Provisions of that Act necessitate that NIH make changes in both Subparts A and B of the current regulations governing the NRSA program.

Section 1601 of Public Law 103–43 directs the Secretary of Health and Human Services (HHS) to conduct the NRSA program in a manner that will result in the recruitment of women and individuals from disadvantaged backgrounds (including racial and ethnic minorities) into fields of biomedical or behavioral research and the provision of research training to

women and those individuals. The United States House of Representatives report accompanying the NIH Revitalization Act of 1993 suggested that NIH consider the possibility of permitting part-time research training for women to keep them from losing training experience while having child care responsibilities. NIH proposes to revise paragraph (b) of § 66.103 of the current NRSA regulations and add a new paragraph (c) to permit individuals, in cases of disability or pressing family need, part-time research or training. Additionally, paragraph (a) of § 66.103 would be amended by changing the word "application" to read "the award" to reflect the current policy with regard to eligibility requiring that a recipient must be lawfully admitted to the United States for permanent residence at the time of the award rather than at the time of application.

Section 1602 of the NIH Revitalization Act of 1993 substantially modifies the service payback obligation under the NRSA program. Under provisions of the new law, only individuals in the first twelve months of postdoctoral training incur a payback obligation. Additionally, individuals may pay back this obligation by engaging in service for an equal period of health-related research or health-related teaching; or, if individuals receive an NRSA for more than twelve months, each month beyond 12 months will count toward satisfaction of the repayment obligation. NIH proposes to amend § 66.105 by revising paragraphs (a), (b), and (c); revise § 66.110 in its entirety; amend § 66.111 of subpart A by revising paragraph (a)(1), the introductory language of paragraph (b), and paragraph (b)(4); and amend § 66.205 of subpart B by revising paragraphs (a)(1) and (b) to reflect these changes in the payback obligation. Additionally, paragraph (a)(2) would be amended by changing the word "application" to read "the award" in order to reflect the current policy with regard to eligibility requiring that a recipient must be lawfully admitted to the United States for permanent residence at the time of the award rather than at the time of application. Paragraph (b) of § 66.205 would be amended by changing the reference to "§ 66.106(d)" to read "§ 66.106(e)" to correct an error in the current text.

In § 66.112, subpart A, the reference to the regulations pertaining to inventions and patents at 45 CFR parts 6 and 8 would be removed to reflect the rescinding of parts 6 and 8, effective on October 22, 1996 (61 FR 54743); and the references to the regulations pertaining to debarment and suspension at 45 CFR part 76 and the guidelines for research involving recombinant DNA molecules would be amended to comply with **Federal Register** format requirements. The title of § 66.112 would be amended to reflect that policies, as well as regulations, are referenced in that section.

In § 66.207, the reference to the regulations pertaining to the administration of grants at 45 CFR part 74, the reference to the regulations pertaining to debarment and suspension from eligibility for financial assistance at 45 CFR part 76, and the reference to the guidelines for research involving recombinant DNA molecules would be amended to comply with **Federal Register** format requirements. Also, a reference to the regulations to ensure objectivity in PHS-funded research at 42 CFR part 50, subpart F, would be added to reflect their applicability to NRSA research training grants and direct fellowship awards.

Additionally, NIH proposes to revise the Authority section and correct the references to section 472 of the Public Health Service Act and the United States Code [42 U.S.C. 289l–1] in § 66.101, § 66.102(d), § 66.105(b), § 66.106(a)(2), § 66.201, and 66.206(a)(3) to reflect the correct citations.

Finally, § 66.104 would be amended by adding the word "and" immediately following the word "resources" in paragraph (b)(5) to correct an error in the current text.

The purpose of this notice is to invite public comment on the proposed changes to the current NRSA program regulations. The following statements are provided as information for the public.

The Department strongly encourages all grant recipients to provide a smoke-free workplace and to promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Executive Order 12866

This NPRM was reviewed as required under Executive Order 12866 and was deemed to fall within the scope of the definition of the term "significant regulatory action" contained in section 3(f) of the Order. Consequently, the NPRM was submitted to the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) for the pre-publication review required for all regulatory actions deemed as "significant" under the Order.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. chapter 6) requires that regulatory actions be analyzed to determine whether they create a significant impact on a substantial number of small entities. The Secretary certifies that the proposed changes to the NRSA program regulations would not have a significant economic impact on a substantial number of small entities and, therefore, a regulatory flexibility analysis, as defined under the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act

This NPRM does not contain any information collection requirements that are subject to OMB approval under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance (CFDA) numbered program affected by this NPRM is: 93.186 National Research Service Awards-Health Service Research Training.

List of Subjects in 42 CFR Part 66

Grant programs—Health research training

Dated: January 13, 1999.

Harold Varmus,

Director, NIH.

Approved: March 11, 1999.

Donna Shalala,

Secretary.

For the reasons set forth in the preamble, part 66, subparts A and B, of title 42 of the Code of Federal Regulations are proposed to be amended as set forth below.

PART 66—NATIONAL RESEARCH SERVICE AWARDS

Subpart A—Direct Awards

1. The authority citation of part 66 would be revised to read as follows:

Authority: 42 U.S.C. 216, 288.

2. Section 66.101 would be revised to read as follows:

§ 66.101 Applicability.

The regulations in this subpart apply to National Research Service Awards made by the Secretary to individuals for research and training to undertake research, under section 487 of the Public Health Service Act, as amended (42 U.S.C. 288).

3. Section 66.102 would be amended by revising paragraphs (d) and (g) to read as follows:

§ 66.102 Definitions.

* * * * *

(d) *Award* means a National Research Service Award under section 487 of the Act (42 U.S.C. 288).

* * * * *

(g) *Predoctoral Training* means training at the post-baccalaureate level in a program leading to the award of a doctor of philosophy of science, or equivalent degree. For purposes of Awards under the Minority Access to Research Careers programs of the National Institute of General Medical Sciences and the Career Opportunities in Research Education and Training programs of the National Institute of Mental Health, *predoctoral training* also means training in a program leading to the award of a baccalaureate in science or equivalent degree.

* * * * *

4. Section 66.103 would be amended by revising paragraphs (a) and (b) and adding a new paragraph (c) to read as follows:

§ 66.103 Eligibility.

* * * * * *

(a) Be a citizen, noncitizen national of the United States, or lawfully admitted to the United States for permanent residence at the time of the award;

(b) Propose to engage in such research, or training to undertake research, in a program specified in section 487(a)(1)(A) of the Act; and

(c) Propose to engage in such research or training to undertake research on a full-time basis except in cases of disability or pressing family need.

5. Section 66.104 would be amended by adding the word "and" immediately following the word "resources" in paragraph (b)(5). As revised, paragraph (b)(5) would read as follows:

§ 66.104. Application.

* * * * *

(b) * * *

(5) The availability of necessary resources and facilities at the institution where the research or training would be conducted.

6. Section 66.105 would be amended by revising paragraphs (a), (b) introductory text, and (c) to read as follows:

§ 66.105 Requirements.

* * * * *

(a) For any Award made for an individual's initial twelve months of NRSA postdoctoral research or training, the individual has assured the Secretary, in the form and manner the Secretary may prescribe, that he or she will satisfy the requirements of § 66.110.

(b) If the proposed research or training would take place at an institution other than the National Institutes of Health, the institution has assured the Secretary in the form and manner the Secretary may prescribe. The assurance shall indicate that:

* * * * *

(c) The individual has assured the Secretary, in the form and manner the Secretary may prescribe, that the Award to the individual will not be used to support a residency.

7. Section 66.106 would be amended by revising paragraph (a)(2) introductory text to read as follows:

§ 66.106 Awards.

(a) * * *

(2) Whose proposed research or training would, in the judgment of the Secretary, best promote the purposes of section 487(a)(1)(A) of the Act, taking into consideration among other pertinent factors:

* * * * *

8. Section 66.110 would be revised in its entirety to read as follows:

§ 66.110 Service, payback, and recovery requirements.

(a) Each individual who receives an Award for postdoctoral research or training shall engage in a month of research training, research, or teaching that is health-related (or any combination thereof) for each month of support received, up to a maximum of twelve months. Such period shall be served in accordance with the usual patterns of such employment or training.

(b) In any case in which an individual receives an Award for more than twelve months, the thirteenth month and each subsequent month of performing activities under the Award shall be considered to be activities toward satisfaction of the requirement established in paragraph (a) of this section.

(c) Except as provided in § 66.111, an individual subject to the requirements for service in paragraph (a) of this section must begin to undertake the service on a continuous basis within two years after the expiration or termination of his or her Award.

(d) If the individual fails to undertake or perform the service in accordance with the requirements of this section, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula:

$$A = 0\frac{(t-s)}{(t)}$$

In which

A is the amount the United States is entitled to recover;

0 is the sum of the total amount paid to the individual for the months of postdoctoral support up to a maximum of twelve months;

t is total number of months in the individual's service obligation;

and s is the number of months of the obligation served by him or her in accordance with paragraph (a) or (b) of this section.

(e) Except as provided in § 66.111, the individual shall pay to the United States any amount which it is entitled to recover under paragraph (d) within a three-year period beginning on the date the United States becomes entitled to recover that amount. Interest shall accrue to the United States until any amount due it under paragraph (d) is paid. The rate of interest will be fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date the United States becomes entitled to recovery.

9. Section 66.111 would be amended by revising paragraphs (a) introductory text, (b) introductory text, and (c)(4) to read as follows:

§ 66.111 Suspension, waiver, and cancellation.

(a) The Secretary may extend the period for undertaking service described in § 66.110(c), permit breaks in the continuous service required under § 66.110(c), or extend the period of repayment under § 66.110(e) if the Secretary determines that:

* * * * *

(b) The Secretary may waive, in whole or in part, the obligation of the individual to repay pursuant to § 66.110(d) if the Secretary determines that:

* * * * *

(c) * * *

(4) The extent to which the individual has been engaged in activities encompassed by § 66.110(a) and (b);

* * * * *

10. Section 66.112 would be amended by revising the heading; removing the entry "45 CFR parts 6 and 8", revising the entry "45 CFR part 76", removing the entry "48 FR 24556", and adding the entry "51 FR 16958 (May 7, 1986)" to read as follows:

§ 66.112 Other HHS regulations and policies that apply.

* * * * *

45 CFR part 76—Governmentwide debarment and suspension (nonprocurement) and governmentwide requirements for drug-free workplace (grants)

51 FR 16958 (May 7, 1986)—NIH Guidelines for Research Involving Recombinant DNA Molecules. [Note: this policy is subject to change, and interested persons should contact the Office of Recombinant DNA Activities, NIH, Suite 323, 6000 Executive Boulevard, MSC 7052, Bethesda, MD 20892–7052, (301) 496–9838 (not a toll-free number) to obtain references to the current version and any amendments.]

Subpart B—Institutional Grants

11. Section 66.201 would be revised to read as follows:

§ 66.201 Applicability.

The regulations in this subpart apply to grants under section 487 of the Public Health Service Act, as amended (42 U.S.C. 288), to public institutions and to nonprofit private institutions to enable those institutions to make National Research Service Awards to individuals for research and training to undertake research, in programs specified in section 487 of the Act.

12. Section 66.205 would be amended by revising paragraphs (a)(1), (a)(2), and (b) to read as follows:

§ 66.205 Requirements.

(a) * * *

(1) For any award made for an individual's initial twelve months of NRSA postdoctoral research training, the individual has assured the Secretary, in the form and manner the Secretary may prescribe, that he or she will satisfy the requirements of § 66.110 of subpart A of this part;

(2) The individual is a citizen or noncitizen national of the United States or has been lawfully admitted to the United States for permanent residence at the time of the award;

* * * * *

(b) No Award shall be made to an individual under such grant which would provide that individual with aggregate support in excess of five years for predoctoral training and three years for postdoctoral training, unless the Secretary for good cause shown as provided in § 66.106(e) of subpart A of this part, waives the application of the limitation with respect to that individual;

* * * * *

13. Section 66.206 would be amended by revising paragraph (a)(3) introductory text to read as follows:

§ 66.206 Grant awards.

(a) * * *

(3) Whose proposed programs would, in the judgment of the Secretary, best promote the purposes of section 487(a)(1)(B) of the Act, taking into consideration among other pertinent factors:

* * * * *

14. Section 66.207 would be amended by revising the entries for 45 CFR part 74, 45 CFR part 76, and 48 FR 24556; and adding an entry for 42 CFR part 50, subpart F, immediately following the entry "42 CFR part 50, subpart D" and an entry for 51 FR 16958 (May 7, 1986) to read as follows:

§ 66.207 Other HHS regulations and policies that apply.

* * * * *

42 CFR part 50, subpart F—Responsibility of applicants for promoting objectivity in research for which PHS funding is sought.

* * * * *

45 CFR part 74—Uniform administrative requirements for awards and subawards to institutions of higher education, hospitals, other nonprofit organizations, and commercial organizations; and certain grants and agreements with states, local governments and indian tribal governments.

* * * * *

45 CFR part 76—Governmentwide debarment and suspension (nonprocurement) and governmentwide requirements for drug-free workplace (grants).

* * * * *

51 FR 16958 (May 7, 1986)—NIH Guidelines for Research Involving Recombinant DNA Molecules. [Note: this policy is subject to change, and interested persons should contact the Office of Recombinant DNA Activities, NIH, Suite 323, 6000 Executive Boulevard, MSC 7052, Bethesda, MD 20892–7052, (301) 496–9838 (not a toll-free number) to obtain references to the current version and any amendments.]

[FR Doc. 99–16340 Filed 6–29–99; 8:45 am]

BILLING CODE 4140–01–P

GENERAL SERVICES ADMINISTRATION

48 CFR Part 552

[GSAR Notice 5–420]

RIN 3090–AH01

Acquisition of Leasehold Interests in Real Property; Historic Preference

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Proposed rule.

SUMMARY: The General Services Administration proposes to amend the General Services Administration Acquisition Regulations (GSAR) by revising the provision at 552.270–4, Historic Preference.

DATES: Comments should be submitted on or before August 30, 1999 to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, Office of Acquisition Policy, GSA Acquisition Policy Division (MVP), 1800 F Street, NW, Room 4027, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Nydia M. Coleman, GSA Acquisition Policy Division, (202) 208–0759.

SUPPLEMENTARY INFORMATION:

A. Background

Executive Order (EO) 13006, dated May 21, 1996, requires that the Federal Government utilize and maintain, wherever operationally appropriate and economically prudent, historic properties and districts. Towards that end, the EO establishes that Federal agencies give first consideration to historic properties within historic districts. If no such property is suitable, then Federal agencies shall consider other developed or undeveloped sites within historic districts. Federal agencies shall then consider historic properties outside of historic districts, if no suitable site within a district exists. Based on the requirements of the EO, the GSAR provision has been revised to establish a hierarchy of consideration and to give a price evaluation preference for those considerations.

B. Executive Order 12866

This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

C. Regulatory Flexibility Act

This proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule merely implements an existing EO and imposes no new requirements.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the GSAR do not impose recordkeeping or information collection requirements, or collections of

information from offerors, contractors, or members of the public that require approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 552

Government procurement.

Accordingly, it is proposed that 48 CFR Part 552 be amended as follows:

1. Authority 40 U.S.C. 486(c).

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 552.2 Text of Provisions and Clauses

2. Section 552.270–4 is revised to read as follows:

552.270–4 Historic Preference.

As prescribed in section 570.702(b), insert the following provision:

HISTORIC PREFERENCE (—1999)

(a) Preference will be given to offers of space in historic properties following this hierarchy of consideration:

(1) Historic properties within historic districts

(2) Developed and undeveloped sites within historic districts,

(3) Historic properties outside of historic districts.

(b) Historic property means any district, site, building, structure, or object that is included in or eligible for the National Register. Historic District means any business area, industrial area, neighborhood, rural area, or other complex of buildings, structures, sites, objects, and/or landscape features that is included in or eligible for inclusion in the National Register of Historic Places. Historic properties and districts include those determined eligible by GSA or a State Historic Preservation Officer, or designated by any State, local or Indian tribal government under pertinent State, local or tribal law.

(c) The offer for space must meet the terms and conditions of this solicitation. (It is within the discretion of the Contracting Officer to accept alternatives to certain architectural characteristics and safety features defined elsewhere in this solicition to maintain the historical integrity of the building such as high ceilings, wooden floors, etc.)

(d) Where award will be based on the lowest price technically acceptable source selection process, a 10 percent price evaluation preference, based on the total annual square foot (ANSI/BOMA usable) cost to the Government, will be given to historic properties as follows:

(1) First to suitable historic properties within historic districts,

(2) If no suitable historic property within an historic district is offered, or the 10 percent preference does not result in the lowest acceptable offer, the preference will then be given to suitable developed or undeveloped sites within historic districts.

(3) Finally, if no suitable developed or undeveloped site within an historic district is offered, or the 10 percent preference does not result in the low offer, the preference will then be given to historic properties outside of historic districts.

(e) Where award will be made based on a tradeoff process of source selection which permits tradeoffs among cost or price and non-cost factors, a 10 percent price evaluation preference, based on the total annual square foot (ANSI/BOMA usable) cost to the government, will be given to historic properties as follows:

(1) First to suitable historic properties within historic districts.

(2) If no suitable historic property within an historic district is offered, or is eliminated from the competition, the preference will then be given to suitable developed or undeveloped sites within historic districts.

(3) Finally, if no suitable developed or undeveloped site within an historic district is offered, or is eliminated from the competition, the preference will then be given to historic properties outside of historic districts.

(End of Provision)

Dated: June 23, 1999.

Ida M. Ustad,

Deputy Associate Administrator for Acquisition Policy.

[FR Doc. 99–16503 Filed 6–29–99; 8:45 am]

BILLING CODE 6820–61–M

Notices

Federal Register
Vol. 64, No. 125
Wednesday, June 30, 1999

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 32–99]

Foreign-Trade Zone 183—Austin, Texas; Foreign-Trade Subzone 183A—Dell Computer Corporation; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Foreign Trade Zone of Central Texas, Inc., grantee of FTZ 183, requesting authority to expand Subzone 183A at the computer manufacturing facilities of Dell Computer Corporation (Dell) located in Austin, Texas. The application was submitted pursuant to the provisions of 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 June 21, 1999.

Subzone 183A was approved on November 16, 1992 (Board Order 607, 57 FR 56902, 12/1/92) and expanded on December 23, 1996 (Board Order 861, 62 FR 1316, 1/9/97) and on July 25, 1997 (Board Order 912, 62 FR 42486, 8/7/97). The subzone currently consists of the following five sites in Austin: Site 1 (55 acres) located in the Braker Center Industrial Park at the intersection of Braker Lane and Metric Boulevard; Site 2 McKalla 2 (124,000 sq. ft.) located at 2500 McHale Court within the Rutland Center Industrial Park and McKalla I (135,000 sq. ft.) located at 10220 McKalla Drive; Site 3 (11 acres) Research 1 (100,685 sq. ft.) located at 8701 Research Boulevard; Site 4 (33 acres, 546,750 sq. ft.) located in Metric Center at 2207 and 2209 Rutland Drive, 9709 Burnet Road and 2106 W. Rundberg; and, Site 5 (4 acres, 61,676 sq. ft.) located in Longhorn Business Park at 2545 Brockton Drive.

The applicant is now requesting authority to expand the subzone to include an additional site: Proposed Site 6 (11 acres, 96,000 sq. ft.) located in the Walnut Creek Corporate Center at 8619 Wall Street and 8701 Wall Street in Austin.

Dell is authorized to manufacture computers and related products under zone procedures within Subzone 183A. This proposal does not request any new manufacturing authority under FTZ procedures in terms of products or components, but the change is designed to help Dell accommodate increased production activity at its Austin facilities.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report 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 August 30, 1999. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to September 13, 1999).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, District Office, 1700 Congress, Second Floor, Austin, Texas 78701.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: June 22, 1999.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 99–16659 Filed 6–29–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews, Requests for Revocation in Part and Deferral of Administrative Review

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

ACTION: Notice of initiation of antidumping and countervailing duty administrative reviews, requests for revocation in part and deferral of administrative review.

SUMMARY: The Department of Commerce has received request to conduct administrative reviews of various antidumping and countervailing duty orders and findings with May anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews. The Department of Commerce also received a request to revoke five antidumping duty orders in part and to defer the initiation of an administrative review for one antidumping duty order.

EFFECTIVE DATE: June 30, 1999.

FOR FURTHER INFORMATION CONTACT: Holly A. Kugs, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 C.F.R. 351.213(b)(1997), for administrative reviews of various antidumping and countervailing duty orders and findings with May anniversary dates. The Department also received timely requests to revoke in part the antidumping duty order on Ball Bearings from France, Cylindrical Roller Bearings from Germany, Dynamic Random Access Memory semiconductors ("DRAMs") from the Republic of Korea, Antifriction Bearings and parts thereof from Rumania, and Polyvinyl Alcohol from Taiwan. In addition, the Department received a request to defer for one year the initiation of the May 1, 1998 through April 30, 1999 administrative review of the antidumping duty order on Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from Japan with respect to one exporter in accordance with 19 C.F.R. 351.213(c). The Department received no objections to this request from any party cited in 19 C.F.R. 351.213(c)(1)(ii).

Initiation of Reviews

In accordance with section 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following

antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than May 31, 2000. Also in accordance with 19 C.F.R. 351.213(c), we are deferring for one year the initiation of the May 1, 1998 through April 30, 1999 administrative review of the antidumping duty order on antifriction bearings (other than tapered roller bearings) and parts thereof from Japan with respect to one exporter.

Antidumping duty proceedings	Period to be reviewed
BRAZIL:	
Certain Malleable Cast Iron Pipe Fittings A–351–505	5/1/98–4/30/99.
Industria de Fundicao Tupy S.A.	
Orange Juice A–351–605	5/1/98–4/30/99.
Citrovita Agro Industrial Ltda.	
JAPAN:	
Electrolytic Manganese Dioxide * A–588–806	4/1/98–3/31/99.
Tosoh Corporation	
* Inadvertently omitted from previous initiation notice.	
Polyvinyl Alcohol A–588–836	5/1/98–4/30/99.
Kuraray Co., Ltd.	
REPUBLIC OF KOREA: DRAMs A–580–812	5/1/98–4/30/99.
LG Semicon Co., Ltd.	
Hyundai Electronics Industries Co.	
G5 Corporation	
Wooyang Industry Co.	
Kim's Marketing	
Jewon Trading	
TAIWAN:	
Certain Welded Carbon Steel Pipe & Tubes A–583–008	5/1/98–4/30/99.
Yieh Hsing Enterprise Co., Ltd.	
Yu Din Steel	
Kao Hsing Chang Iron & Steel Corporation	
Yieh Loong Co., Ltd.	
Far East Machinery Co., Ltd.	
Tai Feng Industries	
An Mau Steel Co., Ltd.	
Polyvinyl Alcohol A–583–824	5/1/98–4/30/99.
Chang Chun Petrochemical Col., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Pure Magnesium A–570–832.	
Taiyuan East-United Mangnesium Company Ltd.	
TURKEY: Certain Welded Carbon Steel Pipe and Tube A–489–501	5/1/98–4/30/99.
The Borusan Group (including Borusan Birlesik Boru Fabrikalari (S.A.)	
Borusan Ihracat Ithalat ve Dagitam A.S.	

	Period class or kind
Anti-Friction Bearings Proceedings and Films	
FRANCE: A–427–801	5/1/98–4/30/99.
SKF France S.A. (including all relevant affiliates)	All.
Societe Nouvelle de Roulements (SNR)	Ball & Cylindrical.
SNFA S.A./Somecat S.p.A. (including all relevant affiliates)	Ball & Cylindrical.
Augusta Un'Azienda Finmeccanica	All.
AVSA S.A.R.L.	Spherical plain.
Wyko Export	Ball & Cylindrical.
GERMANY; A428 801	5/1/98–4/30/99.
FAG Kugelfischer George Schaefer AG (including all relevant affiliates)	Ball & Cylindrical
INA Walzlager Schaeller KG	All.
NTN	Ball
SKF GmbH (including all relevant affiliates)	All
SNR	Ball & Cylindrical.
Torrington Nadellager GmbH	All
Paul Muller GmbH & Co. KG	Ball
Wyko Export of Queen Cross	Ball & Cylindrical.
AVSA S.A.R.L.	Spherical Plain.
Mannesmann Sachs AG	Ball.
MPT Prazisionsteile GmbH Mittweida	Cylindrical.
ITALY: A–475–801	5/1/98–4/30/99.
SKF Industrie S.p.A (including all relevant affiliates)	Ball.
FAG Italia S.p.A. (including all relevant affiliates)	Ball & Cylindrical.
Meter, S.p.A.	Ball.
SNR Roulements	All.
SOMECAT s.P.A/SNFA Bearings Ltd. (U.K.) (including all relevant affiliates)	Ball.
Augusta Un'Azienda Finmeccanica	All.
JAPAN: A–588–804	5/1/98–4/30/99.
Koyo Seiko Co., Ltd	All
Nachi-Fujikoshi Corporation	Ball & Cylindrical.
Nippon Pillow Block Sales Company, Ltd	Ball.
NSK Ltd. (formerly Nippon Seiko K.K	Ball & Cylindrical.

	Period class or kind
NTN Corporation	All.
Asahi Sieko	Ball.
Inoue Jukuuke Kogyo (IJK)	Ball.
Isuzu Motors	All.
Izumoto Sieko (IKS)	Ball.
Nakai Bearing	Ball.
Nankai Seiko	Ball.
Osaka Pump	Ball.
Takeshita Seiko	Ball.
Tottori Yamakai (KYK)	Ball.
Tsubakimoto Precision	Ball.
ROMANIA: A–485–801	5/1/98–4/30/99.
S.C. Koyo Romania S.A.	Ball.
Technoimportexport, S.A. (TIE)	Ball.
SINGAPORE: A–559–801	5/1/98–4/30/99.
NMB Singapore Ltd./Pelmec Industries (Pte.) Ltd.	Ball.
SWEDEN: A–401–801	5/1/98–4/30/99.
SKF Sverige AB	Ball & Cylindrical.
Wyko Export of Queen Cross	Ball & Cylindrical.
THE UNITED KINGDOM: A–412–801	5/1/98–4/30/99.
NSK Bearings Europe Ltd./RHP Bearings Ltd.	Ball & Cylindrical.
Barden Corporation	Ball & Cylindrical.
FAG (U.K.) Limited	Ball & Cylindrical.
SNFA Bearings Limited/Somecat S.P.A. (including all relevant affiliates)	Ball.
SNR Roulements	Ball.
Augusta Un'Azienda Finmeccanica	Ball & Cylindrical.
Countervailing Duty Proceedings	
VENEZUELA: Ferrosilicon, C–307–808	1/1/98–12/31/98.
Ferroatlantica de Venezuela S.A.	
Suspension Agreements	
None..	

Deferral initation of administrative review	Period to be deferred class or kind
JAPAN: Antifriction Bearings (Other than tapered roller bearings) and Parts Thereof, A–588–804	5/1/98–4/30/99.
Muro Corporation	Ball.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under section 351.211 or a determination under section 351.218(d) (sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

For transition orders defined in section 751(c)(6) of the Act, the Secretary will apply paragraph (j)(1) of this section of any administrative review initiated in 1998 (19 C.F.R. 351.213(j)(1–2)).

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 C.F.R. 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: June 21, 1999.

Bernard T. Carreau,

Deputy Assistant Secretary for Group II, AD/CVD Enforcement.

[FR Doc. 99–16658 Filed 6–29–99; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket Number: 99–012. *Applicant:* Texas A&M University, Purchasing Department, Room 337B Zachry Engineering Building, College Station, TX 77843–3122. *Instrument:* Densitometer and Balance. *Manufacturer:* Rubotherm, Germany. *Intended Use:* The instrument is intended to be used to measure corrosive materials such as hydrogen sulfide, polar solvents such as acetylnitrile, asphalts and aggregate materials during experiments conducted with the objective of understanding the strength and durability of asphalt

aggregate pavements and fluid properties relevant to deep off-shore oil and gas production. Application accepted by Commissioner of Customs: June 4, 1999.

Docket Number: 99–013. *Applicant:* the University of Texas, M.D. Anderson Cancer Center, 1515 Holcombe Boulevard, Box 173, Houston, TX 77030. *Instrument:* Electron Microscope, Model JEM–1010. *Manufacturer:* JOEL Ltd., Japan. *Intended Use:* The instrument is intended to be used to examine normal and pathologic tissues obtained from human patients and experimental animals, tissue culture cells, viruses, polymers containing biological and chemotherapeutic agents. It will be used for ultrastructure of human and animal tumors. In addition, the instrument will be used to teach graduate students, postdoctoral fellows, visiting scientists and faculty members the techniques of electron microscopy and ultrastructural analysis. *Application accepted by Commissioner of Customs:* June 10, 1999.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 99–16548 Filed 6–29–99; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–834]

Countervailing Duty Investigation of Live Cattle From Canada; Notice of Alignment With Final Antidumping Duty Determination

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

ACTION: Notice of alignment with antidumping duty determination.

EFFECTIVE DATE: June 30, 1999.

FOR FURTHER INFORMATION CONTACT: Stephanie Hoffman, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482–4198.

SUPPLEMENTARY INFORMATION: On May 6, 1999, the petitioner submitted a letter requesting alignment of the final determination in this investigation with the final determination in the companion antidumping duty investigation. *See* Initiation of Antidumping Duty Investigations: Live Cattle from Canada and Mexico, 63 FR 71886 (December 30, 1998). In accordance with section 705(a)(1) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act, we are aligning the final determination in this investigation with the final determination in the antidumping duty investigation of live cattle from Canada.

This notice is in accordance with section 705(a)(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.210(b)(4).

Dated: June 23, 1999.

Richard W. Moreland,

Deputy Assistant Secretary for AD/CVD Enforcement.

[FR Doc. 99–16547 Filed 6–29–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Area the Public Is Requested To Temporarily Avoid During Coral Reef Restoration Activities in the Florida Keys National Marine Sanctuary (FKNMS)

AGENCY: Marine Sanctuaries Division (MSD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice.

SUMMARY: NOAA requests that users of the FKNMS avoid, from July 6 through September 7, 1999, an area approximately 6.75 acres marked by construction buoys in the vicinity of 24°37′30″ N, 81°24′23″ W, a bank reef located 7 nautical miles (12.9 km) off the southwest tip of Big Pine Key, Florida. During this time, NOAA and authorized contractors will be conducting physical restoration activities of a coral reef where the R/V *Columbus Iselin* grounded of August 10 through 12, 1994. The public is requested to avoid the area during this period due to the presence of heavy construction materials and equipment (e.g., barges and cranes), moorings, surface air supply hoses of divers and increased localized boat traffic. The intent of this notice is to ensure the protection of life and property during these complex activities.

FOR FURTHER INFORMATION CONTACT: Harriet Sopher, Program Manager, Resource Protection Team, Marine Sanctuaries Division, National Oceanic and Atmospheric Administration, 1305 East West Highway, SSMC4, 12th Floor, Silver Spring, Maryland, 20910. Telephone number: 301–713–3145 ext. 109.

Background

On August 10 through 12, 1994, the R/V *Columbus Iselin,* a 155-foot oceanographic research vessel, ran aground on the western portion of Looe Key reef within the FKNMS. The grounding site is a bank reef located 7 nautical miles (12.9 km) off the soutwest tip of Big Pine Key, Florida (24°37′ N, 81°24′ W). The impact of the grounding and the shifting of the vessel created large scars on four of the Looe Key coral spurs. Significant injuries were inflicted to the coral reef colonies, substrate, and other resident marine organisms such as sponges and sea fans. The unconsolidated coral rubble and ship debris have been removed. Storm events, including Hurricane Georges in the Fall of 1998 have caused additional damage to the grounding site.

Section 312 of the National Marine Sanctuaries Act (NMSA 16 U.S.C. 1443) authorizes NOAA to pursue claims for response costs and damages when sanctuary resources are destroyed, lost or injured. Funds recovered under section 312 are used to restore, replace or acquire equivalent sanctuary resources. As part of the restoration process at the site of the R/V *Columbus Iselin* grounding, NOAA and its authorized contractor will be placing three to five ton boulders and tremie concrete to rebuild the physical infrastructure of the damaged coral reef spurs. This activity will occur from July 6 through September 7, 1999.

Because divers, moorings, heavy construction materials and equipment (e.g., barges and crane) and increased localized boat traffic will be present during the restoration activity, NOAA requests the public to avoid an area of approximately 6.75 acres where the restoration activity will occur. The area will be marked by buoys. The buoys will be set about 30′ beyond the barge tie down locations, and create an area 600′ oriented (approximately) E–W by 490′ oriented (approximately) N–S, around the grounding site (24°37′ N, 81°24′ W). The intent is to protect the life and property of construction crews and Sanctuary users while heavy construction materials and equipment (e.g., barges and cranes) are in the area; protect moorings which will be used at the site to stabilize the barge; protect the surface air supply hoses of the divers and SCUBA crew who will be conducting the restoration activities; and to ensure timely and successful completion of the restoration.

The area for which the public is requested to avoid is the minimum area

necessary to moor the barges and includes buffer zones to moor support vessels and provide an extra margin for public safety while completing the restoration activities. The time period for which the public is requested to avoid the restoration site is the expected time necessary to complete the construction activities. If less or more time is needed, NOAA will so notify the public.

During the planning process for this project (Winter of 1999), one-on-one contact was made with local dive operators, a public meeting was held to explain the restoration project and make the public aware of the area it would be requested to temporarily avoid. Additionally, NOAA issued press releases to the local newspapers and radio stations which have covered the restoration planning process and which have provided notice of NOAA's request for the public to avoid the restoration area.

Locations and Boundaries of the Area the Public is Requested To Avoid

The area which the public is requested to avoid is located approximately 7 nautical miles (12.9 kilometers) offshore the southwest tip of Big Pine Key, Florida (24° 37′N, 81° 24′W). The total area is approximately 6.75 acres. The boundary of this area will be marked by construction buoys.

The area is bounded by the following coordinates:

Latitude	*Longitude*
A: 24°32′40.3″ N	81°24′30.6″ W.
B: 24°32′42.3″ N	81°24′24.5″ W.
C: 24°32′46.9″ N	81°24′26.3″ W.
D: 24°32′44.8″ N	81°24′32.4″ W.

Dates

The public is requested to avoid the area from July 6 through September 7, 1999, or until the construction marker buoys are removed at NOAA's direction if the work is completed prior or later. Public notice of this request also will be provided through local news media, a Notice to Mariners, and posting of placards on bulletin boards in public areas in Big Pine Key and at Bahia Honda State Park.

Dated: June 24, 1999.

Ted I. Lillestolen,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 99–16583 Filed 6–29–99; 8:45 am]

BILLING CODE 3510–08–M

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the Commission of Fine Arts is scheduled for 15 July 1999 at 10.00 a.m. in the Commission's offices at the National Building Museum (Pension Building), Suite 312, Judiciary Square, 441 F Street, NW, Washington, DC, 2001. Items of discussion will include designs for projects affecting the appearance of Washington, DC, including buildings and parks.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated in Washington, DC, June 23, 1999.

Charles H. Atherton,

Secretary.

[FR Doc. 99–16613 Filed 6–29–99; 8:45 am]

BILLING CODE 6330–01–M

DEPARTMENT OF DEFENSE

Air Force Department

Air Force A–76 Initiatives Cost Comparisons and Direct Conversions (As of 31 March 1999)

The Air Force is in the process of conducting the following A–76 initiatives. Cost comparisons are public-private competitions. Direct conversions are functions that may result in a conversion to contract without public competition. These initiatives were announced and in-progress as of 31 March 1999, include the installation and state where the cost comparison or direct conversion is being performed, the total authorizations under study, public announcement date and actual or anticipated solicitation date. The following initiatives are in various stages of completion.

Installation	State	Function(s)	Total authorizations	Public announcement date	Solicitation issued or scheduled date
Cost Comparisons					
ANDERSEN	GUAM	SUPPLY AND TRANSPORTATION	384	25–Jun–98	15–May–99
ANDREWS	MD	AIRCRAFT MAINTENANCE AND SUPPLY	815	25–Jul–97	27–Apr–99
ANDREWS	MD	GROUNDS MAINTENANCE	9	17–Dec–98	01–Oct–99
ANDREWS	MD	HEATING SYSTEMS	22	17–Dec–98	01–Oct–99
ANDREWS	MD	MEDICAL FACILITY MAINTENANCE	11	09–Oct–97	30–Apr–99
BARKSDALE	LA	PROTECTIVE COATING	13	14–Dec–98	13–Sep–99
BOLLING	DC	SUPPLY AND TRANSPORTATION	164	01–Dec–98	03–Jan–00
BUCKLEY	CO	AIRFIELD MANAGEMENT	34	22–Mar–95	18–May–99
BUCKLEY	CO	CIVIL ENGINEERING	55	24–Nov–97	01–Apr–99
CARSWELL	TX	BASE OPERATING SUPPORT	69	13–Jun–96	10–Aug–99
CHARLESTON	SC	MILITARY FAMILY HOUSING MAINTENANCE	14	23–Sep–97	29–Jan–99
CHEYENNE MTN	CO	CIVIL ENGINEERING	139	08–May–98	02–Apr–99
CHEYENNE MTN	CO	COMMUNICATION FUNCTIONS	401	08–May–98	02–Jul–99
DOVER	DE	HEATING SYSTEMS	11	07–Jan–99	04–Oct–99
EDWARDS	CA	BASE OPERATING SUPPORT	460	09–Dec–98	08–Nov–00
EDWARDS	CA	TRANSIENT AIRCRAFT MAINTENANCE/AEROSPACE GROUND EQUIPMENT.	136	06–Nov–98	31–Aug–99
EGLIN	FL	CIVIL ENGINEERING	200	03–Dec–96	21–Jul–98
EIELSON	AK	HOUSING MANAGEMENT	16	17–Nov–97	25–Apr–99
ELMENDORF	AK	ADMINISTRATIVE TELEPHONE SWITCHBOARD	16	28–Jul–97	24–Feb–99
ELMENDORF	AK	BASE SUPPLY	210	26–Mar–99	07–Sep–99
F E WARREN	WY	BASE COMMUNICATIONS	126	30–Oct–97	16–May–99
FAIRCHILD	WA	HEATING SYSTEMS	15	16–Mar–99	TBD
GENERAL MITCHELL	WI	BASE OPERATING SUPPORT	77	13–Jun–96	20–Apr–98

Installation	State	Function(s)	Total authorizations	Public announcement date	Solicitation issued or scheduled date
GREATER PITTSBURGH	PA	BASE OPERATING SUPPORT	77	13–Jun–96	15–Sep–99
GRISSOM	IN	BASE OPERATING SUPPORT	133	13–Jun–96	15–Jul–99
HANSCOM AFB	MA	BASE SUPPLY	70	10–Nov–98	27–Aug–99
HANSCOM AFB	MA	CIVIL ENGINEERING	201	09–Dec–98	25–Sep–99
HANSCOM AFB	MA	EDUCATION/TRAINING AND PERSONNEL	14	25–Nov–98	11–Sep–99
HILL AFB	UT	BASE OPERATING SUPPORT	730	30–Sep–98	20–Sep–00
HOLLOMAN AFB	NM	MILITARY FAMILY HOUSING MAINTENANCE	66	12–May–97	01–May–99
HOMESTEAD	FL	BASE OPERATING SUPPORT	106	13–Jun–96	15–Jan–00
HURLBURT COM FL	FL	BASE SUPPLY	43	15–Jul–98	01–Jan–00
HURLBURT COM FL	FL	COMMUNICATION FUNCTIONS	50	31–Jul–98	24–Sep–99
HURLBURT COM FL	FL	ENVIRONMENTAL	13	23–Sep–97	20–Nov–98
KIRTLAND	NM	BASE COMMUNICATIONS	228	06–Nov–97	26–Apr–99
KIRTLAND	NM	CIVIL ENGINEERING	360	09–Dec–98	22–Jun–99
KIRTLAND	NM	ENVIRONMENTAL	32	24–Nov–98	15–Jun–99
LACKLAND	TX	MULTIPLE SUPPORT FUNCTIONS	1587	26–Jan–99	09–Aug–99
LANGLEY	VA	GENERAL LIBRARY	11	22–Dec–98	05–May–99
LANGLEY	VA	MILITARY FAMILY HOUSING MAINTENANCE	16	24–Nov–97	01–Apr–99
LOS ANGELES	CA	COMMUNICATIONS OPERATIONS AND MAINTENANCE FUNCTIONS.	85	01–Jul–97	25–Nov–98
LOS ANGELES	CA	HOUSING MANAGEMENT	10	01–Jul–97	24–Aug–98
LOS ANGELES	CA	SERVICES ACTIVITIES	8	01–Jul–97	02–May–99
MALMSTROM	MT	BASE COMMUNICATIONS	153	06–Oct–97	15–Apr–99
MALMSTROM	MT	FURNISHINGS MANAGEMENT	10	24–Nov–97	05–Jan–99
MALMSTROM	MT	HEATING SYSTEMS	26	24–Nov–97	01–Apr–99
MARCH	CA	BASE OPERATING SUPPORT	195	13–Jun–96	15–Nov–99
MAXWELL	AL	MULTIPLE SUPPORT FUNCTIONS	821	28–Apr–98	22–Mar–99
MCCHORD	WA	HEATING SYSTEMS	11	23–Sep–97	30–Mar–99
MCCHORD	WA	MILITARY FAMILY HOUSING MAINTENANCE	15	23–Sep–97	03–Mar–99
MCGUIRE	NJ	HEATING SYSTEMS	10	22–Oct–98	01–Feb–99
MINN/ST PAUL	MN	BASE OPERATING SUPPORT	83	13–Jun–96	11–Aug–98
MULTIPLE INSTLNS		ADMINISTRATIVE SWITCHBOARD	94	19–Jun–97	15–Nov–99
RAMSTEIN	GERMY				
SEMBACH	GERMY				
SPANGDAHLEM	GERMY				
MILDENHALL	UK				
MULTIPLE INSTLNS		COMMUNICATION FUNCTIONS	141	11–Mar–99	11–Nov–99
GRISSOM	IN				
GENERAL MITCHELL	WI				
MINN/ST PAUL	MN				
NEW ORLEANS NAS	LA				
CARSWELL	TX				
HOMESTEAD	FL				
MARCH	CA				
WESTOVER	MA				
YOUNGSTOWN MUNI.	OH				
WILLOW GROVE	PA				
GREATER PITTSBURGH.	PA				
MULTIPLE INSTLNS		EDUCATION SERVICES	153	07–Jan–99	06–Oct–99
HOWARD	PANMA				
MOODY	GA				
MINOT	ND				
MT HOME	ID				
NELLIS	NV				
SHAW	SC				
WHITEMAN	MO				
LAJES	AZORE				
ELLSWORTH	SD				
SEYMOUR JOHNSON.	NC				
HOLLOMAN AFB	NM				
DYESS	TX				
DAVIS MONTHAN	AZ				
CANNON	NM				
BARKSDALE	LA				

Installation	State	Function(s)	Total authorizations	Public announcement date	Solicitation issued or scheduled date
KEFLAVIK	ICELD				
LANGLEY	VA				
BEALE	CA				
MULTIPLE INSTLNS		EDUCATION/TRAINING AND PERSONNEL	94	25–Mar–98	15–Apr–99
BUCKLEY	CO				
F E WARREN	WY				
PATRICK	FL				
PETERSON	CO				
FALCON	CO				
VANDENBERG	CA				
MULTIPLE INSTLNS		GENERAL LIBRARY	24	29–Jul–97	20–Jul–98
PETERSON	CO				
PATRICK	FL				
F E WARREN	WY				
MALMSTROM	MT				
VANDENBERG AFB	CA				
MULTIPLE INSTLNS		PRECISION MEASUREMENT EQUIPMENT LABORATORY (PMEL).	1543	24–Sep–98	13–Jul–99
NEW BOSTON	NH	BASE OPERATING SUPPORT	48	03–Dec–97	10–Apr–99
NEW ORLEANS NAS	LA	BASE OPERATING SUPPORT	45	13–Jun–96	10–Aug–99
OFFUTT	NE	BASE OPERATING SUPPORT	1608	30–Sep–98	31–Jan–00
PATRICK	FL	SUPPLY AND TRANSPORTATION	43	14–May–98	01–Jun–00
RAMSTEIN	GERMY	MILITARY FAMILY HOUSING MAINTENANCE	142	19–Jun–97	28–Dec–98
RANDOLPH	TX	INFORMATION MANAGEMENT	26	12–May–98	15–Jan–99
ROBINS	GA	ADMINISTRATIVE TELEPHONE SWITCHBOARD	17	17–Mar–99	23–Dec–99
ROBINS	GA	EDUCATION SERVICES	57	07–Jan–99	30–Sep–99
SCOTT	IL	BASE SUPPLY	102	03–Jun–97	28–Aug–98
SCOTT	IL	COMMUNICATIONS OPERATIONS AND MAINTENANCE FUNCTIONS.	178	19–Mar–98	16–Aug–99
SCOTT	IL	MEDICAL FACILITY MAINTENANCE	8	09–Jan–98	05–Aug–98
SEMBACH	GERMY	COMMUNICATION FUNCTIONS	48	18–Dec–98	30–Sep–99
SHAW	SC	PROTECTIVE COATING	12	14–Dec–98	10–May–99
TINKER	OK	BASE SUPPLY	150	30–Nov–98	10–Sep–99
TINKER	OK	CIVIL ENGINEERING	567	15–Apr–97	26–Mar–98
TINKER	OK	EDUCATION SERVICES	54	16–Nov–98	07–Sep–99
TINKER	OK	ENVIRONMENTAL	53	24–Nov–98	10–Sep–99
TRAVIS	CA	VEHICLE OPERATIONS AND MAINTENANCE	131	15–Jul–98	01–Sep–99
USAF ACADEMY	CO	BASE OPERATING SUPPORT	108	08–May–98	15–Jun–99
USAF ACADEMY	CO	CIVIL ENGINEERING	497	01–Dec–98	15–Feb–00
USAF ACADEMY	CO	FOOD SERVICES	299	08–May–98	21–Apr–99
USAF ACADEMY	CO	SERVICES ACTIVITIES	86	08–May–98	24–Sep–99
VANDENBERG AFB	CA	TRAINER FABRICATION	12	24–Nov–97	15–Apr–99
WESTOVER	MA	BASE OPERATING SUPPORT	172	13–Jun–96	08–May–98
WILLOW GROVE	PA	BASE OPERATING SUPPORT	52	13–Jun–96	28–Sep–98
WRIGHT PATTERSON	OH	CIVIL ENGINEERING	104	21–Aug–98	21–May–99
WRIGHT PATTERSON	OH	CIVIL ENGINEERING	698	15–Aug–97	25–Sep–98
WRIGHT PATTERSON	OH	COMMUNICATION FUNCTIONS	319	21–Aug–98	21–May–99
WRIGHT PATTERSON	OH	LABORATORY SUPPORT SERVICES	129	21–Aug–98	219May–99
YOUNGSTOWN MUNI	OH	BASE OPERATING SUPPORT	92	13–Jun–96	14–Sep–98
Direct Conversions					
ALTUS	OK	MEDICAL STENOGRAPHY	2	17–Nov–97	01–Jul–98
ANDREWS	MD	SOFTWARE PROGRAMMING	10	18–Jun–97	06–Dec–98
ANDREWS	MD	SOFTWARE PROGRAMMING	12	18–Jun–97	06–Dec–98
ASHEVILLE	NC	COMPUTER SYSTEMS MAINTENANCE	10	17–Feb–99	01–Mar–00
AVIANO	ITALY	WAR RESERVE MATERIEL MAINTENANCE (WRM)	30	16–Aug–96	NA
BARKSDALE	LA	ADMINISTRATIVE SWITCHBOARD	10	04–Aug–98	01–Aug–99
BARKSDALE	LA	GENERAL LIBRARY	6	11–Jun–97	18–Dec–98
BARKSDALE	LA	HOSPITAL SERVICES	3	01–Dec–97	20–Apr–99
CANNON	NM	PROTECTIVE COATING	2	07–Jan–99	09–Aug–99

Installation	State	Function(s)	Total authorizations	Public announcement date	Solicitation issued or scheduled date
CHARLESTON	SC	HEATING SYSTEMS	9	14–Mar–97	11–Aug–98
DAVIS MONTHAN	AZ	PROTECTIVE COATING	9	24–Jun–98	11–Oct–99
DAVIS MONTHAN	AZ	RAILROAD TRANSPORTATION SERVICES	2	11–Aug–98	11–Oct–99
DYESS	TX	ADMINISTRATIVE TELEPHONE SWITCHBOARD	9	12–Nov–98	30–Oct–99
ELLSWORTH	SD	ADMINISTRATIVE TELEPHONE SWITCHBOARD	10	10–Jul–98	01–Jul–99
ELLSWORTH	SD	ENVIRONMENTAL	7	05–Nov–98	23–Dec–98
ELLSWORTH	SD	GENERAL LIBRARY	7	16–Jul–98	01–Jul–99
ELMENDORF	AK	TRANSIENT AIRCRAFT MAINTENANCE	12	10–Nov–97	18–Feb–99
F E WARREN	WY	BASE COMMUNICATIONS	22	30–Oct–97	16–May–99
F E WARREN	WY	HOUSING MANAGEMENT	8	24–Nov–97	10–Apr–99
HANSCOM AFB	MA	COMMUNICATION FUNCTIONS	78	14–Dec–98	30–Sep–99
KIRTLAND	NM	EDUCATION SERVICES	12	26–Oct–98	15–May–99
KIRTLAND	NM	GENERAL LIBRARY	4	12–Jan–99	28–Sep–99
KIRTLAND	NM	RECREATIONAL SUPPORT	9	12–Jan–99	25–Sep–99
LANGLEY	VA	ADMINISTRATIVE TELEPHONE SWITCHBOARD	18	05–Feb–98	01–Apr–99
LOS ANGELES	CA	PACKING AND CRATING	4	01–Jul–97	12–Mar–99
MACDILL	FL	CIVIL ENGINEERING	310	06–Nov–97	22–Feb–99
MAXWELL	AL	EDUCATION SERVICES	35	31–Jul–98	01–Jul–99
MCCHORD	WA	GENERAL LIBRARY	6	17–Mar–97	12–Nov–97
MCCHORD	WA	GROUNDS MAINTENANCE	9	17–Mar–97	28–Apr–98
MINOT	ND	ADMINISTRATIVE SWITCHBOARD	6	07–Jan–99	23–Aug–99
MULTIPLE INSTLNS		RADAR	106	12–Nov–98	01–Apr–99
CANNON	NM				
SEYMOUR JOHNSON.	NC				
SHAW	SC				
MULTIPLE INSTLNS		TRANSIENT AIRCRAFT MAINTENANCE	70	27–Aug–98	01–May–99
MT HOME	ID				
LANGLEY	VA				
NELLIS	NV				
CANNON	NM				
SHAW	SC				
NELLIS	NV	COMMUNICATION FUNCTIONS	9	22–Dec–98	19–Aug–99
NELLIS	NV	GENERAL LIBRARY	9	16–Jul–98	02–Apr–99
NORTH FIELD	SC	GROUNDS MAINTENANCE	1	14–Mar–97	03–Mar–98
OFFUTT	NE	COMPUTER OPERATIONS	76	17–Feb–99	01–Mar–00
OFFUTT	NE	DATA AUTOMATION	67	27–Aug–98	07–May–99
OFFUTT	NE	SOFTWARE PROGRAMMING	3	12–Nov–98	26–Apr–99
PATRICK	FL	BASE WEATHER OBSERVING	5	17–Mar–98	01–Jun–99
PATRICK	FL	RANGE MAINTENANCE	63	19–May–98	05–Apr–99
PATRICK	FL	TRANSIENT AIRCRAFT MAINTENANCE	11	10–Sep–97	02–Jun–98
POPE	NC	FURNISHINGS MANAGEMENT	1	07–Oct–98	03–May–99
PORTLAND	OR	ADMINISTRATIVE SWITCHBOARD	2	22–Dec–98	20–Jul–99
RANDOLPH	TX	FLYING TRAINING	26	01–Jun–98	14–May–99
RANDOLPH	TX	FLYING TRAINING	45	20–Jan–98	03–Aug–98
SCOTT	IL	FURNISHINGS MANAGEMENT	3	08–Jul–98	07–Apr–99
SCOTT	IL	GROUNDS MAINTENANCE	1	17–Mar–97	04–Aug–98
SELFRIDGE	MI	BASE OPERATIONS	6	04–Jun–98	15–May–99
SELFRIDGE	MI	COMMUNICATION FUNCTIONS	3	17–Aug–98	03–May–99
SELFRIDGE	MI	FUELS MANAGEMENT	8	01–Jun–98	15–May–99
SELFRIDGE	MI	TRANSIENT AIRCRAFT MAINTENANCE	8	04–Jun–98	15–May–99
SEYMOUR JOHNSON	NC	TRANSIENT AIRCRAFT MAINTENANCE	8	12–Nov–97	15–May–99
SHAW	SC	LIBRARY	7	27–Aug–98	01–Jul–99
TINKER	OK	GRAPHIC ARTS	13	14–Jan–99	16–Aug–99
TRAVIS	CA	FACILITIES SERVICES MAINTENANCE	2	20–Apr–98	16–Dec–98
TRAVIS	CA	HEATING SYSTEMS	5	20–Apr–98	02–Aug–99
USAF ACADEMY	CO	AIRFIELD OPERATIONS AND WEATHER	11	17–Apr–98	12–Apr–99
WHITEMAN	MO	ADMINISTRATIVE SWITCHBOARD	9	22–Dec–98	01–Sep–99
WHITEMAN	MO	GROUNDS MAINTENANCE	5	08–Dec–98	27–May–99
WHITEMAN	MO	HOSPITAL SERVICES	2	17–Apr–98	01–Apr–99

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 99–16567 Filed 6–29–99; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Grant an Exclusive Patent License

Pursuant to the provisions of Part 404 of Title 37, Code of Federal Regulations, which implements Public Law 96–517, the Department of the Air Force announces its intention to grant Hybrid Plastics, LLC, a company doing business in Fountain Valley, CA, an exclusive license in any right, title, and interest the Air Force has in U.S. Patent Application Serial No. 09/003,083 entitled "METHOD OF FUNCTIONALIZING POLYCYCLIC SILICONES AND THE RESULTING COMPOUNDS" and Patent Application Serial No. 09/003,084 entitled "METHOD OF FUNCTIONALIZING POLYCYCLIC SILICONES AND THE COMPOUNDS SO FORMED." Each invention is a joint invention of Joseph D. Lichtenhan and Joseph J. Schwab, Frank J. Feher, and Daravonge Soulivong.

The two licenses described above will be granted unless an objection thereto, together with a request for an opportunity to be heard, if desired, is received in writing by the addressee set forth below within 60 days from the date of publication of this Notice. Information concerning the application may be obtained, on request, from the same addressee.

All communications concerning this Notice should be sent to Mr. Randy Heald, Associate General Counsel (Acquisition), SAF/GCQ, 1500 Wilson Blvd., Suite 304 Arlington, VA 22209–2310. Mr. Heald can be reached at 703–588–5091 or by fax at 703–588–8037.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 99–16629 Filed 6–29–99; 8:45 am]

BILLING CODE 5001–05–U

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Grant an Exclusive Patent License

Pursuant to the provisions of Part 404 of Title 37, Code of Federal Regulations, which implements Public Law 96–517, the Department of the Air Force announces its intention to grant R & J Fluidix LLC, a company doing business in Mt. Holly, N.J., an exclusive license in any right, title, and interest the Air Force has in U.S. Patent No. 5,873,500. The invention is a joint invention of Richard W. Homburg and Jay A. Murray both of whom were government employees at the time of the invention. The invention is entitled "FLUID DELIVERY CART" and issued on February 23, 1999.

The license described above will be granted unless an objection thereto, together with a request for an opportunity to be heard, if desired, is received in writing by the addressee set forth below within 60 days from the date of publication of this Notice. Information concerning the application may be obtained, on request, from the same addressee.

All communications concerning this Notice should be sent to Mr. Randy Heald, Associate General Counsel (Acquisition), SAF/GCQ, 1500 Wilson Blvd., Suite 304 Arlington, VA 22209–2310. Mr. Heald can be reached at 703–588–5091 or by fax at 703–588–8037.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 99–16630 Filed 6–29–99; 8:45 am]

BILLING CODE 5001–05–U

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for the Disposal and Reuse of Naval Air Station Barbers Point, Oahu, HI

SUMMARY: The Department of the Navy (Navy), pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C) (1994), and the regulations of the Council on Environmental Quality that implement NEPA procedures, 40 C.F.R. Parts 1500–1508, hereby announces its decision to dispose of Naval Air Station (NAS) Barbers Point, which is located on the island of Oahu in Honolulu County, Hawaii.

Navy analyzed the impacts of the disposal and reuse of NAS Barbers Point in an Environmental Impact Statement (EIS) as required by NEPA. The EIS analyzed four reuse alternatives and identified the Naval Air Station Barbers Point Community Redevelopment Plan dated March 1997 (Redevelopment Plan), described in the EIS as the State-Preferred Alternative, as the Preferred Alternative. The State of Hawaii is the Local Redevelopment Authority (LRA) for NAS Barbers Point. Department of Defense Rule on Revitalizing Base Closure Communities and Community Assistance (DoD Rule), 32 CFR 176.20(a).

The Preferred Alternative proposed a mix of aviation, residential, educational, community service, light industrial, commercia!, public, park and recreational uses. These include a general aviation and military airport, housing, a vocational training center, a desalinization plant, an automobile race track complex, an international sports center, a festival center, a marine park, a baseball complex, and a field sports complex.

Navy intends to dispose of NAS Barbers Point in a manner that is consistent with the Redevelopment Plan. Navy has determined that a mixed land use will meet the goals of achieving local economicredevelopment, creating new jobs, and providing additional housing, while limiting adverse environmental impacts and ensuring land uses that are compatible with adjacent property. This Record Of Decision does not mandate a specific mix of land uses. Rather, it leaves selection of the particular means to achieve the proposed redevelopment to the acquiring entities and the local zoning authority.

Background

Under the authority of the Defense Base Closure and Realignment Act of 1990 (DBCRA), Public Law 101–510, 10 U.S.C. § 2687 note (1994), the 1993 Defense Base Closure and Realignment Commission recommended the closure of Naval Air Station Barbers Point. This recommendation was approved by President Clinton and accepted by the One Hundred Third Congress in 1993. The base is scheduled to close on July 2, 1999.

Nearly all of the property associated with NAS Barbers Point is located on the island of Oahu, about 16 miles west of downtown Honolulu. This property covers 3,723 acres. Additionally, there are three non-contiguous parcels that cover 100 acres: two small areas at Iroquois Point on Pearl Harbor and Kaula Island located 55 miles from the Hawaiian island of Kauai.

Navy controls an additional 110 acres near the main base by way of easements for air operations. These easements impose restrictions on 20 acres of private property near the northwestern edge of the base and on 90 acres of private property near the southwest corner of the base. Navy will transfer its interests in these easements to the underlying property owners.

The 3,723-acre main base property is bounded on the north by the City of Kapolei; on the east by the communities of Ewa Villages, Ewa Gentry and Ewa Marina; on the south by the Pacific Ocean; and on the west by Campbell Industrial Park and Kapolei Business Park. There are three runways at NAS Barbers Point: two parallel 8,330-foot runways (Runway 4L–22R and Runway 4R–22L) in a southwest-northeast alignment and one 8,411-foot crosswind runway (Runway 11–29) in a northwest-southeast alignment. There is a drainage channel on the western edge of the base adjacent to Campbell Industrial Park that runs from north to south. Navy owns the northern and southern parts of the drainage channel, and the Estate of James Campbell owns the middle part of the channel. The Estate also maintains easements on those parts owned by Navy.

The Navy property at Iroquois Point on Pearl Harbor covers two acres located about eight miles west of downtown Honolulu. This property contains a community center and a retail store that are situated in a military family housing area associated with Navy activities at the Pearl Harbor Naval Complex. Kaula Island covers 108 acres and is located about 55 miles southwest of Navy's Pacific Missile Range Facility on the island of Kauai.

The 1995 Defense Base Closure and Realignment Commission modified the 1993 Commission's recommendation by directing Navy to retain certain properties at NAS Barbers Point in support of military family housing requirements on the Island of Oahu. The recommendation of the 1995 Commission was approved by President Clinton and accepted by the One Hundred Fourth Congress in 1995.

Navy will retain the 1,090 housing units on the northern edge of the base and 171 community support facilities throughout the base, including the medical and dental clinic (Building 1829) in the center of the base; the child development center (Building 1965) and the golf course in the northeastern part of the base; White Plains Beach in the southeast corner; Nimitz Beach on the southern edge of the base; the landfill in the western part of the base; the two off-base parcels at Iroquois Point; and Kaula Island. Navy made the remaining property available for use by other Federal agencies.

During the Federal screening process, seven Federal agencies requested interagency transfers of base closure property at NAS Barbers Point. These included the Department of Veterans Affairs, the Federal Aviation Administration (FAA), the United States Postal Service, the Department of the Interior's United States Fish and Wildlife Service, the United States Coast Guard, the National Guard Bureau (Hawaii Army National guard), and the Department of the Army. Navy will transfer about 464 acres at Barbers Point to six of these Federal agencies.

Navy will transfer about six acres in the center of the base to the Department of Veterans Affairs for use in programs that serve veterans on Oahu. These will include employment training classes and outpatient substance abuse treatment. Buildings 34, 37, and 1772 will be used for these programs.

Navy will transfer about 18 acres in the northeast corner of the base to the Federal Aviation Administration. The FAA will continue to operate a navigation aid there that serves Honolulu International Airport and will maintain a radio frequency interference zone around this navigation equipment.

Navy will transfer Building 3 and about one acre in the center of the base to the United States Postal Service. The Postal Service will continue to use this building as a post office.

Navy will transfer four non-contiguous parcels covering about 239 acres at Barbers Point to the United States Fish and Wildlife Service to establish the Barbers Point Unit of the Pearl Harbor National Wildlife Refuge. This refuge will protect Federally listed endangered plant and bird species and migratory birds. These four parcels are located in the eastern, southeastern, southern and southwestern parts of the base.

The eastern parcel, covering 136 acres, contains the akoko shrub (*Chamaesyce skottsbergii var. skottsbergii*), a Federally listed and State-listed endangered plant. The southeastern parcel, covering nine acres, contained Ordy Pond and provides habitat for several species of migratory shorebirds protected under the Migratory Bird Treaty Act of 1918, 16 U.S.C. 703–712 (1994), and the Federally listed and State-listed endangered Hawaiian stilt (Himantopus mexicanus knudseni). The southern parcel, covering 45 acres, contains a coastal salt flat and provides habitat for migratory shorebirds and the endangered Hawaiian stilt. The southwestern parcel, covering 49 acres, contains a Federally listed and State-listed endangered plant, the chaff flower shrub. (*Achyranthes splendens var. rotundata*).

Navy will transfer about 44 acres in the southern part of the base to the United States Coast Guard to permit the Coast Guard to continue operating its Barbers Point Air Station. The Coast Guard operates C–130 Hercules aircraft and HH–65 helicopters that conduct search and rescue operations in the Central Pacific Maritime Region.

Navy will transfer about 149 acres in the north-central part of the base to the Hawaii Army National Guard. The Guard will use this property for operational, maintenance and administrative activities, its Youth Challenge Program, and as a parking apron for its CH–47 helicopters. Navy will also transfer to the Guard an additional seven acres in this area where the fuel storage tanks are currently located. The Guard will use this property as a storage area after the tanks are removed.

The Department of the Army initially requested about 17 acres in the southwestern part of the base to establish a soil and sludge reclamation

facility but subsequently withdrew its request. The remaining 2,130 acres of property at NAS Barbers Point are surplus to the needs of the Federal Government.

This Record of Decision addresses the disposal and reuse of these 2,130 acres, which contain about 209 buildings and structures that were used for aviation operations, training, and related administrative activities. The surplus property's undeveloped areas contain wetlands, an endangered plant, and archaeological resources.

On August 31, 1998, the United States Department of the Interior entered into a Memorandum of Agreement with the State of Hawaii providing that about 623 of the 2.130 surplus acres in various parts of NAS Barbars Point would be conveyed to the State through the Department of the Interior under the authority of the Hawaiian Home Lands Recovery Act (HHLRA), Public Law 104–42, 109 Stat. 357 (1995). This statute authorized the conveyance of excess Federal land to settle claims asserted by the State of Hawaii's Department of Hawaiian Home Lands (DHHL) that certain Hawaiian home lands set aside by Congress in 1921 for homesteading by native Hawaiian had been diverted to Federal uses.

The conveyance process may require the withdrawal of this land from surplus status and an interagency transfer from Navy to Interior for subsequent conveyance by Interior to DHHL. Such an action would not affect Navy's NEPA analysis, because DHHL's proposed uses of this property are the same as those set forth in the Redevelopment Plan. Thus, the environmental impacts described in the EIS would not change.

About 1,452 acres of surplus property will be conveyed by way of various kinds of public benefit conveyances. Navy will assign 702 acres in the center of the base to the State of Hawaii after approval by the United States Department of Transportation for use as an airport. Navy will assign nine acres north of the airfield to the United States Department of Education for subsequent conveyance to the State of Hawaii for use as an aviation training school. Navy will assign 42 acres in the southwest corner of the base to the United States Department of Health and Human Services for subsequent conveyance to the City and County of Honolulu for public health use as a seawater desalinization plant. Navy will assign 13 acres in the northwestern part of the base adjacent to the Navy-retained housing to the United States Department of Education for subsequent conveyance to the State of Hawaii for the continuing use of the Barbers Point Elementary School. Navy will assign 686 acres in various locations throughout the base to the United States Department of the Interior for subsequent conveyance to the State of Hawaii and the City and County of Honolulu for use as parks and recreational areas.

Of the remaining 55 acres, Navy will assign 13 acres in the center of the base to the State of Hawaii after approval of a legally binding agreement between the LRA and homeless assistance providers by the United States Department of Housing and Urban Development for the provision of homeless assistance services. About 42 acres consisting of roads and parts of the drainage channel will be conveyed by negotiated sales.

Navy published a Notice Of Intent in the **Federal Register** on March 26, 1997, announcing that Navy and the Federal Aviation Administration as a cooperating agency would prepare an EIS for the disposal and reuse of NAS Barbers Point. Navy held a public scoping meeting at the Washington Intermediate School in Honolulu on April 16, 1997, and at the base's Paradise West Club on April 17, 1997. The scoping period concluded on June 19, 1997.

Navy distributed the Draft EIS (DEIS) to Federal, State, and local governmental agencies, elected officials, community groups and associations, and interested persons on August 28, 1998, and commenced a 45-day public review and comment period. During this period, Federal, State and local agencies, community groups and associations, and interested persons submitted oral and written comments concerning the DEIS. Navy held public hearings to receive comments on the DEIS at the James Campbell Building in Kapolei on October 5, 1998, and at the Washington Intermediate School in Honolulu on October 7, 1998.

Navy's responses to the public comments were incorporated in the Final EIS (FEIS), which was distributed to the public on February 5, 1999, for a review period that concluded on March 8, 1999. Navy received five letters commenting on the FEIS.

Alternatives.

NEPA requires Navy to evaluate a reasonable range of alternatives for the disposal and reuse of this surplus Federal property. In the FEIS, Navy analyzed the environmental impacts of four reuse alternatives. Navy also evaluated a "No Action" alternative that would leave the property in caretaker status with Navy maintaining the physical condition of the property, providing a security force, and making repairs essential to safety.

In a letter to the Department of Defense's Office of Economic Adjustment dated September 28, 1993, the State of Hawaii, acting as the LRA, and the City and County of Honolulu jointly established the Barbers Point Naval Air Station Reuse Committee. In Executive Order No. 94–98 dated December 2, 1994, the Governor of Hawaii, John Waihee, established the Barbers Point Naval Air Station Redevelopment Commission to prepare a redevelopment plan for the base. The Redevelopment Commission solicited expressions of interest in the property and received notices of interest from State, City, and County agencies, private businesses, homeless assistance providers, and nonprofit organizations. After the Redevelopment Commission evaluated these notices of interest, it developed three reuse proposals: a Large Airport Alternative, a Small Airport Alternative, and a "No Airport" Alternative.

In August 1996, the Redevelopment Commission solicited comments concerning the three reuse proposals at four public hearings held in various places on Oahu. In response to these comments, the Redevelopment Commission developed a fourth alternative that adopted parts of the Large and Small Airport Alternatives. During a public hearing on September 17, 1996, the Redevelopment Commission solicited comments concerning this composite alternative. On October 8, 1996, the Commission adopted the composite alternative as its reuse plan and approved the Naval Air Station Barbers Point Community Redevelopment Plan. In a letter to the Redevelopment Commission dated December 23, 1996, Governor Benjamin Cayetano accepted the Redevelopment Commission's recommendations with certain modifications.

On December 11, 1997, the Redevelopment Commission modified the Redevelopment Plan by making additional property available for residential and commercial uses and by changing the use of 65 acres from homeless assistance services to residential purposes. Additionally, the 5.7-acre parcel of land that contains Building 1 was incorporated in the Redevelopment Plan and designated for commercial and residential uses. In a memorandum to the Governor dated December 17, 1997, the Redevelopment Commission submitted Community Redevelopment Plan Amendment 1 and on December 23, 1997, Governor Cayetano approved this amendment by endorsing the memorandum dated December 17, 1997.

On December 10, 1998, the Redevelopment Commission modified the Redevelopment Plan a second time by changing the use of five acres in the center of the base from a public facility to a park and by making minor changes to the proposed roadway system. In a memorandum received by the State of Hawaii on February 5, 1999, the Redevelopment Commission submitted Community Redevelopment Plan Amendment 2 to Governor Cayetano. On March 17, 1999, Governor Cayetano approved this amendment by endorsing the memorandum received on February 5, 1999.

The Redevelopment Plan, identified in the FEIS as the Preferred Alternative, proposed a mix of land uses. The Preferred Alternative would use the runways, hangars, and related maintenance buildings, covering 702 acres, as an airport that would serve civilian general aviation and aviation operations of the Coast Guard and the Hawaii Army National Guard. This Alternative would use 165 acres for residential purposes; 515 acres for light industrial activities; 33 acres for educational and public facilities; 686 acres for parks and recreational activities; and 29 acres for roads, open space, and utilities. It will be necessary to make extensive utility infrastructure and roadway improvements to support the Redevelopment Plan's proposed development of property at Barbers Point.

In the center of the base, the Preferred Alternative proposed to use 702 acres as an airport serving civilian general aviation and aviation operations of the Coast Guard and the Hawaii Army National Guard. The Preferred Alternative would use parts of the two parallel southwest-northeast 8,300-foot runways, *i.e.*, 4,500 feet of runway 4L–22R and 8,000 feet of runway 4R–22L. The 4,500-foot runway would be used for civilian general aviation operations. The 8,000-foot runway would be used for civilian general aviation and military air operations. It would also provide commercial airliners bound for or departing from Honolulu International Airport with an alternate landing site. This Alternative would use 6,000 feet of the northwest-southwest 8,411-foot crosswind runway (runway 11–29) for civilian general aviation and military air operations.

The new airport at Barbers Point would improve the mix of general aviation and commercial aircraft at Honolulu International Airport by diverting some general aviation operations to Barbers Point. By the year 2020, the new airport at Barbers Point would serve about 60 percent (78,000) of the small single-engine and light twin-engine propeller aircraft operations that would otherwise use Honolulu International Airport. It would also serve about 50 percent (27,900) of those kinds of aircraft operations that would otherwise use Dillingham Airfield, a general aviation facility on Oahu's north shore, and 62,700 general aviation training operations that previously used the Auxiliary Landing Field at Ford Island in Pearl Harbor. These diverted operations would amount to about 168,600 general aviation operations in the year 2020 on Oahu.

In the year 2020, the new airport at Barbers Point would accommodate about 203,600 air operations per year. These operations would be composed of the 168,600 general aviation operations diverted from Honolulu, Dillingham and Ford Island; about 13,100 Coast Guard and Hawaii Army National Guard operations; and about 21,900 general aviation operations that would be generated each year by the Redevelopment Plan's proposed aviation training school.

North of the airfield, the Preferred Alternative would use 14 acres for residential purposes, 13 acres for homeless assistance services, six acres for commercial activities, seven acres for recreational activities, and 13 acres for educational facilities. Just south of this area, the Preferred Alternative would dedicate seven acres for use as public facilities such as an aviation training school.

In the northeastern part of the base, the Preferred Alternative would use about 346 acres adjacent to the FAA navigation aid for commercial and recreational activities. This Alternative would build an international sports center here for athletic training programs, competitive events, in-transit athlete services, and related activities. The Preferred Alternative would also build a baseball complex, a field sports complex, and a festival center in this area.

In the southeastern and southern parts of the base, the Preferred Alternative would use about 516 acres for commercial and recreational activities. This Alternative would develop the area along the shoreline to provide a regional park, facilities for launching canoes and boats with related amenities, camping grounds, athletic fields, and open space. The Preferred Alternative would redevelop the inland area north of the regional park as a marine park. It would also establish a heritage park west of the marine park to preserve inland areas that contain significant archaeological resources.

In the southwestern part of the base, the Preferred Alternative would build an automobile race track complex on about 161 acres between the western ends of the crosswind runway, Runway 11–29, and one of the parallel runways, Runway 4R–22L. On 42 acres in the southwest corner of the base, across the drainage channel, this Alternative would build a seawater desalinization plant.

In the northwest corner of the base, the Preferred Alternative proposed to use 138 acres south and west of the Navy-retained housing for residential purposes and 13 acres in the northwestern part of the Navy housing area for continuing use of the Barbers Point Elementary School. This Alternative would build light industrial facilities on 123 acres south and west of this residential area

It would be necessary to make roadway improvements to implement the Redevelopment Plan. These improvements would link the new development to the surrounding communities of Kapolei and Ewa Marina.

Navy analyzed a second "action" alternative, described in the FEIS as the Large Airport Alternative. In the center of the base, the Large Airport Alternative proposed to use 961 acres as an airport that would serve civilian general aviation, the Coast Guard, and the Hawaii Army National Guard. This Alternative would use the entire lengths of the existing parallel and crosswind runways and would support the same volume and kinds of operations as the Preferred Alternative. All three runways would be available as alternative landing sites for commercial airliners.

North of the airfield, the Large Airport Alternative proposed residences, homeless assistance services, commercial facilities, recreational activities, and educational facilities. The locations and configurations would be the same as in the Preferred Alternative.

In the northeastern part of the base, the Large Airport Alternative proposed a mix of residential, commercial, and light industrial uses. This Alternative would provide a residential area outside the perimeter of the FAA navigation aid. It would build light industrial facilities south and west of this residential area. The property west of the residential area adjacent to the FAA navigation aid would also be used for a State correctional facility.

In the southeastern and southern parts of the base, this Alternative proposed to redevelop the area along the shoreline for use as a regional part and beach with camping grounds. Under this Alternative, recreational and athletic

fields would be built north and inland of the shoreline facilities. It would also build a marine park west of the regional park, a heritage park north of the marine park, and an amphitheater north of the regional park and east of the heritage park.

In the southwestern part of the base, between the western ends of the crosswind runway (Runway 11–29) and one of the parallel runways (Runway 4L–22R), the Large Airport Alternative would build an automobile race track complex. On 42 acres in the southwest corner of the base, across the drainage channel, this Alternative would build a seawater desalinization plant.

In the northwest corner of the base, the Large Airport Alternative would use the property adjacent to the Navy-retained housing for residential purposes and would continue to use the Barbers Point Elementary School. This Alternative would build light industrial facilities in the areas south and west of this residential area.

Navy analyzed a third "action" alternative described in the FEIS as the Small Airport Alternative. In the center of the base, the Small Airport Alternative proposed to use 701 acres as an airport that would serve civilian general aviation, the Coast Guard, and the Hawaii Army National Guard. This Alternative would use parts of the two parallel 8,330-foot runways, *i.e.*, 8,000 feet of Runway 4L–22R and 3,700 feet of Runway 4R/22L. The 8,000-foot runway would provide an alternative landing site for commercial airlines. The 3,700-foot runway would be used for civilian general aviation operations. This Alternative would not operate the crosswind runway. It would provide airport facilities to accommodate the same kinds and volume of air operations proposed by the Preferred Alternative and the Large Airport Alternative.

North of the airfield, the Small Airport Alternative proposed residences, homeless assistance services, commercial activities, recreational activities, and educational facilities. The locations and configurations would be the same as in the Preferred Alternative.

In the northeastern part of the base adjacent to the FAA navigation aid, the Small Airport Alternative proposed to build an international sports center, a baseball complex, a field sports complex, a festival center, and fairgrounds.

In the southeastern and southern parts of the base, the Small Airport Alternative would redevelop the area along the shoreline for use as a recreational beach with a picnic area and camping grounds. Under this Alternative, a marine park, a rowing regatta facility, and recreational and athletic fields would be built north and inland of the shoreline facilities. This Alternative would develop the inland area west and northwest of the marine park for use as an amphitheater and as a heritage park. It would build athletic fields north of the marine park, adjacent to the eastern parcel of the Pearl Harbor National Wildlife Refuge's Barbers Point Unit.

In the southwestern part of the base, the Small Airport Alternative proposed to use 10 acres west of the Coast Guard property to train fire fighters. This Alternative would use 42 acres at the southwest corner of the base, across the drainage channel, for a seawater desalinization plant and for light industrial facilities. Unlike the Preferred Alternative, the Small Airport Alternative would not build an automobile race track complex.

In the northwest corner of the base, the Small Airport Alternative proposed to use property adjacent to the Navy-retained housing for residential purposes and to continue using the Barbers Point Elementary School. The areas south and west of this residential area would be used to build light industrial facilities. The area north of the Navy-related landfill could be used for a State correctional facility.

Navy analyzed a fourth "action" alternative described in the FEIS as the "No Airport" Alternative. In the "No Airport" Alternative, the acquiring entity would direct and market the redevelopment of NAS Barbers Point for non-aviation uses. All of the aviation facilities on the surplus property would be modified to serve non-aviation purposes or would be demolished. Thus, it would be necessary for the Coast Guard to move its fixed wing and rotary air operations to another site on the island of Oahu. The Hawaii Army National Guard could operate its helicopters on the property previously occupied by the Coast Guard.

In the center of the base, the "No Airport" Alternative proposed to build recreational facilities. These facilities would include an international sports center and a baseball complex. North of the baseball complex, the "No Airport" Alternative proposed residences, homeless assistance services, commercial facilities, recreational activities, and educational facilities. The locations and configurations would be the same as in the Preferred Alternative.

In the northeastern part of the base, the "No Airport" Alternative would use the property adjacent to the FAA navigation aid for residential and recreational purposes. This Alternative would build residential units, a festival center, fairgrounds, a marine park and an amphitheater in this area.

In the southeastern part of the base, the "No Airport" Alternative proposed parks, commercial and recreational uses. This Alternative would build a rowing regatta facility, a recreational beach, camping grounds and athletic fields. North and inland of the shoreline facilities, this Alternative would build a heritage park and additional athletic fields.

In the southwestern part of the base, the "No Airport" Alternative would use the property for commercial and light industrial activities. These could include an automobile race track complex, an electric power plant, and a State correctional facility. It would build a fire fighter training facility on the same 42-acre parcel in the southwest corner of the base, across the drainage channel, where the Preferred Alternative would build a seawater desalinization plant.

In the western part of the base south of the Navy-retained housing, the "No Airport" Alternative proposed to build recreational facilities. This Alternative also proposed to continue using the Barbers Point Elementary School in the northwestern part of the base.

Environmental Impacts

Navy analyzed the direct, indirect, and cumulative impacts of the disposal and reuse of this surplus Federal property. The FEIS addressed the impacts of the Preferred Alternative, the Large Airport Alternative, the Small Airport Alternative, the "No Airport" Alternative, and the "No Action" Alternative for each alternative's effects on geology, topography and soils, groundwater quality, surface water quality, air quality, noise, visual resources, transportation, biological resources, cultural resources, public health and safety, public services, socioeconomics (including population, employment, income, housing, recreation, and environmental justice), and infrastructure, including potable water, non-potable water, wastewater, drainage, electricity, solid waste, and communications. This Record Of Decision focuses on the impacts that would likely result from implementation of the Redevelopment Plan, identified in the FEIS as the Preferred Alternative.

The Preferred Alternative would not have any significant impact on soils and would not have any impact on local or regional geological resources or topography. The soil at Barbers Point is not susceptible to erosion because it is shallow and highly permeable.

Disturbances to soils such as compaction, rutting, and erosion would be limited to the particular areas that would be redeveloped. These impacts would be temporary and can be minimized during construction by the use of standard soil erosion and sedimentation control measures such as the use of hay bales and silt fences.

The Preferred Alternative would not have any significant impact on the availability or quality of groundwater. The groundwater at NAS Barbers Point is brackish and not suitable for public consumption or irrigation without desalinization. Airport operations and light industrial activities would not affect the groundwater, because operational controls such as containment of chemical and fuel storage areas as well as maintenance activities would be imposed. These controls are specified in existing laws and regulations governing industrial and construction-related runoff.

The Preferred Alternative would not have a significant impact on surface waters. The Pacific Ocean, Ordy Pond, the coastal salt flat, and the seasonal wetland would not be significantly affected by construction activities if standard soil erosion and sedimentation control measures required by existing laws and regulations were implemented.

Stormwater discharge from new light industrial activities, roadways, parking areas, and routine operations and maintenance in developed areas (such as the application of herbicides and pesticides) could have adverse impacts on surface water quality. In accordance with Federal, State, and local laws and regulations, the acquiring entities will implement stormwater management practices to minimize these potential impacts. There could also be significant cumulative impacts on surface water quality arising out of the regional drainage from surrounding communities.

The Preferred Alternative would not have any significant impact on air quality. Compliance with regulatory requirements that control emissions such as the Clean Air Act, 42 U.S.C. § 7401–7671q (1994), and the Hawaii Administrative Rules, Chapter 11–60.1, Air Pollution Control, would prevent significant impacts from stationary sources. Additionally, there would not be any significant regional or local impact on air quality from mobile sources if the roadway improvements described in the FEIS were implemented. Finally, emissions from aircraft operations would be substantially less than when the Naval Air Station was operating.

The Preferred Alternative would not have any significant impact on noise. Exposure to noise from aircraft operations would be substantially less than when the Naval Air Station was operating. This decrease results from the significant reduction in annual jet aircraft operations proposed under the Preferred Alternative. Additionally, aircraft noise levels would not exceed the State of Hawaii's standards for airport operations that affect residential areas.

During reuse there would be an increase in ambient noise levels arising out of the non-aviation activities. These activities, however, must comply with the Hawaii Administrative Rules, Chapter 11–46, Community Noise Control. Moreover, in accordance with Chapter 343 of the Hawaii Revised Statutes (1996), redevelopment projects would be evaluated in either an environmental assessment or an environmental impact statement before development could begin.

The Preferred Alternative would not have any significant impact on visual resources. The development of shoreline parks would increase public access to the coastal area and would not obstruct views of the Pacific Ocean and coastal landmarks from inland areas.

The Preferred Alternative would not have any significant impact on transportation except when special events were held. By the year 2020, this Alternative would generate about 49,1000 average daily trips compared with 27,300 average daily trips that were associated with Navy's use of the property. With the roadway improvements described in the FEIS, this increase in daily traffic could be accommodated. However, traffic generated by events at the automobile race trace complex and at the festival center would have significant impacts even if traffic control measures and parking plans were implemented.

The Preferred Alternative would not have any significant impact on biological resources. Navy held informal consultations with the United States Fish and Wildlife Service and the National Marine Fisheries Service under Section 7 of the Endangered Species Act of 1973 (ESA), 16 U.S.C. 1536 (1994). In a letter dated December 1, 1998, the Fish and Wildlife Service concurred with Navy's determination that the disposal and reuse of NAS Barbers Point is not likely to adversely affect the one Federally listed endangered plant there, the akoko shrub (*Chamaesyce skottsbergii var. skottsbergii*). The Service's concurrence was based upon Navy's assurance that the conveyance of property to the State of Hawaii and the City and County of Honolulu on which the akoko is known to exist will be made through the Department of the Interior. Navy will inform Interior about its responsibility under Section 7 of ESA to consult with the Service regarding the potential effects on the akoko of conveying the property to the State and City and County of Honolulu.

The Preferred Alternative could have construction-related impacts on coastal waters where the Federally listed and State-listed threatened green sea turtle (*Chelonia mydas*) is found. Impacts from surface water runoff generated by construction can be avoided or reduced by the use of stormwater control measures required by existing laws and regulations. In a letter dated November 25, 1998, the National Marine Fisheries Service concurred with Navy's determination that the disposal and reuse of NAS Barbers Point is not likely to adversely affect Federally listed species or critical habitat unless changes or improvements associated with reuse increase the amount of stormwater runoff. Thus, increases in stormwater runoff generated by activities under the Preferred Alternative could require the acquiring entities to build stormwater disposal facilities.

The Preferred Alternative would not have any significant impact on cultural resources. Pursuant to Section 106 of the National Historic Preservation Act of 1966 (NHPA), 16 U.S.C. 470f (1994), Navy conducted a cultural resource assessment and determined that 62 archaeological sites and 64 structures are eligible for listing on the National Register of Historic Places. The archaeological sites and historic structures will be protected by covenants in the deeds conveying the property. These covenants will require prior written approval from the State Historic Preservation Officer (SHPO) before any action may be taken that would affect those properties.

In addition, Hawaii's historic preservation program, set forth in Hawaii Revised Statutes, Chapter 6E, requires a consultative process by State and City agencies with the SHPO similar to that prescribed by Section 106 of the NHPA for Federal agencies. The State Historic Preservation Officer and the Advisory Council on Historic Preservation, in letters dated December 18, 1998 and January 11, 1999, respectively, concurred with Navy's determination that the disposal and reuse of NAS Barbers Point would not have an adverse effect on the archaeological sites and historic structures if the conveyance documents incorporate protective covenants.

The Preferred Alternative would not have any significant impact on public health and safety. Implementation of this Alternative would not have any significant impact on existing environmental contamination at NAS Barbers Point. Navy will inform future property owners about the environmental condition of the property and may, where appropriate, include restrictions, notifications, or covenants in deeds to ensure the protection of human health and the environment in light of the intended use of the property.

In the northwestern part of the base, near Campbell Industrial Park, the Preferred Alternative proposed to build residential units. The operations of the Industrial Park would not pose a significant health and safety risk to residents of this area. However, in the unlikely event of a catastrophic incident at Campbell Industrial Park, such as the release of large quantities of toxic contaminants or flammable material, there could be a significant impact on public health and safety. In a letter to the State of Hawaii's Department of Business, Economic Development and Tourism dated December 20, 1996, the State's Department of Health discouraged planners from locating residential units near Campbell Industrial Park.

The proposed airport operations must conform to Federal Aviation Administration safety standards and design criteria that require adequate safety measures to protect people and property. The proposed air operations would not adversely affect public health and safety.

The Preferred Alternative would not have any significant impact on most public services. Existing police, fire and health care services are sufficient to accommodate the proposed reuse. However, under the Preferred Alternative, the number of elementary school students would nearly double and there would be smaller increases of intermediate and high school students. The acquiring entities can mitigate this significant impact by increasing the capacity of Barbers Point Elementary School; by building an additional elementary school; and by redistricting and reallocating student populations. These measures would also mitigate the cumulative impacts on education arising out of new residential development planned for the nearby Ewa area of Oahu.

The Preferred Alternative would have significant beneficial socioeconomic impacts. The proposed redevelopment would increase employment and provide additional recreational opportunities and housing. The Preferred Alternative would create 3,600 direct jobs and 3,400 indirect jobs that would generate about $197 Million in direct and indirect income. The additional parks and recreational areas would be made available to the public. The proposed residential areas would increase the amount of affordable housing on the island.

The Preferred Alternative would generate a 4,000-person increase in the local population. However, since this increase would represent less than two percent of this area's population, it would not cause any adverse effects.

The Preferred Alternative would not have any significant impact on potable water, non-potable water, wastewater, solid waste, electricity, and communications. Oahu's capacity for these services is adequate to support the Redevelopment Plan.

The Preferred Alternative would not have any significant impact on stormwater drainage. Increases in stormwater runoff could result from the construction of additional impervious surfaces. The acquiring entities can mitigate this impact by building stormwater disposal facilities or a drainage system of pipes that would carry stormwater to the ocean.

Navy analyzed the Redevelopment Plan's proposed regional drainage channel in the FEIS and concluded that additional studies and comments from affected parties would be required to resolve the regional drainage issue. The drainage channel proposed in the Preferred Alternative would redirect off-base stormwater runoff to the base property. This drainage channel has not been formally considered or approved by Navy, the City and County of Honolulu, or affected Ewa landowners. Directing off-base runoff to the base, as proposed in the Preferred Alternative, may restrict certain proposed reuse activities and adversely affect military activities on property retained by Navy. These restrictions could reduce the amount of property designated for residential, commercial, and light industrial purposes. Additionally, if upstream contaminants were carried in the stormwater runoff to Navy-owned property, responsibility for remediation could become an issue. These impacts could be avoided by allowing runoff from the upstream area to follow its natural drainage pattern and flow down to the Ewa Marina area, rather than by redirecting the flow as proposed in the Preferred Alternative.

Executive Order 12898, Federal Actions to address Environmental Justice in Minority Populations and Low-Income Populations, 3 C.F.R. 859 (1995), requires that Navy determine whether any low-income and minority populations will experience disproportionately high and adverse human health or environmental effects from the proposed action. Navy analyzed the impacts on low-income and minority populations pursuant to Executive Order 12898. The FEIS addressed the potential environmental, social, and economic impacts associated with the disposal of NAS Barbers Point and subsequent reuse of the property under the various proposed alternatives. Minority and low-income populations residing within the region will not be disproportionately affected. Indeed, the employment opportunities, housing and public services created by implementing the Preferred Alternative would have beneficial effects.

Navy also analyzed the impacts on children pursuant to Executive order 13045, Protection of Children from Environmental Health Risks and Safety Risks, 3 CFR 198 (1998). Under the Preferred Alternative, the largest concentration of children would be present in the residential and recreational areas. The Preferred Alternative would not impose any disproportionate environmental health or safety risks on children. However, in the unlikely event of a catastrophic incident at Campbell Industrial Park, such as the release of large quantities of toxic contaminants or flammable material, there could be disproportionate health and safety risks to children living in the nearby residential area.

Mitigation

Implementation of Navy's decision to dispose of NAS Barbers Point does not require Navy to implement any mitigation measures. Navy will take certain actions to implement existing agreements and regulations. These actions were treated in the FEIS as agreements or regulatory requirements rather than as mitigation.

The FEIS identified and discussed those actions that will be necessary to mitigate the impacts associated with the reuse and redevelopment of Naval Air Station Barbers Point. The acquiring entities, under the direction of Federal, State, and local agencies with regulatory authority over protected resources, will be responsible for implementing necessary mitigation measures.

Comments Received on the Final EIS

Navy received comments on the Final EIS from the United States Coast Guard, the State Historic Preservation Officer, the City and County of Honolulu Fire Department, the Barbers Point Naval Air Station Redevelopment Commission,

and one individual. These comments concerned issues already discussed in the FEIS and do not require further clarification.

Regulations Governing the Disposal Decision

Since the proposed action contemplates a disposal under the Defense Base Closure and Realignment Act of 1990 (DBCRA), Public Law 101–510, 10 U.S.C. 2687 note (1994), Navy's decision was based upon the environmental analysis in the FEIS and application of the standards set forth in the DBCRA, the Federal Property Management Regulations (FPMR), 41 CFR Part 101–47, and the Department of Defense Rule on Revitalizing Base Closure Communities and Community Assistance (DoD Rule), 32 CFR Parts 174 and 175.

Section 101–47.303–1 of the FPMR requires that disposals of Federal property benefit the Federal Government and constitute the "highest and best use" of the property. Section 101–47.4909 of the FPMR defines the "highest and best use" as that use to which a property can be put that produces the highest monetary return from the property, promotes its maximum value, or serves a public or institutional purpose. The "highest and best use" determination must be based upon the property's economic potential, qualitative values inherent in the property, and utilization factors affecting land use such as zoning, physical characteristics, other private and public uses in the vicinity, neighboring improvements, utility services, access, roads, location, and environmental and historic considerations.

After Federal property has been conveyed to non-Federal entities, the property is subject to local land use regulations, including zoning and subdivision regulations, and building codes. Unless expressly authorized by statute, the disposing Federal agency cannot restrict the future use of surplus Government property. As a result, the local community exercises substantial control over future use of the property. For this reason, local land use plans and zoning affect determination of the "highest and best use" of surplus Government property.

The DBCRA directed the Administrator of the General Services Administration (GSA) to delegate to the Secretary of Defense authority to transfer and dispose of base closure property. Section 2905(b) of the DBCRA directs the Secretary of Defense to exercise this authority in accordance with GSA's property disposal regulations, set forth in Part 101–47 of the FPMR. By letter dated December 20, 1991, the Secretary of Defense delegated the authority to transfer and dispose of base closure property closed under the DBCRA to the Secretaries of the Military Departments. Under this delegation of authority, the Secretary of the Navy must follow FPMR procedures for screening and disposing of real property when implementing base closures. Only where Congress has expressly provided additional authority for disposing of base closure property, *e.g.*, the economic development conveyance authority established in 1993 by Section 2905(b)(4) of the DBCRA, may Navy apply disposal procedures other than those in the FPMR.

In Section 2901 of the National Defense Authorization Act for Fiscal Year 1994, Pub. L. 103–160, Congress recognized the economic hardship occasioned by base closures, the Federal interest in facilitating economic recovery of base closure communities, and the need to identify and implement reuse and redevelopment of property at closing installations. In Section 2903(c) of Public Law 103–160, Congress directed the Military Departments to consider each base closure community's economic needs and priorities in the property disposal process. Under Section 2905(b)(2)(E) of the DBCRA, Navy must consult with local communities before it disposes of base closure property and must consider local plans developed for reuse and redevelopment of the surplus Federal property.

The Department of Defense's goal, as set forth in Section 174.4 of the DoD Rule, is to help base closure communities achieve rapid economic recovery through expeditious reuse and redevelopment of the assets at closing bases, taking into consideration local market conditions and locally developed reuse plans. Thus, the Department has adopted a consultative approach with each community to ensure that property disposal decisions consider the LRA's reuse plan and encourage job creation. As a part of this cooperative approach, the base closure community's interests, as reflected in its zoning for the area, play a significant role in determining the range of alternatives considered in the environmental analysis for property disposal. Furthermore, Section 175.7(d)(3) of the DoD Rule provides that the LRA's plan generally will be used as the basis for the proposed disposal action.

The Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484 (1994), as implemented by the FPMR, identifies several mechanisms for disposing of surplus base closure property: by public benefit conveyances (FPMR Sec. 101–47.303–2); by negotiated sale (FPMR Sec. 101–47.304–9); and by competitive sale (FPMR Sec. 101–47.304–7). Additionally, in Section 2905(b)(4), the DBCRA established economic development conveyance as a means of disposing of surplus base closure property. The selection of any particular method of conveyance merely implements the Federal agency's decision to dispose of the property. Decisions concerning whether to undertake a public benefit conveyance or an economic development conveyance, or to sell property by negotiation or by competitive bid, are left to the Federal agency's discretion. Selecting a method of disposal implicates a broad range of factors and rests solely within the Secretary of the Navy's discretion.

Conclusion

The LRA's proposed reuse of NAS Barbers Point, reflected in the Redevelopment Plan, is consistent with the prescriptions of the FPMR and Section 174.4 of the DoD Rule. The LRA has determined in its Redevelopment Plan that the property should be used for various purposes including aviation, residential, community, industrial, commercial, public, park and recreational uses. The property's location, physical characteristics, and existing infrastructure as well as the current uses of adjacent property make it appropriate for the proposed uses.

The Preferred Alternative responds to local economic conditions, promotes rapid economic recovery from the impact of the Naval Air Station's closure, and is consistent with President Clinton's Five-Part Plan for Revitalizing Base closure Communities, which emphasizes local economic redevelopment and creation of new jobs as the means to revitalize these communities. 32 CFR Parts 174 and 175, 59 FR 16,123 (1994).

Although the "No Action" Alternative has less potential for causing adverse environmental impacts, this Alternative would not take advantage of the property's location, physical characteristics, and infrastructure or the current uses of adjacent property. Additionally, it would not foster local economic redevelopment of the Barbers Point property.

The acquiring entities, under the direction of Federal, State, and local agencies with regulatory authority over protected resources, will be responsible for adopting practicable means to avoid

or minimize environmental harm that may result from implementing the Redevelopment Plan.

Accordingly, Navy will dispose of the surplus Federal property at Naval Air Station Barbers Point in a manner that is consistent with the State of Hawaii's Redevelopment Plan for the property.

Dated: June 17, 1999.

William J. Cassidy, Jr.,

Deputy Assistant Secretary of the Navy (Conversion And Redevelopment).

Dated: June 25, 1999.

Ralph W. Corey,

CDR, JAGC, USN, Alternate Federal Register Liaison Officer.

[FR Doc. 99–16691 Filed 6–29–99; 8:45 am]

BILLING CODE 3810–FF–M

DEPARTMENT OF ENERGY

Record of Decision for the Construction and Operation of the Spallation Neutron Source

AGENCY: Department of Energy.

ACTION: Record of decision.

SUMMARY: The Department of Energy (DOE) is issuing this Record of Decision (ROD) regarding DOE's proposal to construct and operate the Spallation Neutron Source (SNS). DOE has decided to proceed with construction and operation of a state-of-the-art Spallation Neutron Source facility at the preferred location, the Oak Ridge National Laboratory, Oak Ridge, Tennessee. This decision is based on the analysis contained in the "Final Environmental Impact Statement for the Construction and Operation of the Spallation Neutron Source" (SNS FEIS, DOE/EIS–0247, April 23, 1999).

ADDRESSES: Requests for copies of the Final EIS and this ROD should be directed to: Mr. David Wilfert, EIS Document Manager, U.S. Department of Energy, Oak Ridge Operations Office, 200 Administration Road, 146/SNS, Oak Ridge, TN 37831. Alternately, Mr. Wilfert may be contacted by telephone at (800) 927–9964, by fax at (423) 576–4542, or by email at NSNSEIS@ornl.gov.

FOR FURTHER INFORMATION CONTACT: For general information on the Spallation Neutron Source, contact: Mr. Jeff Hoy, SNS Program Manager, Office of Basic Energy Sciences (SC–13), Germantown, MD 20874–1290, telephone: (301) 903–4924, fax: (301) 903–9513, or email: Jeff.Hoy@science.doe.gov.

For general information on DOE's National Environmental Policy Act (NEPA) process, contact: Ms. Carol Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Ave., S.W., Washington, D.C. 20585, telephone: (202) 586–4600, fax: (202) 586–7031.

SUPPLEMENTARY INFORMATION: The U.S. Environmental Protection Agency (EPA) issued a Notice of Availability for DOE's Final Environmental Impact Statement on the Construction and Operation of the Spallation Neutron Source (Final EIS, DOE/EIS–0247) on April 23, 1999, (64 FR 19999). In the Final EIS, DOE considered the potential environmental impacts of its proposed action, the construction and operation of the SNS at four alternative sites: Oak Ridge National Laboratory (ORNL), Los Alamos National Laboratory (LANL), Argonne National Laboratory (ANL), and Brookhaven National Laboratory (BNL). The Department identified Oak Ridge as its preferred alternative site. DOE also considered a no action alternative under which the SNS would not be built. DOE has considered all of the comments it received during the public comment period. The Final EIS analyzed environmental impacts over the projected life of the facility, both operating at an initial power level of 1 megawatt (MW) and at the maximum potential upgrade power level of 4 MW.

Background

Scientific discoveries and the new technologies derived from neutron scattering research have contributed significantly to the development of new products in the international marketplace, such as: better magnetic materials for information storage media and for electric generators and motors; improved engine parts; better lubricants; strong, but light-weight structural materials; durable plastics; metallic glasses; semiconductors; adhesives; improved detergents; and new drugs. Neutron research and the associated scientific, engineering, and technological advances provide the catalyst for the development of commercial applications and support U.S. economic progress and competitiveness among the industrialized nations of the world. Construction of a next-generation spallation neutron source in the U.S. will provide a competitive edge for the nation in the physical, chemical, materials, biological, and medical sciences.

The U.S. needs a high-flux, short-pulsed neutron source to provide its scientific and industrial research communities with a much more intense source of pulsed neutrons for neutron scattering research than is currently available. The neutron science community has long recognized the need for both high-intensity, pulsed (accelerator-based) neutron sources and continuous (reactor-based) neutron sources. There are approximately 20 major neutron sources worldwide that produce neutron beams for materials research. The Organization for Economic Cooperation and Development (OECD) Neutron Science Working Group has identified a growing disparity between the worldwide need for neutron scattering research and the availability of facilities. The OECD Working Group estimated that as the oldest neutron sources continue to age, only about one-third of the present sources would remain available by 2010. For nearly a decade, the research community has regarded U.S. facilities as inferior to the newer and more extensively upgraded foreign facilities. The current generation of neutron sources in the United States has lower neutron beam intensities, lower operating powers, and less advanced measuring instruments, when compared to the current "state-of-the-science" (currently technologically feasible and desirable). Thus, next-generation neutron sources are needed not only to create new scientific and engineering opportunities, but also to replace out-dated capacity. Access to European and Japanese neutron sources by U.S. researchers and manufacturers is difficult, unreliable, and costly. The logistics of scheduling time and configuring instrumentation to conduct specialized experiments are prohibitive because of the commuting distances to these facilities. In addition, given the proprietary nature of much of the research desired by U.S. industry, its research cannot be carried out at foreign facilities. A 1 MW state-of-the-art facility like SNS would produce pulses five times more intense than the best spallation source in operation today, the ISIS facility in Great Britain.

Alternatives Considered and Evaluated

In the Final EIS, DOE proposed to construct and operate the SNS. DOE evaluated five alternatives for this proposed action:

1. Construct and operate the SNS at ORNL;
2. Construct and operate the SNS at LANL;
3. Construct and operate the SNS at ANL;
4. Construct and operate the SNS at BNL; and
5. No Action Alternative: Do not construct the SNS. The United States would continue to use existing neutron science facilities.

The Preferred Alternative

The Department's preferred alternative is to construct and operate the SNS at ORNL.

Environmental Impacts of Alternatives Evaluated

As demonstrated in the Final EIS, the construction and operation of the SNS is not expected to result in any unacceptable environmental consequences at any of the four candidate sites, though each site does have its own unique adverse environmental aspects. Of the alternative sites, ORNL has the fewest negative impacts. The SNS site at ORNL is adjacent to the Walker Branch Watershed, an environmental research area, and has the potential to degrade some data collection for ongoing atmospheric research by the National Oceanic and Atmospheric Administration/Atmospheric Turbulence and Diffusion Division (NOAA/ATDD) and ecological research by the ORNL Environmental Sciences Division. Some of these long-term environmental monitoring programs are important to our understanding of gradual global changes, like global warming, occurring in the atmosphere. SNS design features are available to mitigate these impacts; therefore, the SNS Project shall work with the research organizations (NOAA/ATDD and the ORNL Environmental Sciences Division) to identify and implement options to reduce or eliminate those negative impacts. This includes, but is not limited to, options identified in the Final EIS, e.g., sizing and location of cooling towers, waste heat recovery to offset the burning of natural gas, or the provision of alternative monitoring capability to the Walker Branch Watershed researchers. By contrast, negative environmental effects associated with the other three candidate sites are not so easily ameliorated. At Los Alamos, drawing cooling water from the sole-source aquifer could adversely impact the area water table; perhaps causing local residents and the White Rock community to increase their water well depth in order to sustain service. Additionally, the electric power supply and distribution system on the mesa would have to be upgraded to accommodate the added SNS load. At Argonne, the limited size of the reservation will make the maximally exposed individual closer to the radiological source term, and it offers fewer opportunities to compensate for the wetlands destroyed during construction of the SNS. At Brookhaven, the permeable soils and shallow sole-source aquifer would require significant and costly design features to mitigate the potential for degradation of the drinking water due to migration of activated soils.

Environmentally Preferable Alternative

The "no action" alternative has the least local adverse environmental impact on the sites analyzed; however, it may have greater long-term negative impact on the environment as a whole by depriving the country of future neutron science-based technology that might reduce other negative environmental impacts, e.g., lost fuel efficiency gains in vehicles, less efficient chemical processes, greater power transmission losses, etc. Neutron scattering science has provided many advanced materials, which make possible or contribute to improved quality of life, including protecting and improving the environment. Specific areas with the most direct value to environmental quality are: (1) Light-weight materials, (2) improved lubricants, (3) high temperature superconductors, and (4) new catalysts. Light-weight materials reduce motor vehicle and aircraft weight, thus reducing fuel requirements and attendant combustion product emissions. Improved lubricants reduce friction losses and wear in machinery, thus reducing the manufacture of replacements, and improving emissions performance during operation. High temperature superconductors allow improved energy efficiency in some devices and offer the possibility for more efficient power transmission, thus reducing energy production demands. Finally, catalysts have played a major role in pollution control devices (such as automobile catalytic converters), and neutron scattering is an important tool used in developing new catalysts. Thus, neutron based technology has historically been a benefit to the environment, and the SNS may well result in fewer environmental impacts than the no action alternative.

Construction and operation at any of the four alternative sites does have its own unique adverse environmental impact at the specific location. Of the action alternatives, the environmentally preferable site for the SNS is the ORNL reservation because it offers relatively minor impacts with comparatively easy and effective mitigation actions which will be addressed in a Mitigation Action Plan (MAP) as discussed later.

Review of the Final EIS

DOE distributed approximately 950 copies (200 full copies and 750 copies of the summary) of the Final EIS to members of Congress; Federal, State, and local government offices; Native American organizations; stakeholders; and public reading rooms. In addition, the document is available on the World Wide Web at the Environment, Safety and Health home page, http://nepa.eh.doe.gov/eis/eis0247/eis0247.html.

The U.S. Department of the Interior provided comments on the Draft EIS that were inadvertently omitted from the Final EIS. Generic concerns focused on protection of ground and surface water, and on continued and expanded project participation in consultation and permitting processes; and site-specific comments were offered for each candidate site. In a subsequent response letter, DOE agreed to address these comments in the selected alternative's MAP.

EPA provided comments on the Final EIS, indicating no objection to DOE proceeding with detailed design and site evaluation. However, EPA states that if these activities produce significant new information or adverse environmental impact, then DOE would prepare a supplemental EIS. EPA also identified groundwater concerns at ANL related to drinking water wells. Lastly, EPA provided comments regarding air quality modeling that would need to be addressed in the next phase of the project regardless of which site was selected.

Decision

DOE will proceed with the proposed action to construct and operate the SNS at the preferred location on the ORNL reservation.

Basis for Decision

The decision to proceed with construction and operation of the SNS is based on the significant scientific and economic benefits expected to be derived from the facility and the minimal environmental consequences associated with its construction and operation. Selection of the ORNL reservation as the site for the SNS is based on environmental and programmatic factors. First, while the environmental consequences for construction and operation of the SNS are not severe at any of the candidate locations, the ORNL reservation affords the combination of minimal impact and easiest mitigation for those consequences that do occur. A modest amount of wetland (0.23 acres) will be disturbed when constructing the facility access road. However, it is anticipated that the permitting process will not be complicated due to DOE's ability to

implement compensatory action on the ORNL reservation. Periodic degradation of the long-term environmental monitoring program on the Walker Branch Watershed is undesirable, but engineering solutions to reduce or eliminate those impacts are readily available.

Other Decision Factors

In addition to environmental factors, DOE considered the existing infrastructure for neutron science, cost of construction, and community support for the proposed action.

ORNL provides a unique and comprehensive set of scientific research infrastructure that will function in synergy with the SNS facility. The High Flux Isotope Reactor (HFIR) has long been a dominant location for thermal neutron scattering research; and that facility is currently being upgraded to provide cold neutron research capability. The combination of HFIR and SNS will provide the full spectrum of neutron research tools at one laboratory, thus allowing scientists to optimize on-site research during their time in Oak Ridge. ORNL maintains a staff of world-class neutron scattering scientists continuing the base neutron research programs initially developed at the laboratory in the early 1950's. The current cadre of technicians supporting neutron research at the HFIR will provide an experienced pool from which to develop that same capability for the SNS facility as it is brought into operation. In addition, ORNL also provides an important physical plant infrastructure to support the SNS. This includes a large reservation without significant adjoining population centers; ready availability of utilities and services to support facility operation and waste stream handling; and regional availability of a low-cost skilled labor pool for construction and operation of the SNS.

Construction on the ORNL reservation would require the least infrastructure upgrades and only minimal site specific environmental mitigation measures. At Los Alamos, it would be necessary to upgrade electric power supply and water supply/distribution systems to satisfy the incremental SNS needs. At Argonne, the limited space would require immediate restoration of an old Argonne waste burial ground, upgraded facility safety systems to ensure adequate protection to residents located very close to the facility, and extensive surface mitigation actions to address wetlands, floodplains, and a major traffic pattern disruption. At Brookhaven, close proximity of the sole-source aquifer and the highly permeable soil would require design modifications to ensure continuing separation of ground water from activated soil/shielding around large portions of the facility. The construction cost advantage at ORNL, due to lower upgrade and mitigation costs, could be offset to some degree by the possible application of Tennessee state sales and use taxes to the SNS construction project. Thus, based on construction costs, the preferred site at ORNL is at least as attractive as any of the alternative sites.

Tennessee State and local governments, as well as the local community, have expressed broad support for locating the SNS at Oak Ridge. Tennessee is actively demonstrating their support of neutron science activities in Oak Ridge by building a guest user facility, the Joint Institute for Neutron Science, on the ORNL reservation, and has committed to developing a neutron science program at the University of Tennessee in Knoxville.

Project Commitments and Mitigation Measures

The DOE shall use all practicable means to avoid or minimize environmental harm from the construction and operation of the SNS and will document specific steps to achieve this end in a Mitigation Action Plan (MAP). The Department will monitor its progress against the MAP to help ensure that it is properly implemented. Copies of the MAP will be made available in the local public reading rooms for information.

With ORNL having been selected as the site for the SNS, DOE will perform three-season surveys there to confirm the presence/absence of threatened and endangered species and archeological investigations to locate any historically sensitive areas. These studies will be performed before major land disturbance begins. The Department will fully assess any species or areas of concern that it identifies and will act to mitigate any adverse impacts to the extent practicable in compliance with governing regulatory agencies (U.S. Fish and Wildlife Service and the State of Tennessee).

Construction of the SNS on the ORNL reservation will result in damage or destruction of three small [a total of 0.23 acres (0.09 ha)] wetland areas to accommodate the facility access road. As conventional facility design evolves, the amount of impacted wetland shall be held to a minimum. During construction, DOE will comply with the requirements of the appropriate regulatory authority (the U.S. Army Corps of Engineers or the State of Tennessee) with respect to the affected wetlands. The Department will use runoff and siting controls during construction to restrict unnecessary damage to remaining wetland areas.

As changes evolve in facility design or as facility upgrade actions are proposed, the DOE shall revisit requirements of the National Environmental Policy Act (NEPA) to ensure continued compliance by the SNS.

Issued in Washington, D.C. this 18th day of June, 1999.

Bill Richardson,

Secretary of Energy.

[FR Doc. 99–16603 Filed 6–29–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–562–000]

Destin Pipeline Company, L.L.C.; Notice of Request Under Blanket Authorization

June 23, 1999.

Take notice that on June 15, 1999, Destin Pipeline Company, L.L.C. (Destin), P.O. Box 2563, Birmingham, Alabama 35202–2563, tendered for filing in Docket No. CP99–562–000 a request pursuant to sections 157.205, 157.208, and 211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.208, and 157.211) for authorization to construct, install and operate a lateral pipeline and appurtenant facilities under Destin's blanket certificate issued in Docket Nos. CP96–657–000 and 001, all as more fully set forth in the request that is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

The lateral would accommodate the transportation of natural gas production from a new production platform to be located in Main Pass Block 283 (Main Pass 283 Platform) for connection into Destin's 24-inch lateral line in Main Pass Block 279 (Main Pass 279) for ultimate delivery to downstream pipeline interconnections in southern and central Mississippi.

Specifically, Destin is proposing to construct, install and operate (i) approximately one thousand three hundred fifty (1,350) feet of 12-inch OD lateral pipeline from the Main Press 283 Platform to a subsea tap on Destin's existing 24-inch lateral in Main Pass 279, in Federal Waters, Gulf of Mexico;

(ii) one (1) receipt measurement facility located on the Main Pass 283 Platform through which Destin will receive the natural gas produced from the Main Pass 283 Platform; and (iii) one (1) delivery measurement facility located on the Main Pass 283 Platform through which Destin will deliver natural gas to the Main Pass 283 operator for start-up and gas-lift needs.

The estimated cost of the construction and installation of the facilities in $4.6 million. However, out of an abundance of caution and concern for possible cost overruns that may cause the project to exceed the $7.2 million limit for automatic authorization, Destin elected to request authorization, Destin elected to request authorization pursuant to the Commission's prior notice procedures.

Any person or the Commission's staff may, within 45 days after 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 Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a 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 Natural Gas Act.

David P. Boergers,

Secretary.

[FR Doc. 99–16552 Filed 6–29–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–342–000]

EL Paso Natural Gas Company; Notice of Proposed Changes In FERC Gas Tariff

June 23, 1999.

Take notice that on June 18, 1999, EL Paso Natural Gas Company (EL Paso), tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1–A., with an effective date of July 1, 1999:

Fourth Revised Sheet No. 118
Second Revised Sheet No. 314

El Paso states that the tariff sheets are being filed to increase the Billing Determinant for Pemex Gas y Petroquimica Basica to 23,000 dth per day and to revise the related revenue crediting threshold.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file withthe Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www/ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–16559 Filed 6–29–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT99–40–000]

Iroquois Gas Transmission System, L.P., Notice of GRI Refunds

June 23, 1999.

Take notice that on June 18, 1999 Iroquois Gas Transmission System, L.P. (Iroquois), tendered for filing a report of Gas Research Institute (GRI) refunds to Iroquois for the period from January 1, 1998 to December 31, 1998.

Iroquois states that the refund credits have been based on the total refund from GRI to Iroquois of $623,699 and that credits or refunds were given to all eligible firm customers.

Iroquois states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before June 30, 1999. 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www/ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–16554 Filed 6–29–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–126–016]

Iroquois Gas Transmission System, L.P.; Notice of Surcharge Report

June 23, 1999.

Take notice that on June 18, 1999, Iroquois Gas Transmission System, L.P. (Iroquois), tendered for filing a surcharge and interest report covering the period from August 31, 1998 to April 30, 1999.

Iroquois states that its surcharge mechanism is in compliance with the Commission's May 24, 1999 letter order in Docket Nos. RP97–126–011 and RP97–126–012.

Iroquois states that copies of its filing were served on all jurisdictional customers, interested state commissions and all parties in Docket No. RP97–126.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before June 30, 1999. 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 proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–16555 Filed 6–29–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–339–000]

Overthrust Pipeline Company; Notice of Tariff Filing

June 23, 1999.

Take notice that on June 17, 1999, Overthrust Pipeline Company (Overthrust), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1–A, the following tariff sheets, to be effective August 1, 1999:

Fifth Revised Sheet No. 36
Fourth Revised Sheet No. 60
Third Revised Sheet No. 61
First Revised Sheet No. 61A
Fifth Revised Sheet No. 78
Fourth Revised Sheet Nos. 78A, 78B, 78C
Third Revised Sheet No. 78D
Original Sheet No. 78E

Overthrust states that the filing is being made in compliance with the Commission's April 2, 1999, Order (the April 2 Order) in Docket No. RM96–1–011, Order No. 587–K.

In the April 2 order, the Commission amended 18 CFR 284.10 governing standards for conducting business practices and electronic communication with interstate natural-gas pipelines. The Commission incorporated by reference, into § 284.10(b)(1)(i)–(v) of its regulations, Version 1.3 of the Gas Industry Standards Board. The regulations incorporated in this filing govern confirmation practices, pipeline internet web sites and revisions to the data sets. The effective date of these standards is August 1, 1999. This tariff filing is tendered as required by the Commission's directives.

Overthrust states that a copy of this filing has been served upon its customers, the Public Service Commission of Utah and the Public Service Commission of Wyoming.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–16556 Filed 6–29–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–341–000]

Ozark Gas Transmission, L.L.C.; Notice of Tariff Filing

June 23, 1999.

Take notice that on June 18, 1999, Ozark Gas Transmission, L.L.C. (Ozark L.L.C.), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following revised tariff sheets:

Effective August 1, 1999
First Revised Sheet No. 70
First Revised Sheet No. 109
Effective June 18, 1999
First Revised Sheet No. 95
First Revised Sheet No. 102
First Revised Sheet No. 104
Original Sheet No. 104A

Ozark L.L.C., asserts that the purpose of this filing is to comply with Order No. 587–K, and to further its compliance with Order Nos. 587–G and 587–H.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–16558 Filed 6–29–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT99–39–000]

Texas Eastern Transmission Corporation; Notice of Compliance Report

June 23, 1999.

Take notice that on June 15, 1999, Texas Eastern Transmission Corporation (Texas Eastern), tendered for filing pursuant to section 9.1 of the General Terms and Conditions of is FERC Tariff, Sixth Revised Volume No. 1, its report of recalculated Operational Segment Capacity Entitlements to become effective November 1, 1999.

Texas Eastern states that the purpose of the filing is to make its report pursuant to Section 9.1 of the General Terms and Conditions of its FERC Gas Tariff, Sixth Revised Volume No. 1 of recalculated November 1, 1999 Operational Segment Capacity Entitlements, along with supporting documentation explaining the basis for changes.

Texas Eastern states that copies of the filing were served on all affected customers of Texas Eastern and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed on or before June 30, 1999. 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www/ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–16553 Filed 6–29–99· 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–340–000]

TransColorado Gas Transmission Company; Notice of Tariff Filing

June 23, 1999.

Take notice that on June 17, 1999, TransColorado Gas Transmission Company (TransColorado), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, to be effective August 1, 1999:

Sixth Revised Sheet No. 203
Third Revised Sheet No. 203.01

TransColorado states that the filing is being made in compliance with the Commission's April 2, 1999, Order (the April 2 Order) in Docket No. RM96–1–011, Order No. 587–K.

In the April 2 order, the Commission amended 18 CFR 284.10 governing standards for conducting business practices and electronic communication with interstate natural-gas pipelines. The Commission incorporated by reference, into § 284.10(b)(1)(i)–(v) of its regulations, Version 1.3 of the Gas Industry Standards Board. The regulations incorporated in this filing govern confirmation practices, pipeline internet web sites and revisions to the data sets. This tariff filing is tendered as required by the Commission's directives.

TransColorado states that a copy of this filing has been served upon its customers, the Colorado Public Utilities Commission and New Mexico Public Regulatory Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www/ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–16557 Filed 6–29–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–3371–000]

Kenneth L. Way; Notice of Filing

June 24, 1999.

Take notice that on June 4, 1999, Kenneth L. Way tendered for filing an application for authorization under Section 305(b) of the Federal Power Act to hold the following positions:

Director, Consumers Energy Company
Director, WESCO International, Inc.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before July 2, 1999. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–16618 Filed 6–29–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG99–170–000, et al.]

Indeck Pleasant Valley, LLC, et al.; Electric Rate and Corporate Regulation Filings

June 22, 1999.

Take notice that the following filings have been made with the Commission:

1. Indeck Pleasant Valley, L.L.C.

[Docket No. EG99–170–000]

Take notice that on June 17, 1999, Indeck Pleasant Valley, L.L.C., tendered for filing with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations. Indeck Pleasant Valley, L.L.C., is an Illinois limited liability company created for the purpose of constructing and owning and/or operating a gas-fired facility located in McHenry County, Illinois (the Facility).

The Facility will consist of two combustion turbine driven synchronous generators and associated equipment, with the maximum power production capacity approximately 300 MW. The plant will be an "eligible facility" within the meaning of Section 32(a)(2) of the Public Utility Holding Company Act of 1935 because it will be used for the generation of electric energy exclusively for sale at wholesale.

Comment date: July 7, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Cook Inlet Energy Supply Limited Partnership

[Docket No. ER96–1410–014]

Take notice that on June 17, 1999, in compliance with the Commission's July 10, 1996, Letter Order approving its market-based rate schedule. Cook Inlet Energy Supply Limited Partnership, (Cook Inlet) tendered for filing a Notification of Change in Status. The Cook Inlet filing describes the generation facilities of new affiliates of Cook Inlet and concludes that Cook Inlet's affiliation with these facilities does not alter the characteristics that the Commission relied upon in approving the market-based pricing for Cook Inlet.

Comment date: July 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

3. The Green Power Connection, Inc.

[Docket No. ER97–3888–007]

Take notice that on June 17, 1999, the above-mentioned affiliated power producer and/or public utility filed their quarterly report for the quarter ending March 31, 1999.

Comment date: July 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

4. Nevada Power Company, Sierra Pacific Power Company, and Nevada Power Company

[Docket No. ER99–3110–000, ER99–34–000 (Not Consolidated)]

Take notice that on June 16, 1999, Nevada Power Company (Nevada Power), tendered for filing, pursuant to Section 205 of the Federal Power Act, a revision to its May 29, 1999 application requesting a change in the transmission service rates under its open-access transmission tariff, FERC First Revised Volume No. 3., and a revision to its pro forma merger transmission tariff in Docket No. ER99–34–000. The revision was made to correct a mathematical error in the Period I cost of capital.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

5. ISO New England Inc.

[Docket No. ER99–3240–000]

Take notice that on June 15, 1999, as corrected on June 16, 1999, ISO New England Inc. (the ISO), tendered for filing, pursuant to Section 205 of the Federal Power Act, revisions to Appendix 5–C to NEPOOL Market Rule 5 together with a request that the Commission accept the revisions on an expedited basis.

The ISO and the NEPOOL Executive Committee state that copies of these materials were sent to the Participants in the New England Power Pool, non-Participant transmission customers and to the New England state governors and regulatory commissions.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. Consolidated Edison Company of New York, Inc.

[Docket No. ER99–3263–000]

Take notice that on June 16, 1999, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a service agreement to provide firm transmission service pursuant to its Open Access Transmission Tariff to Keyspan Energy Trading Services, L.L.C., (Keyspan).

Con Edison states that a copy of this filing has been served by mail upon Keyspan.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. Consolidated Edison Company of New York, Inc.

[Docket No. ER99–3264–000]

Take notice that on June 16, 1999, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a Supplement to its Rate Schedule FERC No. 117, an agreement to provide transmission and interconnection service to Long Island Power Authority (LIPA). The Supplement provides for a decrease in annual revenues under the Rate Schedule.

Con Edison has requested that this decrease take effect on July 1, 1999.

Con Edison states that a copy of this filing has been served by mail upon LIPA.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. Entergy Services, Inc.

[Docket No. ER99–3265–000]

Take notice that on June 16, 1999, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., (collectively, the Entergy Operating Companies) tendered for filing a Non-Firm Point-to-Point Transmission Service Agreement and a Short-Term Firm Point-to-Point Transportation Agreement both between Entergy Services, Inc., as agent for the Entergy Operating Companies, and Merrill Lynch Capital Services, Inc.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. Entergy Services, Inc.

[Docket No. ER99–3266–000]

Take notice that on June 16, 1999, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., (collectively, the Entergy Operating Companies) tendered for filing a Non-Firm Point-to-Point Transmission Service Agreement and a Short-Term Firm Point-to-Point Transportation Agreement both between Entergy Services, Inc., as agent for the Entergy Operating Companies, and Associated Electric Cooperative, Inc.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. California Independent System Operator Corporation

[Docket No. ER99–3267–000]

Take notice that on June 16, 1999, the California Independent System Operator Corporation (ISO), tendered for filing a Meter Service Agreement for Scheduling Coordinators between the ISO and Edison Mission Marketing & Trading, Inc. (Edison Mission), for acceptance by the Commission.

The ISO states that this filing has been served on Edison Mission and the California Public Utilities Commission.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. PG&E Generating

[Docket No. ER99–3268–000]

Take notice that on June 16, 1999, PG&E Generating tendered for filing a notice that U.S. Generating Company changed its name to PG&E Generating.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. Otter Tail Power Company

[Docket No. ER99–3270–000]

Take notice that on June 17, 1999, Otter Tail Power Company (OTP), tendered for filing a Service Agreement between OTP and Central Minn. Municipal Power Agency. The Service Agreement allows Central Minn. Municipal Power Agency to purchase capacity and/or energy under OTP's Coordination Sales Tariff.

Comment date: July 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. California Independent System Operator Corporation

[Docket Nos. ER99–3271–000]

Take notice that on June 16, 1999, the California Independent System Operator Corporation (ISO), tendered for filing a Scheduling Coordinator Agreement between the ISO and Edison Mission Marketing & Trading, Inc. (Edison Mission), for acceptance by the Commission.

The ISO states that this filing has been served on Edison Mission and the California Public Utilities Commission.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. Allegheny Power Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER99–3272–000]

Take notice that on June 16, 1999, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), tendered for filing Supplement No. 58 to add Baltimore Gas and Electric Company to Allegheny Power Open Access Transmission Service Tariff which has been accepted for filing by the Federal Energy Regulatory Commission in Docket No. ER96–58–000.

The proposed effective date under the Service Agreement is June 15, 1999.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Allegheny Power Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power)

[Docket No. ER99–3273–000]

Take notice that on June 16, 1999, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), tendered for filing Supplement No. 23 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Power offers generation services.

Allegheny Power requests a waiver of notice requirements to make service available as of June 15, 1999, to Koch Energy Trading, Inc.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. Ohio Valley Electric Corporation, Indiana-Kentucky Electric Corporation

[Docket No. ER99–3274–000]

Take notice that on June 16, 1999, Ohio Valley Electric Corporation (including its wholly-owned subsidiary, Indiana-Kentucky Electric Corporation) (OVEC), tendered for filing a Service Agreement for Non-Firm Point-To-Point Transmission Service, dated May 18, 1999 (the Service Agreement) between DukeSolutions, Inc. (DukeSolutions) and OVEC. In its filing, OVEC states that the rates and charges included in the Service Agreement are the rates and charges set forth in OVEC's Open Access Transmission Tariff.

OVEC proposes an effective date of May 18, 1999 and requests waiver of the Commission's notice requirement to allow the requested effective date. The Service Agreement provides for non-firm transmission service by OVEC to DukeSolutions.

Copies of this filing were served upon Utilities Commission of North Carolina, Public Service Commission of South Carolina and DukeSolutions.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. Power Management Co., LLC

[Docket No. ER99–3275–000]

Take notice that on June 16, 1999, Power Management Co., LLC (PMC), petitioned the Commission for acceptance of PMC Rate Schedule FERC No. 1, the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission Regulations.

PMC intends to engage in wholesale electric power and energy purchases and sales as a marketer. PMC is not in the business of generating or transmitting electric power.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

18. Illinois Power Company

[Docket No. ER99–3276–000]

Take notice that on June 16, 1999, pursuant to Section 35.15 of the Commission's Regulations, Illinois Power Company submitted for filing notices of termination of the following rate schedules.

Rate schedule No.	Customer	Effective date
52	Clinton County Electric Cooperative	1/1/1973
53	Corn Belt Electric Cooperative	1/1/1973
54	Farmers Mutual Electric	1/1/1973
55	Central Illinois Public Service, Union Electric, Illinois Valley Electric Cooperative	1/1/1973
56	McDonough Power Cooperative	1/1/1973
57	Monroe County Electric Cooperative	1/1/1973
58	Southwestern Electric Cooperative	1/1/1973
59	Tri-County Electric Cooperative	1/1/1973
92	Western Illinois Power Cooperative	5/24/1983
102	Carlyle, Illinois/ Farmer City, Illinois	1/1/1984
115	Mt. Carmel	10/1/1986
Tariff No. 1, Rev. 1, Svc. Agreement No. 4.	Cedar Point Light & Water	3/1/1984 11/15/1981

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

19. Union Electric Company

[Docket No. ER99–3277–000]

Take notice that on June 16, 1999, Union Electric Company (UE), tendered for filing the Second Amendment to the Wholesale Electric Service Agreement between UE and Citizens Electric Corporation (Citizens). UE states that the amendment will allow Citizens and its retail customers to participate in a voluntary curtailment program similar to that applicable to its retail electric service customers in Missouri.

UE has proposed to make the Second Amendment effective on June 17, 1999.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

20. Virginia Electric and Power Company

[Docket No. ER99–3278–000]

Take notice that on June 16, 1999, Virginia Electric and Power Company (Virginia Power), tendered for filing an agreement for the provision of electric service to CNG Retail Service Corporation (CNG Retail) under its market-based rate schedule accepted for filing by the Commission in Docket No. ER98–3771–000 (Tariff). CNG Retail is an affiliate of Virginia Power by virtue of the proposed merger of their parent companies, Dominion Resources, Inc. and Consolidated Natural Gas Company. Accordingly, under Section 1.3 of the Tariff, Virginia Power may not provide service under the proposed agreement without the prior authorization of the Commission.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

21. PJM Interconnection, L.L.C.

[Docket No. ER99–3279–000]

Take notice that on June 16, 1999, PJM Interconnection, L.L.C. (PJM), tendered for filing amendments to the Appendix to Attachment K to the PJM Open Access Tariff and Schedule 1 of the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C., to establish opt-out procedures that permit those entities that desire not to have spot market backup for their bilateral transactions to dynamically schedule such transactions.

PJM requests an effective date of August 16, 1999.

Copies of this filing were served upon all PJM Members and the electric regulatory commissions in the PJM control area.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

22. AES Eastern Energy, L.P.

[Docket No. ER99–3280–000]

Take notice that on June 16, 1999, AES Eastern Energy, L.P., 1001 North 19th Street, Suite 2000, Arlington, VA 22209, tendered for filing a Notice of Succession in Ownership and Operation to certain contracts with New York State Electric & Gas Corporation that were originally entered into by its affiliate, AES NY, L.L.C.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

23. AES Creative Resources, L.P.

[Docket No. ER99–3281–000]

Take notice that on June 16, 1999, AES Creative Resources, L.P., 1001 North 19th Street, Suite 2000, Arlington, VA 22209, tendered for filing a Notice of Succession in Ownership and Operation to certain contracts with New York State Electric & Gas Corporation that were originally entered into by its affiliate, AES NY, L.L.C.

Comment date: July 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

24. ATCO Power Canada Ltd.

[Docket No. ER99–3282–000]

Take notice that on June 14, 1999, ATCO Power Canada Limited, tendered for filing notice of name change from CU Power Canada Limited (CUPCAN) to ATCO Power Canada Ltd., effective April 23, 1999.

Comment date: July 2, 1999, in accordance with Standard Paragraph E at the end of this notice.

25. Carolina Power & Light Company

[Docket No. ER99–3283–000]

Take notice that on June 17, 1999, Carolina Power & Light Company (CP&L), tendered for filing an executed Service Agreement with Florida Power & Light Company under the provisions of CP&L's Market-Based Rates Tariff, FERC Electric Tariff No. 4. This Service Agreement supersedes the un-executed Agreement originally filed in Docket No. ER98–3385–000 and approved effective May 18, 1998.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: July 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

26. New Century Services, Inc.

[Docket No. ER99–3284–000]

Take notice that on June 17, 1999, New Century Services, Inc., on behalf of Cheyenne Light, Fuel and Power Company, Public Service Company of Colorado, and Southwestern Public Service Company (collectively Companies), tendered for filing a Service Agreement under their Joint Open Access Transmission Service Tariff for Long Term Firm Point-to-Point Transmission Service between the Companies and Southwestern Public Service Company—Wholesale Merchant Function.

The Companies request that the Agreement be made effective on January 1, 2000.

Comment date: July 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

27. New Century Services, Inc.

[Docket No. ER99–3285–000]

Take notice that June 17, 1999, New Century Services, Inc., on behalf of Cheyenne Light, Fuel and Power Company, Public Service Company of Colorado, and Southwestern Public Service Company (collectively Companies), tendered for filing a Service Agreement under their Joint Open Access Transmission Service Tariff for Firm Point-to-Point Transmission Service between the Companies and Reliant Energy Services, Inc.

The Companies request that the Agreement be made effective June 8, 1999.

Comment date: July 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

28. New Century Services, Inc.

[Docket No. ER99–3286–000]

Take notice that on June 17, 1999, New Century Services, Inc., on behalf of Cheyenne Light, Fuel and Power Company, Public Service Company of Colorado, and Southwestern Public Service Company (collectively Companies), tendered for filing a Service Agreement under their Joint Open Access Transmission Service Tariff for Non-Firm Point-to-Point Transmission Service between the Companies and Reliant Energy Services, Inc.

The Companies request that the Agreement be made effective on June 8, 1999.

Comment date: July 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

29. Alliant Energy Services Company, Inc.

[Docket No. ER99–3287–000]

Take notice that on June 17, 1999, Alliant Energy Services Company, Inc. (Alliant) on behalf of Interstate Power Company (IPC) and IES Utilities, Inc., tendered for filing a Negotiated Capacity Transaction (Agreement) between IPC and IES for the period May 1, 1999 through September 30, 1999. The Agreement was negotiated to provide service under the Alliant Energy Corporation System and Coordination and Operating Agreement among IES Utilities Inc., Interstate Power Company, Wisconsin Power & Light Company and Alliant.

Comment date: July 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

30. California Independent System Operator Corporation

[Docket No. ER99–3289–000]

Take notice that on June 17, 1999, the California Independent System Operator Corporation (ISO), tendered for filing a proposed amendment (Amendment No. 17) to the ISO Tariff. Amendment No. 17 includes proposed changes to the ISO Tariff related to the pro forma Participating Load Agreement submitted with the amendment; changes to clarify the ISO's Outage Coordination Protocol in several respects; a change to expand the options available to Scheduling Coordinators to satisfy financial criteria established by the ISO Tariff; changes to the ISO's Grid Management Charge formula to remove a separate telecommunications charge; changes to the ISO Tariff and the Grid Management Charge to add recovery mechanisms for Western Systems Coordinating Council (WSCC) fines; changes to the allocation

of the Regulation Energy Payment Adjustment (REPA) under the ISO Tariff; changes to the ISO Payment Calendar; and changes to the ISO's Dispatch Protocol to conform a provision of the protocol to the ISO's actual practices.

The ISO states that this filing has been served upon the Public Utilities Commission of California, the California Energy Commission, the California Electricity Oversight Board, and all parties with effective Scheduling Coordinator Service Agreements under the ISO Tariff.

Comment date: July 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

31. Duquesne Light Company

[Docket No. ER99–3291–000]

Take notice that on June 17, 1999, Duquesne Light Company (Duquesne), tendered for filing under Duquesne's pending Market-Based Rate Tariff, (Docket No. ER98–4159–000) executed Service Agreement at Market-Based Rates with Duke Energy Corporation (Customer).

Duquesne has requested the Commission waive its notice requirements to allow the Service Agreement to become effective as of June 16, 1999.

Copies of this filing were served upon Customer.

Comment date: July 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

32. In the Matter of P. Chrisman Iribe

[Docket No. ID–3131–005]

Take notice that on June 17, 1999, Lake Road Generating Company, L.P., with its principal place of business filed with the Federal Energy Regulatory Commission on behalf of the above named individuals a Notice of Changes with respect to interlocking positions held by such individuals.

Comment date: July 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

33. In the Matter of John R. Cooper

[Docket No. ID–3132–004]

Take notice that on June 17, 1999, Pittsfield Generating Company, L.P. with it's principal place of business filed with the Federal Energy Regulatory Commission on behalf of the above named individuals a Notice of Changes with respect to interlocking positions held by such individuals.

Comment date: July 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

34. Colorado Springs Utilities, Salt River Project Agricultural Improvement and Power District, Western Resources, Inc.

[Docket No. NJ97–9–005, Docket No. NJ98–3–004, Docket No. OA97–312–004]

Take notice that on June 17, 1999, Colorado Springs Utilities filed a report identifying the changes to its organizational charts and job descriptions posted on the OASIS in response to the Commission's April 1, 1999 order. 87 FERC ¶ 61,013 (1999).

Take Notice that on June 16, 1999, Salt River Project Agricultural Improvement and Power District submitted a compliance report confirming that it has completed its design of its Energy Management System.

Take notice that on June 15, 1999, Western Resources, Inc. submitted revised standards of conduct in response to the Commission's May 3, 1999 Order on Standards of Conduct. 87 FERC ¶ 61,141 (1999).

Comment date: July 7, 1999, in accordance with Standard Paragraph E at the end of this notice.

35. Salt River Project Agricultural Improvement and Power District

[Docket No. NJ98–3–004]

Take notice that on June 16, 1999, Salt River Project Agricultural Improvement and Power District (SRP), tendered for filing a Compliance Report to the Commission indicating its compliance with the requirements of the Commission's September 18, 1998 Order on Standards of Conduct. The Report describes the measures taken by SRP to provide non-affiliated transmission customers with comparable access to scheduling information on SRP's Energy Management System.

Comment date: July 16, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–16620 Filed 6–29–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2385–002 New York]

Finch, Pruyn and Company, Inc.; Notice Extending Time To Comment on Draft Environmental Assessment

June 24, 1999.

The Federal Energy Regulatory Commission issued a Draft Environmental Assessment (DEA) on May 7, 1999, considering issuance of a new license for the Glens Falls Hydroelectric Project, located on the Hudson River in Warren and Saratoga Counties, New York, in accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897). In the DEA, the Commission's staff has analyzed the potential environmental impacts of the existing project and has concluded that approval of the project, with appropriate environmental protection measures, would not constitute a major federal action significantly affecting the quality of the human environment.

In response to a letter filed on June 7, 1999, by the Fish and Wildlife Service, requesting an extension of time to complete its review of the DEA, I am extending the DEA comment period until July 9, 1999.

Copies of the DEA will remain available for review in the Public Reference Branch, Room 2–A, of the Commission's offices at 888 First Street, N.E., Washington, D.C. 20426.

Anyone wishing to comment in writing on the DEA must do so no later than July 9. 1999. Comments should be addressed to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. Please affix on the first page the caption "Glens Falls Project No. 2385–002" to all comments and letters.

For further information, please contact Charles T. Raabe at (202) 219–2811.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–16619 Filed 6–29–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6369–4]

Agency Information Collection Activities: Proposed Collection; Comment Request; Oral and Written Purchase Orders

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Oral and Written Purchase Orders, EPA ICR Number 1037.06, OMB Control Number 2030–0007, Expires 12/31/99. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before August 30, 1999.

ADDRESSES: 401 M Street, SW, Attn 3802R, Washington, DC 20460.

FOR FURTHER INFORMATION OR A COPY CONTACT:

Leigh Pomponio, (202) 564–4536, or e-mail pomponio.leigh@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which seek to provide supplies and services to the EPA under simplified acquisition procedures.

Title: Oral and Written Purchase Orders, (OMB Control No. 2030–0007; EPA ICR No. 1037.06) expiring 12/31/99.

Abstract: When EPA has a requirement for supplies or services and the value of same is under the simplified acquisition threshold, the Agency solicits verbal or written quotes from potential vendors. Vendor responses are voluntary and generally consist of item name, unit cost, delivery terms, company name, small business status, address, phone number, and point of contact. The Agency uses the collected information to make award decisions and obtain needed supplies and services. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden statement: 15 minutes is estimated as time required to complete each response. Vendors must listen to question asked, consult company price list, and respond to inquiry. Vendors are not required to type, sign, or mail anything. An average salary for vendor/salesperson is estimated to be $15.57 an hour. This is based on the rate used in the previous clearance multiplied by a factor of 3% per year to reflect wage increases since 1996. The total number of responses is derived from doubling the total number of purchase orders issued by the Agency in the preceding 12 month period. Because each award is generally preceded by 1–2 solicitations, depending upon dollar value, an average of two information collections per award was estimated. Therefore, total annual burden is summarized as follows: Total Annual Burden Dollars: $3.90 per response × 37,492 responses = $146,219 Total Annual Burdens Hours: 15 minutes per response × 37,492 responses =9373 hours. No capital/start-up costs or operation and maintenance costs are anticipated.

Dated: June 24, 1999.

Lawrence G. Wyborski,

Acting Manager, Policy Service Center, Office of Acquisition Management.

[FR Doc. 99–16679 Filed 6–29–99; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6370–1]

Notice of Scientific and Technological Achievement Awards Subcommittee Closed Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: An ad hoc Subcommittee of the Science Advisory Board will meet at the U.S. Environmental Protection Agency (EPA), Washington, DC, on July 21–22, 1999. Pursuant to Section 10(d) of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, and sections 552(b)(2) and (b)(6) of the Administrative Procedure Act, 5 U.S.C. 552(b)(2) and 552(b)(6), EPA has determined that the meeting will be closed to the public. The purpose of the meeting is to recommend to the Assistant Administrator of the Office of Research and Development (ORD) the recipients of the Agency's 1998 Scientific and Technological Achievement Cash Awards. These awards are established to honor and recognize EPA employees who have made outstanding contributions in the advancement of science and technology through their research and development activities, as exhibited in publication of their results in peer reviewed journals. In making these recommendations, including the actual cash amount of each award, the Agency requires full and frank advice from the Science Advisory Board. This advice will involve professional judgments on the relative merits of various employees and their respective work. Such personnel issues, where disclosure would constitute an unwarranted invasion of personal privacy, are protected from disclosure by exemptions 2 and 6 of Section 552(b) of the U.S.C. In accordance with the provisions of the Federal Advisory Committee Act, minutes of the meeting will be kept for Agency and Congressional review.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Flaak, Team Leader, Committee Operations Staff, Science Advisory Board (1400), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, via telephone: (202) 260–5133 or via e-mail: flaak.robert@epa.gov.

Dated: June 25, 1999.

Carol M. Browner,

Administrator.

[FR Doc. 99–16680 Filed 6–29–99; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–34146A; FRL–6089–6]

Organophosphate Pesticide: Sulfotepp; Availability of Revised Risk Assessments and Public Participation on Risk Management

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notices announces the availability of the revised risk assessments and related documents for one organophosphate pesticide, sulfotepp. In addition, this notice starts a 60-day public participation period during which the public is encouraged to submit risk management ideas or proposals. These actions are in response to a joint initiative between EPA and the Department of Agriculture to increase transparency in the tolerance reassessment process for organophosphate pesticides.

DATES: Comments, identified by docket control number OPP–34146A, must be received by EPA on or before August 30, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit III. of the "SUPPLEMENTARY INFORMATION" section. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–34146A in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Karen Angulo, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 308–8004; e-mail address: angulo.karen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does This Action Apply To Me?

This action is directed to the public in general, nevertheless, a wide range of stakeholders will be interested in obtaining the revised risk assessments and submitting risk management comments on sulfotepp, including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the use of pesticides. As such, the Agency has not attempted to specifically describe all the entities potentially affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the "FOR FURTHER INFORMATION CONTACT" section.

II. How Can I Get Additional Information, Including Copies Of This Document Or Other Related Documents?

A. Electronically

You may obtain electronic copies of this document and other related documents from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

To access information about organophosphate pesticides and obtain electronic copies of the revised risk assessments and related documents mentioned in this notice, you can also go directly to the Home Page for the Office of Pesticide Programs (OPP) at http://www.epa.gov/pesticides/op/.

B. In Person

The Agency has established an official record for this action under docket control number OPP–34146A. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Public Information and Records Integrity Branch (PIRIB) telephone number is (703) 305–5805.

III. How Can I Respond To This Action?

A. How And To Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, you must identify docket control number OPP–34146A in the subject line on the first page of your response.

1. *By mail.* Submit comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier.* Deliver comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. PIRIB is open 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* Submit electronic comments by e-mail to: "opp-docket@epa.gov," or you may mail or deliver your standard computer disk using the addresses in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file, avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard computer disks in WordPerfect 5.1/6.1 or ASCII file format. All comments in electronic form must be identified by the docket control number OPP–34146A. Electronic comments may also be filed online at many Federal Depository Libraries.

B. How Should I Handle CBI Information That I Want To Submit To The Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed in the "FOR FURTHER INFORMATION CONTACT" section.

IV. What Action Is EPA Taking In This Notice?

EPA is making available for public viewing the revised risk assessments and related documents for one organophosphate, sulfotepp. These documents have been developed as part of the pilot public participation process that EPA and the U.S. Department of Agriculture (USDA) are now using for involving the public in the reassessment of pesticide tolerances under the Food Quality Protection Act (FQPA), and the reregistration of individual organophosphate pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The pilot public participation process was developed as part of the EPA-USDA Tolerance Reassessment Advisory Committee (TRAC), which was established in April 1998, as a subcommittee under the auspices of EPA's National Advisory Council for Environmental Policy and Technology. A goal of the pilot public participation process is to find a more effective way for the public to participate at critical junctures in the Agency's development of organophosphate risk assessments and risk management decisions. EPA and USDA began implementing this pilot process in August 1998, to increase transparency and opportunities for stakeholder consultation. The documents being released to the public through this notice provide information on the revisions that were made to the sulfotepp preliminary risk assessments, which where released to the public on September 9, 1998 (63 FR 48213) (FRL–6030–2), through a notice in the **Federal Register**.

As part of the pilot public participation process, EPA and USDA may hold public meetings (called Technical Briefings) to provide interested stakeholders with opportunities to become more informed about revised organophosphate risk assessments. During the Technical Briefings, EPA describes the major points (e.g. risk contributors), use data that were used (e.g. data from USDA's Pesticide Data Program (PDP)), and discusses how public comments impacted the assessment. USDA provides ideas on possible risk management. Stakeholders have an opportunity to ask clarifying questions, and all meeting minutes are placed in the OPP public docket. Technical Briefings may not be held for chemicals that have limited use patterns or low levels of risk concern. Sulfotepp's use pattern is limited to ornamental plants in greenhouses, therefore, no Technical Briefing is planned. In cases where no Technical Briefing is held, the Agency will make a special effort to communicate with interested stakeholders in order to better ensure their understanding of the revised assessments and how they can participate in the organophosphate pilot public participation process. EPA has a good familiarity with the stakeholder groups associated with the use of sulfotepp who may be interested in participating in the risk assessment/risk management process, and will contact them individually to inform them that no Technical Briefing will be held. EPA is willing to meet with stakeholders to discuss the sulfotepp revised risk assessments. Minutes of all meetings will be docketed.

In addition, this notice starts a 60-day public participation period during which the public is encouraged to submit risk management proposals or otherwise comment on risk management for sulfotepp. The Agency is providing an opportunity, through this notice, for interested parties to provide written risk management proposals or ideas to the Agency on the chemical specified in this notice. Comments and proposals could address ideas about how to manage occupational or ecological risks on specific sulfotepp use sites across the United States or in a particular geographic region of the country. To address occupational risks, for example, commentors may suggest personal protective equipment or technologies to reduce exposure to workers and pesticide handlers. EPA will provide other opportunities for public participation and comment on issues associated with the organophosphate tolerance reassessment program. Failure to participate or comment as part of this opportunity will in no way prejudice or limit a commentor's opportunity to participate fully in later notice and comment processes. All comments and proposals must be received by EPA on or before August 30, 1999 at the addresses given under the "ADDRESSES" section. Comments and proposals will become part of the Agency record for the organophosphate specified in this notice.

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: June 21, 1999.

Jack E. Housenger,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 99–16541 Filed 6–29–99; 8:45 am]
BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30406A; FRL–6084–8]

Novartis; Approval of Pesticide Product Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces Agency approval of applications submitted by Novartis Crop Protection Inc., to conditionally register the pesticide products Action Herbicide and Fluthiacet-Methyl Technical containing a new active ingredient not included in any previously registered products pursuant to the provisions of section 3(c)(7)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne Miller, PM-23, Registration Division (7505C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460 Office location and telephone number: Rm. 241, CM #2, Environmental Protection Agency, 1921 Jefferson Davis Hwy, Arlington, VA 22202, 703–305–6224; e-mail: miller.joanne@epa.gov

SUPPLEMENTARY INFORMATION:

Electronic Availability: Electronic copies of this document and the Fact Sheet are available from the EPA home page at the **Federal Register** Environmental Sub-Set entry for this document under "Laws and Regulations" (http://www.epa.gov/fedrgstr/).

EPA issued a notice, published the **Federal Register** of May 8, 1996 (61 FR 20815)(FRL–5357–1), which announced that Ciba-Geigy Crop Protection Corporation, (now known as Novartis), P.O. Box 18300, Greensboro, NC 27419–8300, had submitted an application to conditionally register the product CGA-248757 Technical (EPA File Symbol 100–INL) containing acetic acid, [[2-chloro-4-fluoro-5-[(tetrahydro-3-oxo-1*H*,3*H*-[1,3,4]thiadiazolo[3,4-alpha]pyridazin-1-ylidene)amino]phenyl]thio]-methyl ester at 98%; an active ingredient not included any previously registered product.

The company subsequently submitted an application to EPA to register the pesticide product Action Herbicide (EPA File Symbol 100–INA) containing the same chemical at 4.75%. However, since the notice of receipt of the application to register the product as required by section 3(c)(4) of FIFRA, as amended did not publish in the **Federal**

Register, interested parties may submit written comments within 30 days from the date of publication of this notice for this product only. Comments and data may also be submitted electronically to: opp-docket@epamail.epa.gov.

The applications were approved on April 13, 1999 for an end-use product and a technical listed below:

1. Fluthiacet-Methyl Technical (formerly CGA-248757 Technical) for formulation use only into registered end-use herbicides (EPA Registration Number 100–805).

2. Action Herbicide for postemergence control of velvetleaf and certain other broadleaf weeds in soybeans (EPA Registration Number 100–806).

A conditional registration may be granted under section 3(c)(7)(C) of FIFRA for a new active ingredient where certain data are lacking, on condition that such data are received by the end of the conditional registration period and do not meet or exceed the risk criteria set forth in 40 CFR 154.7; that use of the pesticide during the conditional registration period will not cause unreasonable adverse effects; and that use of the pesticide is in the public interest. The Agency has considered the available data on the risks associated with the proposed use of fluthiacet-methyl, and information on social, economic, and environmental benefits to be derived from such use. Specifically, the Agency has considered the nature and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show that use of fluthiacet-methyl during the period of conditional registration will not cause any unreasonable adverse effect on the environment, and that use of the pesticide is, in the public interest.

Consistent with section 3(c)(7)(C), the Agency has determined that these conditional registrations are in the public interest. Use of the pesticides are of significance to the user community, and appropriate labeling, use directions, and other measures have been taken to ensure that use of the pesticides will not result in unreasonable adverse effects to man and the environment.

More detailed information on these conditional registrations is contained in an EPA Pesticide Fact Sheet on fluthiacet-methyl.

A paper copy of this fact sheet, which provides a summary description of the chemical, use patterns and formulations, science findings, and the Agency's regulatory position and rationale, may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label, the list of data references, the data and other scientific information used to support registration, except for material specifically protected by section 10 of FIFRA, are available for public inspection in the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 119, CM #2, Arlington, VA 22202 (703–305–5805). Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), 401 M St., SW., Washington, DC 20460. Such requests should: (1) Identify the product name and registration number and (2) specify the data or information desired.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Pesticides and pests, Product registration.

Dated: June 15, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 99–16387 Filed 6–29–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[PB–402404–WI–A; FRL–6070–6]

Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Authorization of Wisconsin's Department of Health and Family Services Lead-Based Paint Activities Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; final approval.

SUMMARY: On August 31, 1998, the State of Wisconsin submitted an application for EPA approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for lead-based paint activities in target housing and child-occupied facilities under section 402 of the Toxic Substances Control Act (TSCA). Notice of Wisconsin's application, a solicitation for public comment regarding the application, and background information supporting the application was published in the **Federal Register** of November 4, 1998. Today's notice announces the approval of Wisconsin's application, and the authorization of Wisconsin's Department of Health and Family Services' lead-based paint program to apply in the State of Wisconsin effective January 27, 1999, in lieu of the corresponding Federal program under section 402 of TSCA.

DATES: The lead-based paint activities program approval was granted to the State of Wisconsin on January 27, 1999, and was immediately effective.

FOR FURTHER INFORMATION CONTACT: Marlyse Wiebenga, Environmental Protection Agency, Region V, DT-8J, 77 West Jackson Blvd., Chicago, IL 60604. Telephone: (312) 886–4437, e-mail address: wiebenga.marlyse@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to Title IV of TSCA, Lead Exposure Reduction, 15 U.S.C. 2681-2692, and regulations promulgated thereunder, States and Tribes that choose to apply for lead-based paint activities program authorization must submit a complete application to the appropriate Regional EPA office for review. Complete, final applications will be subject to a public comment period, and reviewed by EPA within 180 days of receipt. To receive EPA approval, a State or Tribe must demonstrate that its program is at least as protective of human health and the environment as the Federal program, and provides for adequate enforcement, section 404(b) of TSCA. As determined by EPA's review and assessment, Wisconsin's application successfully demonstrated that the State's lead-based paint activities program achieves the protectiveness and enforcement criteria, as required for Federal authorization. Furthermore, no public comments were received regarding any aspect of Wisconsin's application. A solicitation for public comment regarding the application was published in the **Federal Register** of November 4, 1998 (63 FR 59561) (FRL–6037–6).

II. Federal Overfiling

TSCA section 404(b), makes it unlawful for any person to violate, or fail or refuse to comply with, any requirement of an approved State or Tribal program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of an authorized State or Tribal program.

III. Withdrawal of Authorization

Pursuant to TSCA section 404(c), the Administrator may withdraw a State or Tribal lead-based paint activities program authorization, after notice and opportunity for corrective action, if the program is not being administered or enforced in compliance with standards, regulations, and other requirements established under the authorization. The procedures EPA will follow for the withdrawal of an authorization are found at 40 CFR 745.324(i).

IV. Public Record

The official record for this action, as well as the public version, has been established under docket control number PB–402404–WI. Copies of this notice, Wisconsin's Department of Health and Family Service's authorization application, and all supporting material for EPA's authorization decision are available for inspection in the Region V office: Toxics Program Section, Environmental Protection Agency, Region V, 8th floor, 77 West Jackson Blvd., Chicago, IL, from 8:30 a.m. to 5 p.m., Monday through Friday, excluding legal holidays.

V. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

EPA's actions on State or Tribal lead-based paint activities program applications are informal adjudications, not rules. Therefore, the requirements of the Regulatory Flexibility Act (RFA, 5 U.S.C. 601 *et seq.*), the Congressional Review Act (5 U.S.C. 801 *et seq.*), Executive Order 12866 ("Regulatory Planning and Review," 58 FR 51735, October 4, 1993), and Executive Order 13045 ("Protection of Children from Environmental Health Risks and Safety Risks," 62 FR 1985, April 23, 1997), do not apply to this action. This action does not contain any Federal mandates, and therefore is not subject to the requirements of the Unfunded Mandates Reform Act (2 U.S.C. 1531-1538). In addition, this action does not contain any information collection requirements and therefore does not require review or approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

B. Executive Order 12875

Under Executive Order 12875, entitled "Enhancing Intergovernmental Partnerships" (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local, or Tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and Tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and Tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's action does not create an unfunded Federal mandate on State, local, or Tribal governments. This action does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this action.

C. Executive Order 13084

Under Executive Order 13084, entitled "Consultation and Coordination with Indian Tribal Governments" (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the Tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected Tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's action does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

Authority: 15 U.S.C. 2682, 2684.

List of Subjects

Environmental protection, Hazardous substances, Lead, Reporting and recordkeeping requirements.

Dated: March 26, 1999.

David A. Ullrich,

Acting Regional Administrator, Region V.

[FR Doc. 99–16684 Filed 6–29–99; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

June 22, 1999.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before July 30, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0095.

Title: Annual Employment Report—Cable Television.

Form Number: FCC 395–A.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 2,564.

Estimated Time per Response: 1.83 hours (avg.).

Frequency of Response: Annually.

Total annual burden: 4,683 hours.

Total annual costs: None.

Needs and Uses: The Annual Employment Report (FCC Form 395–A) is a data collection device used to assess and enforce the Commission's EEO requirements. The report identifies employees by gender, race, color, and/or national origin in nine major job categories. Every cable entity with 6 or more full-time employees and all Satellite Master Antenna Television Systems serving 50 or more subscribers and having 6 or more full-time employees must file annually a full FCC Form 395–A. However, cable entities with 5 or fewer full-time employees must only file Sections I, II, and IX of the FCC Form 395–A, and thereafter, need not file again unless its employment increases. In addition, cable entities with 6 or more full-time employees will file a Supplemental Investigation Sheet once every 5 years. The data are used by FCC staff to monitor a cable unit's efforts to afford equal employment opportunity in employment. The data are also used to assess industry trends.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–16595 Filed 6–29–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FCC 99–123]

Canyon Area Residents for the Environment

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document denies an Application for Review of a letter ruling of October 9, 1998, by Dale Hatfield, Chief of the Office of Engineering and Technology , which denied the request of Canyon Area Residents for the Environment (CARE) for a blanket prohibition on the siting of communications facilities on Lookout Mountain near Denver, Colorado, and denied CARE's proposal that the Commission adopt stricter limits on public exposure to radiofrequency (RF) radiation.

DATES: Effective June 30, 1999.

FOR FURTHER INFORMATION CONTACT: Robert Cleveland, Office of Engineering and Technology, (202) 418–2422.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order*, FCC 99–123, adopted May 27, 1999, and released May 27, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (TW–A306), 445 12th Street, SW, Washington, DC, and also may be purchased from the Commission's duplication contractor, International Transcription Services, (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20036.

Summary of the Memorandum Opinion and Order

1. The Commission has before it an Application for Review and related pleadings filed by the Canyon Area Residents for the Environment (CARE) dated November 5, 1998, seeking review of a letter ruling of October 9, 1998, by Dale Hatfield, Chief of the Office of Engineering and Technology (OET Letter), which denied CARE's request for a blanket prohibition on the siting of communications facilities on Lookout Mountain near Denver, Colorado, and denied CARE's proposal that the Commission adopt stricter limits on public exposure to radiofrequency (RF) radiation. CARE's Application for Review was opposed by the Lake Cedar Group (LCG). We deny the Application for Review.

Procedural Issues

2. As an initial matter, we note that CARE's Application for Review and its supplementary filings raise a number of issues that were not before the staff when it considered CARE's earlier filings in the OET Letter. CARE raises for the first time the questions of historical preservation, endangered species, and blanketing interference. Section 1.115(c) of the Commission's Rules states that: "[N]o application for review will be granted if its relies on questions of fact or law upon which the designated authority has been afforded no opportunity to pass. 47 CFR 1.115(c). In this case, CARE has not adequately explained why it was unable to raise these matters in a more timely fashion. We cannot allow a party to "sit back and hope that a decision will be in its favor and, when it isn't, to parry with an offer of more evidence. No judging process in any branch of government could operate efficiently or accurately if such a procedure were allowed." *Colorado Radio Corp.* v. *FCC*, 118 F. 2d 24, 26 (D.C. Cir. 1941). Therefore, we are not obligated to consider the new matters raised in CARE's filings. However, we have examined the new matters raised by CARE, and we find that CARE has failed to present any relevant evidence or law demonstrating that we should not have granted the DTV applications.

3. CARE also requests that the Commission seek public comment on its Application for Review. It is not the Commission's practice to solicit additional public comment on rulemaking proceedings that have been concluded and license applications that have been granted, and our rules do not require us to do so. CARE provides no reasons why additional public comment would be beneficial. Since there appears to be little or no benefit to be achieved by seeking additional public comment on the matters raised by CARE, and the present record is adequate for the Commission to decide the matter, CARE's request that we allow public comment on the Application for Review is denied.

Arguments Concerning RF Radiation

4. The results of the Commission studies of the Lookout Mountain have been described in separate reports, dated November 12, 1998, and January 4, 1999, respectively. Non-complying areas were identified as a result of these studies, and recommendations were made for corrective actions to ensure that the Lookout Mountain site was brought into compliance with Commission exposure limits. CARE's claim that it has supplied the information necessary to trigger an Environmental Assessment (EA) of the site, as specified in the Commission's Rules [47 CFR 1.1307(c)], is now moot since the extensive Commission studies and follow-up activities obviate the need for the preparation of an EA.

5. CARE claims that the Commission has violated the National Environmental Policy Act (NEPA) of 1969 (Sections 5 and 6) and that the Commission's guidelines are not sufficiently protective of human health. The Commission adopted new RF exposure guidelines (ET Docket 93–62) following a one-year period for public comment with

hundreds of pages of comments being filed with the Commission from industry, trade associations, citizens and expert federal health and safety agencies. *See Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, 11 FCC Rcd 15123 (1997), 61 FR 41006, August 7, 1996. CARE's collateral attack on the Commission's RF exposure guidelines is not timely and is dismissed.

6. CARE states that the Commission violated its rules implementing NEPA by not requiring a draft EIS and final EIS for licensees on Lookout Mountain. Under the Commission's rules, however, EIS's are only prepared after the Commission reviews the Environmental Assessment (EA) and determines that the proposal "will have a significant effect upon the environment," and such effect cannot be resolved by corrective action. *See* 47 CFR 1.1308, 1.1314–1.1319. In the present situation corrective actions have already been taken to bring the site into compliance prior to even the preparation of an EA. Therefore, there is no longer an environmental issue with respect to potential violation of Commission RF exposure guidelines requiring the preparation of either an EA or EIS.

7. CARE's allegations that alternative sites should be considered as part of an environmental evaluation are untimely, and, in any case, would only be relevant if a determination had been made that a significant environmental effect, such as RF exposure, currently exists at the site. Therefore, there is no need to consider alternative sites because of a potential RF exposure problem. Furthermore, the Commission is not inclined to become involved in application site selection, or local zoning issues as long as federal requirements are met.

8. We find no merit to CARE's claim that area residents' fear of RF radiation and concern over property values are environmental factors that should be considered by the Commission. This claim is untimely.

9. CARE's claim that Lookout Mountain broadcasters should "show cause" (Section 10), under § 312(b) of the Communications Act, as to, "why they should not cease and desist from violating § 1.1310 of the Commission's rules," is, again, a moot point. Since the compliance problems have been remedied by radio licensees, there is no longer a violation, and such an action is unnecessary.

10. CARE's claim that the Commission's actions, "violate the personal, property and constitutional rights of these residents," is untimely, and, in any case, without merit. This claim is based on an allegation that the Commission had failed ("without due process of law") to consider "current relevant and credible scientific evidence" in making its decisions with respect to RF guideline implementation and protection of human health.

11. CARE's claim that the Commission did not follow recommendations of federal health and safety agencies in adopting its new RF exposure guidelines is an improper collateral attack on the Commission's rules and is wholly without merit. On the contrary, letters of support for the Commission's guidelines have been received from senior officials of the U.S. Environmental Protection Agency (EPA), the U.S. Food and Drug Administration (FDA), the National Institute for Occupational Safety and Health (NIOSH) and the Occupational Safety and Health Administration (OSHA). These letters are included in the record of ET Docket 93–62 and were extensively relied upon. EPA has also sent a recent letter to the FCC addressing the situation at Lookout Mountain and reaffirming its support for the Commission's RF guidelines. In addition, the Commission continues to cooperate with these other federal agencies and coordinate activities of mutual interest through an on-going radiofrequency inter-agency working group, chaired by the EPA.

12. CARE again claims that the Commission has not considered scientific information on biological effects in developing its guidelines. The Commission conducted the extensive proceeding in ET Docket 93–62, reviewed comments from the public, industry, expert organizations and federal health and safety agencies to determine which scientifically-based guidelines to adopt for use in evaluating human exposure, and, in fact, considered relevant scientific information on biological effects in adopting its guidelines. It is important to point out that biological "effects" are not the same as biological "hazards." The exposure criteria recommended by both the National Council on Radiation Protection and Measurements (NCRP) and the Institute of Electrical and Electronics Engineers (IEEE), upon which the Commission's guidelines are based, are themselves based on thresholds for known biological effects that are potentially *hazardous*. These existing RF standards and guidelines are designed to protect the public from scientifically established levels for potentially harmful effects linked to exposure to RF fields. In any event, as stated previously, CARE's collateral attack on the Commission's RF guidelines is untimely.

13. CARE claims that the Commission places an unfair burden on citizens for monitoring compliance and cites the situation at Lookout Mountain where Mr. Hislop and Dr. Larson performed their own measurement surveys, the results of which contradicted some of the earlier measurement data obtained there by consultants for LCG. This isolated incident, in which Mr. Hislop and Dr. Larson discovered previously undetected areas of non-compliance, does not prove that it is Commission policy to expect citizens to routinely undertake such tasks. In this case, it is our belief that the under-reporting of field levels at certain locations was unintentional on the part of the broadcast licensees and applicants. In a sworn affidavit, Mr. Robert Weller, of Hammett and Edison, Inc., the engineering consulting firm that advised LCG, has described the problems he experienced with certain instrumentation used for his measurements.

14. If there is evidence of willful misrepresentation by a licensee or applicant to the Commission with respect to RF compliance certification or some other issue, the Commission has the authority to levy forfeitures and/or take other punitive actions including license revocation. We see no basis to conclude that this occurred with respect to the Lookout Mountain site. Those areas which were recently found to be out of compliance with respect to the new exposure guidelines (implemented in October of 1997) were in compliance with the previous guidelines in effect at the time the stations were last required to certify compliance. Furthermore, the measurement problems experienced and sworn to by Mr. Weller do not, without more evidence, support a conclusion that the Lake Cedar Group or other broadcasters intentionally misled the Commission with respect to RF exposure.

15. Finally, CARE alleges that computer modeling alone is not sufficient to guarantee compliance. We fully agree that at complex antenna sites such as Lookout Mountain computer modeling alone may not be sufficient to evaluate compliance. In fact, this is the reason that the Commission has required that actual measurements be made at the site, and that is why the staff twice conducted its own measurement studies. Also, as a condition of the grant of the LCG application, future measurements must be taken to ensure compliance once the new broadcast tower is constructed and operational. In addition, Jefferson

County is considering its own monitoring requirements for the area, and we understand and expect that a site coordination committee is being established by the licensees located at Lookout Mountain. Therefore, the implication that the Commission has based, or will base, decisions on "computer modeling alone" is factually inaccurate.

Other New Matters

16. In its Application for Review and supplemental filings, CARE raised additional objections to the LCG tower with respect to blanketing interference, facilities sited within an officially-designated wildlife preserve, siting of a facility listed in the National Register of Historic Places, and claims of effects on an endangered species. CARE's objections are untimely, and, in any case, are without merit. While we are not obligated to do so under § 1.115(c) of the Rules, each of these matters were considered in the Memorandum Opinion and Order.

17. It is our belief that CARE has provided no new evidence that would warrant any further environmental analysis of the Lookout Mountain site with respect to either compliance with the Commission's RF exposure guidelines or electromagnetic interference or a reconsideration of the conclusions expressed in the OET Letter. Furthermore, the new matters raised by CARE do not demonstrate that the OET Letter was in error as a matter of fact or law. Therefore, we deny CARE's Application for Review.

18. *Accordingly, it is ordered*, that pursuant to the authority of Sections 4(i) and (j) and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j) and 403, and of the Commission's Rules, 47 CFR 1.115, the Application for Review filed by Canyon Area Residents for the Environment *is denied* and the letter ruling of October 9, 1998, by the Chief of the Office of Engineering Technology *is affirmed*.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–16562 Filed 6–29–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL HOUSING FINANCE BOARD

[No. 99–N–7]

Proposed Collection; Comment Request

AGENCY: Federal Housing Finance Board.

ACTION: Notice.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995, the Federal Housing Finance Board (Finance Board) hereby gives notice that it is seeking public comments concerning a three-year extension by the Office of Management and Budget (OMB) of the previously approved information collection entitled "Community Support Requirements."

DATES: Interested persons may submit comments on or before August 30, 1999.

ADDRESSES: Address comments and requests for copies of the information collection to Elaine L. Baker, Secretary to the Board, by telephone at 202/408–2837, by electronic mail at bakere@fhfb.gov, or by regular mail at the Federal Housing Finance Board, 1777 F Street, NW, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Amy Maxwell, Program Analyst, Program Assistance Division, Office of Policy, Research and Analysis, by telephone at 202/408–2882, by electronic mail at maxwella@fhfb.gov, or by regular mail at the Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

SUPPLEMENTARY INFORMATION:

A. Need for and Use of the Information Collection

Section 10(g)(1) of the Federal Home Loan Bank Act (Bank Act) requires the Federal Housing Finance Board (Finance Board) to promulgate regulations establishing standards of community investment or service that Federal Home Loan Bank (FHLBank) members must meet in order to maintain access to long-term advances. *See* 12 U.S.C. 1430(g)(1). In establishing these community support requirements for FHLBank members, the Finance Board must take into account factors such as the FHLBank member's performance under the Community Reinvestment Act of 1977 (CRA), 12 U.S.C. 2901, *et seq.*, and record of lending to first-time homebuyers. 12 U.S.C. 1430(g)(2). Part 936 of the Federal Housing Finance Board's (Finance Board) regulations implements section 10(g) of the Bank Act. *See* 12 CFR part 936. The rule provides uniform community support standards all FHLBank members must meet and review criteria Finance Board staff must apply to determine compliance with section 10(g). More specifically, section 936.2 of the rule implements the statutory community support requirement. 12 CFR 936.2. Section 936.3 establishes community support standards for the two statutory factors—CRA and first-time homebuyer performance—and provides guidance to a respondent on how it may satisfy the standards. 12 CFR 936.3. Sections 936.4 and 936.5 establish the procedures and criteria the Finance Board uses in determining whether FHLBank members satisfy the statutory and regulatory community support requirements. 12 CFR 936.4 and 936.5.

The information collection contained in Form 96–01, the Community Support Statement Form, and sections 936.2 through 936.5 of the rule is necessary to enable and is used by the Finance Board to determine whether FHLBank members satisfy the statutory and regulatory community support requirements. Only FHLBank members that meet these requirements may maintain continued access to long-term FHLBank advances. *See* 12 U.S.C. 1430(g).

The OMB number for the information collection is 3069–003. The OMB clearance for the information collection expires on December 31, 1999.

The likely respondents are institutions that are members of a FHLBank.

B. Burden Estimate

The Finance Board estimates the total annual average number of respondents at 3002, with one response per respondent. The estimate for the average hours per response is one hour. The estimate for the total annual hour burden is 3002 hours (3002 respondents x 1 response per respondent x approximately 1.0 hours).

C. Comment Request

The Finance Board requests written comments on the following: (1) whether the collection of information is necessary for the proper performance of Finance Board functions, including whether the information has practical utility; (2) the accuracy of the Finance Board's estimates of the burdens of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

By the Federal Housing Finance Board.

Dated: June 24, 1999.

William W. Ginsberg,

Managing Director.

[FR Doc. 99–16689 Filed 6–29–99; 8:45 am]

BILLING CODE 6725–01–P

FEDERAL HOUSING FINANCE BOARD

[No. 99–N–8]

Proposed Collection; Comment Request

AGENCY: Federal Housing Finance Board.

ACTION: Notice.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995, the Federal Housing Finance Board (Finance Board) hereby gives notice that it is seeking public comments concerning a three-year extension by the Office of Management and Budget (OMB) of the previously approved information collection entitled "Affordable Housing Program."

DATES: Interested persons may submit comments on or before August 30, 1999.

ADDRESSES: Address comments and requests for copies of the information collection to Elaine L. Baker, Secretary to the Board, by telephone at 202/408–2837, by electronic mail at bakere@fhfb.gov, or by regular mail at the Federal Housing Finance Board, 1777 F Street, NW, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Janet M. Fronckowiak, Associate Director, Program Assistance Division, Office of Policy, Research and Analysis, by telephone at 202/408–2575 or by electronic mail at fronckowiakj@fhfb.gov, or Melissa L. Allen, Program Analyst, Program Assistance Division, Office of Policy, Research and Analysis by telephone at 202/408–2524 or by electronic mail at allenm@fhfb.gov, or by regular mail at the Federal Housing Finance Board, 1777 F Street, NW, Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

A. Need for and Use of the Information Collection

Section 10(j) of the Federal Home Loan Bank Act (Bank Act) requires the Federal Housing Finance Board (Finance Board) to promulgate regulations under which the 12 Federal Home Loan Banks (FHLBanks) must establish an Affordable Housing Program (AHP) to make subsidized advances to members engaged in lending for long term, low-and moderate-income, owner-occupied and affordable rental housing at subsidized interest rates. *See* 12 U.S.C. 1430(j). Section 10(j) also establishes the standards and requirements for making subsidized AHP advances to FHLBank members. *Id.* Part 960 of the Finance Board's regulations implements the statutory requirements and authorizes the FHLBanks to make AHP funding decisions. *See* 12 CFR part 960.

The information collection contained in part 960 is necessary to enable and is used by the FHLBanks to determine whether an AHP applicant satisfies the statutory and regulatory requirements to receive subsidized advances or direct subsidies under the AHP. The Finance Board requires and uses the information collection, through examination of the FHLBanks, to ensure that a FHLBank's funding decisions, and the use of the funds awarded, are consistent with statutory and regulatory requirements.

The OMB number for the information collection is 3069–006. The OMB clearance for the information collection expires on December 31, 1999.

The likely respondents include applicants for AHP funding.

B. Burden Estimate

The Finance Board estimates the total annual average number of respondents at 7,462, with 1.33 responses per respondent. The estimate for the average hours per response is 6.5 hours. The estimate for the total annual hour burden is 64,509 hours (7,462 respondents x 1.33 responses per respondent x approximately 6.5 hours per response).

C. Comment Request

The Finance Board requests written comments on the following: (1) Whether the collection of information is necessary for the proper performance of Finance Board functions, including whether the information has practical utility; (2) the accuracy of the Finance Board's estimates of the burdens of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

By the Federal Housing Finance Board.

Dated: June 24, 1999.

William W. Ginsberg,

Managing Director.

[FR Doc. 99–16690 Filed 6–29–99; 8:45 am]

BILLING CODE 6725–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks 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 offices 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 July 14, 1999.

A. Federal Reserve Bank of Cleveland (Paul Kaboth, Banking Supervisor) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. Constantine Chimples, Moreland Hills, Ohio; Kathleen Chimples, Moreland Hills, Ohio; George C. Chimples, Moreland Hills, Ohio; Janet J. Chimples, Moreland Hills, Ohio; George Chimples Family LTD Partnership No.2, Parma, Ohio; Janet Chimples Family LTD Partnership No.1, Parma, Ohio; Thomas Chimples, Bentleyville, Ohio; Theresa Chimples, Bentleyville, Ohio; Alexis C. Anzo, Atlanta, Georgia; Christine T. Anzo, Atlanta, Georgia; Jennifer T. Anzo, Atlanta, Georgia; Eugenia Jeannie Hasiotis, Boston, Massachusetts; and Dean Land Company, Parma, Ohio; to acquire voting shares of Commerce Exchange Corporation, Beachwood, Ohio, and thereby indirectly acquire Commerce Exchange Bank, Beachwood, Ohio.

B. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. David Hill, Ellsworth, Iowa; to acquire voting shares of Freedom Holdings, L.C., West Des Moines, Iowa, and thereby indirectly acquire voting shares of Freedom Financial Bank, West Des Moines, Iowa.

C. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Barton J. and Terri R. Gotch, both of South Sioux City, Nebraska; to acquire voting shares of Siouxland National Corporation, South Sioux City, Nebraska, and thereby indirectly acquire voting shares of Siouxland National Bank, South Sioux City, Nebraska.

Board of Governors of the Federal Reserve System, June 24, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 99–16632 Filed 6–29–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 23, 1999.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

1. American Financial Bancorp, Inc., Waterbury, Connecticut; to become a bank holding company by acquiring 100 percent of the voting shares of American Bank of Connecticut, Waterbury, Connecticut.

B. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. Maham Beteiligungsgesellschaft AG, Zurich, Switzerland; to become a bank holding company by acquiring 25 percent of the voting shares of Habib American Bank, New York, New York.

C. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. Georgia Community Bancorp, Inc., Reynolds, Georgia; to acquire 100 percent of the voting shares of Bank of Terrell (in organization), Dawson, Georgia, and Commercial State Bank (in organization), Donalsonville, Georgia.

Board of Governors of the Federal Reserve System, June 24, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 99–16631 Filed 6–29–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 14, 1999.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. The Fuji Bank, Limited, Tokyo, Japan; to engage *de novo* through its subsidiary, Yasuda Bank and Trust Company (U.S.A.), New York, New York, in trust company functions, pursuant to § 225.28(b)(5) of Regulation Y.

B. Federal Reserve Bank of Richmond (A. Linwood Gill III, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. BB&T Corporation, Winston-Salem, North Carolina; to acquire First Liberty Financial Corp., Macon, Georgia, and thereby indirectly acquire First Community Bank of Vidalia, Vidalia, Georgia, and thereby engage in operating a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y; First Liberty Bank, Macon, Georgia, and thereby engage in operating a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y, and in community development activities, pursuant to § 225.28(b)(12)(i) of Regulation Y; OFC Capital Corporation, Roswell, Georgia, and thereby engage in leasing activities, pursuant to § 225.28(b)(3) of Regulation Y; Liberty Mortgage Corporation, Atlanta, Georgia, and thereby engage in extending credit and servicing loans, pursuant to § 225.28(b)(1) of Regulation Y; NewSouth Financial Services, Inc., Macon, Georgia, and thereby engage in extending credit and servicing loans, pursuant to § 225.28(b)(1) of Regulation Y; and First Freedom Investments, Inc., Macon, Georgia, and thereby engage in securities brokerage activities, pursuant to § 225.28(b)(7)(i) of Regulation Y.

In connection with this proposal, BB&T Corporation has requested permission to exercise an option that would enable BB&T Corporation to acquire up to 19.9 percent of the voting securities of First Liberty Financial Corp., under certain circumstances.

2. Independent Community Bankshares, Inc., Middleburg, Virginia; to acquire Gilkison & Patterson Investment Advisors, Inc., Alexandria, Virginia, and thereby engage in trust company functions, pursuant to § 228.25(b)(5) of Regulation Y, and financial and investment advisory activities, pursuant to § 228.25(b)(6) of Regulation Y.

3. Wachovia Corporation, Winston-Salem, North Carolina; to merge with OFFITBANK Holdings, Inc., New York, New York, and thereby indirectly acquire its subsidiaries, including OFFITBANK, New York, New York, and OFFIBANK Derivatives, Inc., new York, New York, and thereby engage in trust company activities, pursuant to § 225.28(b)(5) of Regulation Y, financial and investment advisory activities, pursuant to § 225.28(b)(6) of Regulation Y, providing securities brokerage, riskless principal, private placement, futures commission merchant, and other agency transactional services, pursuant to §§ 225.28(b)(7) of Regulation Y, extending credit and servicing loans,

pursuant to § 225.28(b)(1) of Regulation Y, providing credit related services, pursuant to § 225.28(b)(2) of Regulation Y; acting as principal in investing and trading activities, pursuant to § 225.28(b)(8)(ii) of Regulation Y; acting as principal in the buying and selling of bullion and related activities, pursuant to § 225.28(b)(8)(iii) of Regulation Y, providing data processing and data transmission services, pursuant to § 225.28(b)(14) of Regulation Y; providing administrative services to open-end and closed-end investment companies for which it acts as investment adviser, pursuant to Board Order, see *Mellon Bank Corporation*, 79 Fed. Res. Bull., 626 (1993); *CommerzBank AG*, 83 Fed. Res. Bull. 679 (1997)), and thereby engage in serving a private investment limited partnership that engage in activities permissible for a bank holding company to engage in, pursuant to Board Order, see *Dresdner Bank AG*, 84 Fed. Res. Bull. 361 (1998)).

Board of Governors of the Federal Reserve System, June 24, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 99–16633 Filed 6–29–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL TRADE COMMISSION

[File No. 9810339]

Albertson's Inc., et al., Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

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

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Richard Liebeskind or James Fishkin, FTC/S–2105, 601 Pennsylvania Avenue, NW, Washington, DC 20580, (202) 326–2441 or (202) 326–2663.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46, and Section 2.34 of the Commission's Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for June 22, 1999), on the World Wide Web, at "http://www.ftc.gov/os/actions97.htm." A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, NW, Washington, DC 20580, either in person or by calling (202) 326–3627.

Pubic comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Avenue, NW, Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comments. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of the Draft Complaint and Proposed Consent Order To Aid Public Comment

I. Introduction

The Federal Trade Commission ("Commission") has accepted for public comment from Albertson's, Inc. ("Albertson's") and American Stores Company ("American Stores") (collectively "the Proposed Respondents") an Agreement Containing Consent Order ("the proposed consent order"). The Proposed Respondents have also reviewed a draft complaint that the Commission contemplates issuing. The proposed consent order is designed to remedy likely anticompetitive effects arising from Albertson's proposed stock-for-stock acquisition of all of the outstanding securities of American Stores.

II. Description of the Parties and the Proposed Acquisition

Albertson's, a Delaware corporation headquartered in Boise, Idaho, operates approximately 994 supermarkets in 25 Western, Midwestern, and Southern states. Albertson's supermarkets operate primarily under the "Albertson's," "Max Grocery Warehouse," "Seessel's" and "Smitty's" trade names. Albertson's competes with American Stores in California, Nevada and New Mexico. Albertson's operates 177 supermarkets in California, 31 supermarkets in Nevada, and 19 supermarkets in New Mexico. Albertson's total sales for the fiscal year that ended on January 28, 1999, were approximately $16.0 billion. Albertson's is the fourth largest supermarket chain in the United States, based on total sales. After the merger with American Stores, Albertson's will become the second largest supermarket chain in the United States.

American Stores, a Delaware corporation headquartered in Salt Lake City, Utah, operates approximately 802 supermarkets and 773 stand-alone pharmacies in 31 states. American Stores operates supermarkets, including combination supermarket and pharmacies, in 12 Western, Midwestern and Eastern states under the "Lucky." "Lucky Sav-On," "SuperSaver," "Acme Markets," and "Jewel Food Stores" trade names. American Stores operates approximately 411 supermarkets in California, 25 supermarkets in Nevada, and 11 supermarkets in New Mexico. These American Stores supermarkets are all in the company's Lucky Division and operate under the "Lucky," "SuperSaver" and "Lucky Sav-On" trade names. American Stores' total sales for the fiscal year that ended on January 30, 1999, were $19.9 billion. Based on total sales, American Stores is the second largest supermarket chain in the United States.

On August 2, 1999, Albertson's, Abacus Holdings, Inc. ("Abacus"), a wholly owned subsidiary of Albertson's, and American Stores entered into an Agreement and Plan of Merger pursuant to which Abacus will acquire all of the outstanding securities of American Stores. Under the merger agreement, Abacus will convert the American Stores stock into Albertson's stock based on a 0.63 exchange rate. As a result, 100 shares of American Stores stock will be converted to 63 shares of Albertson's stock. The transaction, at the time it was negotiated, had a total value of approximately $11.7 billion, including an equity value of $8.3 billion and debt of $3.4 billion. Today, the acquisition is valued at approximately $13 billion.

III. The Draft Complaint

The draft complaint alleges that the relevant line of commerce (i.e., the product market) is the retail sale of food and grocery items in supermarkets.

Supermarkets provide a distinct set of products and services for consumers who desire to one-stop shop for food and grocery products. Supermarkets carry a full line and wide selection of both food and nonfood products (typically more than 10,000 different stock-keeping units ("SKUs")), as well as a deep inventory of those SKUs in a variety of brand names and sizes. In order to accommodate the large number of food and nonfood products necessary for one-stop shopping, supermarkets are large stores that typically have at least 10,000 square feet of selling space. Supermarkets in California, Nevada and New Mexico tend to have at least 20,000 square feet and carry at least 20,000 SKUs.

Supermarkets compete primarily with other supermarkets that provide one-stop shopping for food and grocery products. Supermarkets base their food and grocery prices on the prices primarily of food and grocery products sold at nearby supermarkets. Supermarkets do not regularly price-check food and grocery products sold at other types of stores such as club stores or limited assortment stores, and do not significantly change their food and grocery prices in response to prices at other types of stores. Most consumers shopping for food and grocery products at supermarkets are not likely to shop elsewhere in response to a small price increase by supermarkets.

Retail stores other than supermarkets that sell food and grocery products, such as neighborhood "mom & pop" grocery stores, limited assortment stores, convenience stores, specialty food stores (*e.g.*, seafood markets, bakeries, etc.), club stores military commissaries, and mass merchants, do not effectively constrain most prices at supermarkets. These other stores operate significantly different retail formats and sell far more limited assortments of items. None of these stores offers a supermarket's distinct set of products and services that enable consumers to one-stop shop for food and grocery products.

The draft complaint alleges that the relevant sections of the country (*i.e.*, the geographic markets) in which to analyze the acquisition are the areas in an near the following cities and towns: (a) Antioch/Pittsburg, California; (b) Apple Valley/Hesperia/Victorville, California; (c) Atascadero, California; (d) Auburn, California; (e) Greater Bakersfield, California, (f) Claremont/Pomona/Rancho Cucamonga, California; (g) Danville/San Ramon/Dublin/Pleasanton, California; (h) Davis, California; (i) Encinitas, California; (j) Escondido, California; (k) Fallsbrook, California; (1) Grass Valley, California; (m) Grover City/Arroyo Grande, California; (n) Jackson, California; (o) La Mesa/El Cajon, California; (p) Laguna Beach, California; (q) Lancaster/Palmdale, California; (r) Livermore, California; (s) Lompoc, California; (t) Monterey/Seaside/Del Rey Oaks/Pacific Grove, California; (u) Moorpark, California; (v) Morro Bay/Los Osos, California; (w) Murrieta/Temecula, California; (x) Napa, California; (y) Northern Covina, California, an area that includes Azusa, Baldwin Park, Charter Oak, Citrus, Covina, Glendora, La Puenta, Valinda, Vincent, West Covina, and West Puente; (z) Oceanside/Vista/Carlsbad, California; (aa) Oxnard, California; (bb) Palm Springs/Indio, California; (cc) Paso Robles, California; (dd) Petaluma, California; (ee) Poway/North San Diego, California; (ff) Ramona, California; (gg) Redlands, California; (hh) Rialto/Fontana, California; (ii) Riverside/Corona, California; (jj) Greater Sacramento, California, and narrower markets contained therein; (kk) Salinas, California; (ll) San Luis Obispo, California; (mm) Santa Barbara/Goleta, California; (nn) Santa Clarita, California; (oo) Santa Cruz/Capitola, California; (pp) Santa Maria/Orcutt, California; (qq) SantaRosa, California; (rr) Simi Valley, California; (ss) Sonoma/Hot Springs, California; (tt) South Los Angeles County/North Orange County, California; and narrower markets contained therein;[1] (uu) South Orange County, California, and narrower markets contained therein; (vv) Southern Covina California, an area that includes the communities of Diamond Bar, Hacienta Heights, South San Jose Hills, and Walnut; (ww) Thousand Oaks/Newbury Park/Casa Conejo, California; (xx) Torrance, California; (yy) Vacaville, California; (zz) Watsonville/Freedom, California; (aaa) Eastern Albuquerque, New Mexico; (bbb) Las Cruces, New Mexico; (ccc) Roio Rancho/Northwest Albuquerque, New Mexico; (ddd) Santa Fe, New Mexico; and (eee) Greater Las Vegas/Henderson, Nevada, and narrower markets contained therein.

Albertson's and American Stores are actual and direct competitors in all the above listed markets other than Antioch/Pittsburg, Atascadero, Fallbrook, Morro Bay/Los Osos, and Santa Maria/Orcutt. Albertson's is an actual potential competitor against American Stores in and near Antioch/Pittsburg, Atascadero, Fallbrook, and Santa Maria/Orcutt, California. American Stores is an actual potential competitor against Albertson's in Morro Bay/Los Osos, California. But for the acquisition, Albertson's and American Stores would have become direct competitors in and near Antioch/Pittsburg, Atascadero, Fallbrook, Morro Bay/Los Osos, and Santa Maria/Orcutt, California. The acquisition will eliminate that competition.

The draft complaint alleges that the post-merger markets would all be highly concentrated, whether measured by the Herfindahl-Hirschman Index (commonly referred to as "HHI") or by four-firm concentration ratios.[2] The acquisition would substantially increase concentration in each market. The post-acquisition HHIs in the geographic markets would range from 2,000 to 8,090. Concentration levels in the geographic markets alleged in the draft complaint would not materially different even if club stores and limited assortment stores were included in product market.

The draft complaint further alleges that entry is difficult and would not be timely, likely, or sufficient to prevent anticompetitive effects in the relevant geographic markets.

The draft complaint also alleges that Albertson's proposed acquisitions of all of the outstanding securities of American Stores, if consummated, may substantially lessen competition in the relevant markets in violations of Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by eliminating direct competition between supermarkets owned or controlled by Alberton's and supermarkets owned or controlled by American Stores; by eliminating actual potential competition between supermarkets owned or controlled by Alberton's and supermarkets owned or controlled by American Stores; by increasing the likelihood that Albertons's will unilaterally exercise power; and by increasing the likelihood of, or facilitating, collusion or coordinated interaction among the remaining supermarket firms. Each of these effects increases the likelihood that the prices of food, groceries or services will increase, and the quality and selection of food, groceries or services will decrease, in the geographic

[1] The draft complaint defines "South Los Angeles County/North Orange County" as an area bordered on the north by the Santa Monica and San Joes Hills/Puente Hills/Chino Hills, on the west by Interstate 710 and the Pacific Ocean, on the east by the Santa Ana Mountains, and on the south by the Laguna Hills and El Toro Marine Corps Air Base.

[2] The HHI is a measurement of market concentration calculated by summing the squares of the individual market shares of all the participants.

markets alleged in the proposed complaint.

IV. Terms of the Agreement Containing Consent Order ("the Proposed Consent Order")

The proposed consent order will remedy the Commission's competitive concerns about the proposed acquisition. Under the terms of the proposed consent order, Alberton's and American Stores must divest 144 identified supermarkets and five identified supermarket sites in the relevant markets to five different upfront buyers. The supermarkets and sites that the Proposed Respondents must divest consist of 104 Alberton's supermarkets and three Albertson's sites, and 40 American Stores supermarkets and two American Stores sites. The 104 Alberton's supermarkets consist of 96 stores that operate under the "Alberton's trade name and eight stores that operate under the "Max Grocery Warehouse" trade name. The 40 American Stores supermarkets consist of 36 stores that operate under the "Lucky" trade name, three stores that operate under the "SuperSaver" trade name, and one store that operates under the "Lucky Sav-On" trade name.

In 37 of the 57 geographic markets, the Proposed Respondents will divest either all of the Alberton's supermarkets or all of the American Stores supermarkets to buyers who do not currently operate supermarkets in these markets. In the remaining markets, the Proposed Respondent will divest some combination of Alberton's and American Stores supermarkets or sites or both. Divesting all of one party's assets within a particularly market achieves several important competitive goals that the proposed consent order is designed to achieve. It ensures that the merger will not result in any increase in concentration in that market. The divestiture will result in the same number of players in the market holding the same relative shares of the market as existed before the merger.

However, the Commission is willing to evaluate and, under certain conditions, accept other divestiture packages if and when the parties can satisfy the Commission that the divestiture will eliminate the anticompetitive effects of concern. In order to do so, the Commission will analyze the financial and competitive condition of the proposed divestiture assets and that of the stores the Proposed Respondents intend to retain. In this instance, the Commission has declined to accept divestiture of supermarkets that are not profitable or are declining in sales or profitability, and has acquired that "mix-and-match" divestitures consist solely of competitively viable stores.

In 13 of the markets in which the Proposed Respondents are not divesting either all of the Albertson's or all of the American Stores supermarkets to buyers who do not currently operate supermarkets in these markets, there will be no significant increase in concentration. In the remaining seven markets, although there is nominally an increase in concentration from the combined effect of the merger and divestiture, the proposed increase in concentration is significant in only one market (Bakersfield). In markets where the Proposed Respondents are not divesting either all of the Albertson's or all of the American Stores supermarkets, the proposed divestiture assets consist of more profitable stores, rather than a divestiture of sales volume from unprofitable stores.

The Commission's goal in evaluating possible purchasers of divested assets is to maintain the competitive environment that existed prior to the acquisition. When divestiture is an appropriate remedy for a supermarket merger, the Commission requires the merging parties to find a buyer for the divested stores. A proposed buyer must not itself present competitive problems. For example, the Commission is less likely to approve a buyer that already has a large retail presence in the relevant geographic area than a buyer without such a presence. The Commission is preliminarily satisfied that the purchasers presented by the parties are well qualified to run the divested stores and that divestiture to these purchases poses no separate competitive issues. Public comments may address the suitability of the designated acquirers to acquire the supermarkets at issue.

The five upfront buyers and the number of stores each is acquiring are as follows: 31 stores to Certified Grocers of California; 27 stores and one land site to Raley's; 40 stores and two land sites to Ralphs (a Kroger/Fred Meyer subsidiary); 43 stores and one land site to Stater Bros.; and three stores and one land site to Vons (a Safeway subsidiary). A list of the specific supermarkets that Albertson's and American Stores must divest to each of the upfront buyers is attached at the end of this Analysis to Aid Public Comment. The proposed consent order also requires Certified Grocers, which is acquiring 31 stores, to divest at least 20 of the stores within 90 days from the time the order becomes final. Certified Grocers is a food wholesaler that does not operate many corporate-owned stores. Certified Grocers must seek prior approval from the Commission to divest, within three years of the final order, any supermarkets to any firms not preapproved in the proposed consent order to acquire specific stores. Certified Grocers is made a party to the proposed consent order for relief purposes and is subject to civil penalties if it does not meet its obligations under the order.

The preapproved independent buyers that Certified Grocers plans to sell identified supermarkets to include the following: A.J. Markets, Inc. (d/b/a Amar Ranch); Arden Group (d/b/a Gelsons and Mayfair); Berberian Enterprises (d/b/a Jons Market); Bianchini's Apple Market (d/b/a Apple Market); Ceiland Coast, Inc.; Colonial Shopping Center, a general partnership (d/b/a Young's Market); El Tigre Inc. (d/b/a El Tigre Market); Goodwin & Sons, Inc. (d/b/a Village Market); Hope Mart, Inc. (d/b/a Best Value Grocery Warehouse); K.V. Mart Co. (d/b/a Top Valu and Valu Plus Food Warehouse); Rodd Mart, Inc. (d/b/a Payless Foods); Stump's Apple Markets (d/b/a Apple Market); UKA's Big Saver Food, Inc. (d/b/a Big Saver Foods); Vallarta Foods Enterprises, Inc. (d/b/a Vallarta Super Markets); and Ronald Ziff. The supermarkets that Certified Grocers plans to sell to each preapproved buyer are identified by location in the proposed consent order.

The proposed consent order requires that the divestitures must occur no later than the earlier of (1) 30 to 120 days from when the Commission accepts the agreement for public comment, depending on the business plans of the specific upfront buyer, or (2) four months after the Commission accepts the agreement for public comment.[3] The amount of time required for the divestitures varies with each of the acquirers based on the acquirer's need to convert large numbers of new stores into its operations. The proposed consent order also requires Albertson's to include rescission provisions in its upfront buyer agreements that allow it to rescind the transaction(s) if the Commission, after the comment period, decides to reject any of the upfront buyers. If, at the time the Commission decides to make the proposed consent order final, the Commission notifies Albertson's that any of the upfront buyers to which Albertson's has divested a supermarket or site is not an acceptable acquirer, or that any upfront buyer agreement is not an acceptable

[3] Acceptance of the proposed consent order for public comment terminates the Hart-Scott-Rodino waiting period and enables Albertson's to immediately acquire the American Stores stock.

manner of divestiture, then Albertson's must immediately rescind the transaction in question and divest those assets within three months after the proposed consent order becomes final. At that time, Albertson's must divest those assets only to an acquirer that receives the prior approval of the Commission and only in a manner that receives the prior approval of the Commission. In the event that any Commission-approved buyer is unable to take or keep possession of any of the supermarkets identified for divestiture, a trustee that the Commission may appoint has the power to divest any additional ancillary assets and effect such arrangements as are necessary to satisfy the requirements of the proposed consent order.

The proposed consent order specifically requires the Proposed Respondents to: (1) Maintain the viability, competitiveness and marketability of the assets to be divested; (2) not cause the wasting or deterioration of the assets to be divested; (3) not sell, transfer, encumber, or otherwise impair their marketability or viability; (4) maintain the supermarkets consistent with past practices; (5) use best efforts to preserve existing relationships with suppliers, customers and employees; and (6) keep the supermarkets open for business and maintain the inventory of products in each store consistent with past practice. The proposed consent order also contains more specific details relating to maintaining store operations.

The proposed consent order also enables the Commission to appoint an interim auditor trustee to ensure that the parties expeditiously perform their respective responsibilities as required by the agreement, including the asset maintenance provisions. This provision is included in the proposed consent order because such a large number of stores must be divested and because the last of these divestitures may not occur for 120 days. The interim auditor trustee shall serve until the parties have completed all of the required divestitures. The interim auditor trustee does not have any responsibilities relating to the stores being divested to Certified Grocers once such divestitures have been accomplished, even if Certified Grocers later divests 20 or more of these stores to other retail operators.

The proposed consent order also enables the Commission to appoint a trustee to divest any supermarkets or sites identified in the order that Albertson's and American Stores have not divested to satisfy the requirements of the proposed consent order. The proposed consent order also enables the Commission to seek civil penalties against Albertson's for non-compliance with the proposed consent order.

For a period of 10 years from the date the proposed consent order becomes final, the Proposed Respondents are required to provide written notice to the Commission prior to acquiring supermarket assets located in, or any interest (such as stock) in any entity that owns or operates a supermarket located in, Alameda, Amador, Contra Costa, Kern, Los Angeles, Monterey, Napa, Nevada, Orange, Placer, Riverside, Sacramento, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Santa Cruz, Solano, Sonoma, Ventura, or Yolo counties in California; Clark County in Nevada; or Bernalillo, Dona Ana, Sandoval, or Santa Fe counties in New Mexico. Proposed Respondents may not complete such an acquisition until they have provided information requested by the Commission. This provision does not restrict the Proposed Respondents from constructing new supermarket facilities on their own; nor does it restrict the Proposed Respondents from leasing facilities not operated as supermarkets within the previous six months.

For a period of 10 years, the proposed consent order also prohibits the Proposed Respondents from entering into or enforcing any agreement that restricts the ability of any person that acquires any supermarket, any leasehold interest in any supermarket, or any interest in any retail location used as a supermarket on or after January 1, 1998, to operate a supermarket at that site if such supermarket was formerly owned or operated by the Proposed Respondents in Alameda, Amador, Contra Costa, Kern, Los Angeles, Monterey, Napa, Nevada, Orange, Placer, Riverside, Sacramento, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Santa Cruz, Solano, Sonoma, Ventura, or Yolo counties in California; Clark County in Nevada; or Bernalillo, Dona Ana, Sandoval, or Santa Fe counties in New Mexico. In addition, the Proposed Respondents may not remove fixtures or equipment from a store or property owned or leased in these counties that is no longer in operation as a supermarket, except (1) prior to a sale, sublease, assignment, or change in occupancy or (2) to relocate such fixtures or equipment in the ordinary course of business to any other supermarket owned or operated by Proposed Respondents.

The Proposed Respondents are required to provide to the Commission a report of compliance with the proposed consent order within thirty days following the date on which they signed the proposed consent, every thirty days thereafter until the divestitures are completed, and annually for a period of 10 years.

The proposed consent order also has a provision relating to the settlement agreements negotiated by California, Nevada and New Mexico. If a State fails to approve any divestiture that has not been completed, even though the parties are in compliance with the other provisions of the proposed consent order, the time period in which the divestiture must be completed will be extended 60 days, during which the parties must exercise utmost good faith and best efforts to resolves the concerns of that particular State.

V. Opportunity for Public Comment

The proposed consent order has been placed on the public record for 60 days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After 60 days, the Commission will again review the proposed consent order and the comments received and will decide whether it should withdraw from the agreement or make the proposed consent order final.

By accepting the proposed consent order subject to final approval, the Commission anticipates that the competitive problems alleged in the complaint will be resolved. The purpose of this analysis is to invite public comment on the proposed consent order, including the proposed sale of supermarkets to Certified Grocers, Raley's, Ralphs, Stater, and Vons, and the proposed divestitures by Certified Grocers to the various independent buyers listed above, in order to aid the Commission in its determination of whether to make the proposed consent order final. This analysis is not intended to constitute an official interpretation of the proposed consent order nor is it intended to modify the terms of the proposed consent order in any way.

Schedule A—Supermarkets Divested to Certified Grocers

Supermarket in the Apple Valley/Hesperia/Victorville, California Market

1. Albertson's store no. 1609 operating under the "Albertson's" trade name, which is located at 20801 Bear Valley Road, Apple Valley, California 92307 (San Bernardino County).

Supermarket in the Greater Bakersfield California Market

1. American Stores store no. 281 operating under the "Lucky" trade

name, which is located at 4801 White Lane, Bakersfield, California 93309 (Kern County).

Supermarkets in the Claremont/ Pomona/Rancho Cucamonga, California Market

1. Albertson's store no. 1675 operating under the "Albertson's" trade name, which is located at 2340 Foothill Boulevard, Laverne, California 91750 (Los Angeles County);

2. Albertson's store no. 1983 operating under the "Max Grocery Warehouse" trade name, which is located at 1445 East Foothill Boulevard, Upland, California 91785 (San Bernardino County);

3. American Stores store no. 431 operating under the "Lucky" trade name, which is located at 4200 Chino Hills Parkway 400, Chino Hills, California 91709 (San Bernardino County);

4. American Stores store no. 670 operating under the "Lucky" trade name, which is located at 685 West Foothill Boulevard, Upland, California 91786 (San Bernardino County); and

5. American Stores store no. 679 operating under the "Lucky" trade name, which is located at 6351 Haven Avenue, Rancho Cucamonga, California 91737 (San Bernardino County).

Supermarket in the Escondido, California Market

1. American Stores store no. 211 operating under the "Lucky" trade name, which is located at 606 North Escondido Boulevard, Escondido, California 92025 (San Diego County).

Supermarket in the La Mesa/El Cajon, California Market

1. American Stores store no. 565 operating under the "Lucky" trade name, which is located at 7908 El Cajon Boulevard, La Mesa, California 91641 (San Diego County).

Supermarket in the Lancaster/Palmdale, California Market

1. Albertson's store no. 1963 operating under the "Max Grocery Warehouse" trade name, which is located at 1111 West Avenue I, Lancaster, California 93534 (Los Angeles County).

Supermarket in the Murrieta/Temecula, California Market

1. Albertson's store no. 1611 operating under the "Albertson's" trade name, which is located at 29530 Rancho California Road, Temecula, California 92591 (Riverside County).

Supermarket in the Northern Covina, California Market

1. American Stores store no. 620 operating under the "Lucky" trade name, which is located at 1385 North Citrus Avenue, Covina, California 91722 (Los Angeles County);

2. American Stores store no. 873 operating under the "Lucky trade name, which is located at 13925 Amar Road, La Puente, California 90746 (Los Angeles County); and

3. American Stores store no. 884 operating under the "Lucky Sav-On" trade name, which is located at 543 North Azusa, Covina, California 91723 (Los Angeles County).

Supermarkets in the Oxnard, California Market

1. Albertson's store no. 682 operating under the "Albertson's" trade name, which is located at 450 South Ventura Road, Oxnard, California 93030 (Ventura County); and

2. Albertson's store no. 1953 operating under the "Max Grocery Warehouse" trade name, which is located at 2800 Saviers Road, Oxnard, California 93030 (Ventura County).

Supermarket in the Petaluma, California Market

1. Albertson's store no. 720 operating under the "Albertson's" trade name, which is located at 169 North McDowell Boulevard, Petaluma, California 94954 (Sonoma County).

Supermarket in the Rialto/Fontana, California Market

1. Albertson's store no. 1978 operating under the "Max Grocery Warehouse" trade name, which is located at 515 South Riverside Avenue, Rialto, California 92376 (San Bernardino County).

Supermarket in the Riverside/Corona, California Market

1. Albertson's store no. 1613 operating under the "Albertson's" trade name, which is located at 430 McKinley, Corona, California 91719 (Riverside County).

Supermarket in the Santa Barbara/ Goleta, California Market

1. Albertson's store no. 622 operating under the "Albertson's" trade name, which is located at 3305 State Street, Santa Barbara, California 93105 (Santa Barbara County).

Supermarket in the Simi Valley, California Market

1. American store no. 650 operating under the "Lucky" trade name, which is located at 3963 Cochran, Simi Valley, California 93063 (Ventura County).

Supermarkets in the South Los Angeles County/North Orange County, California Market

1. Albertson's store no. 1650 operating under the "Albertson's" trade name, which is located at 1720 East 17th Street, Santa Ana, California 92701 (Orange County);

2. Albertson's store no. 1905 operating under the "Max Grocery Warehouse" trade name, which is located at 4700 Cherry Avenue, Long Beach, California 90807 (Los Angeles County);

3. Albertson's store no. 1906 operating under the "Max Grocery Warehouse" trade name, which is located at 15300 Goldenwest, Westminster, California 92683 (Orange County);

4. Albertson's store no. 1909 operating under the "Max Grocery Warehouse" trade name, which is located at 12120 Carson Street, Hawaiian Gardens, California 90716 (Los Angeles County); and

5. Albertson's store no. 1930 operating under the " Max Grocery Warehouse" trade name, which is located at 12891 Harbor Boulevard, Garden Grove, California 92640 (Orange County).

Supermarket in South Orange County, California Market

1. Albertson's store no. 609 operating under the "Albertson's" trade name, which is located at 602 El Camino Real, San Clemente, California 92672 (Orange County).

Supermarket in the Southern Covina, California Market

1. Albertson's store no. 1666 operating under the "Albertson's" trade name, which is located at 21080 Golden Springs, Walnut, California 91789 (Los Angeles County).

Supermarkets in the Thousand Oaks/ Newbury Park/Casa Conejo, California Market

1. American Stores store no. 286 operating under the "Lucky" trade made, which is located at 740 Moorpark Avenue, Thousand Oaks, California 91360 (Ventura County); and

2. American Stores store no. 674 operating under the "Lucky" trade name, which is located at 2100 Newbury Road, Newbury Park, California 91320 (Ventura County).

Supermarket in the Torrance, California Market

1. American Stores store no. 630 operating under the "Lucky" trade name, which is located at 4848 West 190th Street, Torrance, California 90503 (Los Angeles County).

Schedule B—Supermarkets and Land Site Divested to Raley's

Supermarket and Land Site in the Greater Las Vegas/Henderson, Nevada Market

1. Albertson's store no. 611 operating under the "Albertson's" trade name, which is located at 4015 South Buffalo Drive, Las Vegas, Nevada 89117 (Clark County);
2. Albertson's store no. 614 operating under the "Albertson's" trade name, which is located at 55 South Valle Verde Drive, Henderson, Nevada 89012 (Clark County);
3. Albertson's store no. 634 operating under the "Albertson's" trade name, which is located at 4790 East Flamingo Road, Las Vegas, Nevada 89121 (Clark County);
4. Albertson's store no. 637 operating under the "Albertson's" trade name, which is located at 1570 North Eastern Avenue, Las Vegas, Nevada 89101 (Clark County);
5. Albertson's store no. 686 operating under the "Albertson's" trade name, which is located at 260 East Lake Mead Drive, Henderson, Nevada 89015 (Clark County);
6. Albertson's store no. 1606 operating under the "Albertson's" trade name, which is located at 1421 North Jones Boulevard, Las Vegas, Nevada 89108 (Clark County);
7. Albertson's store no. 1616 operating under the "Albertson's" trade name, which is located at 3160 North Rainbow, Las Vegas, Nevada 89107 (Clark County);
8. Albertson's store no. 1618 operating under the "Albertson's" trade name, which is located at 2271 North Green Valley Parkway, Henderson, Nevada 89014 (Clark County);
9. Albertson's store no. 1621 operating under the "Albertson's" trade name, which is located at 9200 West Sahara Avenue, Las Vegas, Nevada 89117 (Clark County);
10. Albertson's store no. 1628 operating under the "Albertson's" trade name, which is located at 8570 West Lake Mead Boulevard, Las Vegas, Nevada 89128 (Clark County);
11. Albertson's store no. 1638 operating under the "Albertson's" trade name, which is located at 4821 West Craig Road, Las Vegas, Nevada 89129 (Clark County);
12. Albertson's store no. 1642 operating under the "Albertson's" trade name, which is located at 3864 West Sahara Avenue, Las Vegas, Nevada 89102 (Clark County);
13. Albertson's store no. 1659 operating under the "Albertson's" trade name, which is located at 2545 South Eastern Avenue, Las Vegas, Nevada 89109 (Clark County);
14. Albertson's store no. 1660 operating under the "Albertson's" trade name, which is located at 8150 South Eastern Avenue, Las Vegas, Nevada 89123 (Clark County);
15. Albertson's store no. 1664 operating under the "Albertson's" trade name, which is located at 120 South Rainbow, Las Vegas, Nevada 89128 (Clark County);
16. Albertson's store no. 1665 operating under the "Albertson's" trade name, which is located at 1255 South Lamb Boulevard, Las Vegas, Nevada 89104 (Clark County);
17. Albertson's store no. 1678 operating under the "Albertson's" trade name, which is located at 1955 North Nellis Boulevard, Las Vegas, Nevada 89115 (Clark County);
18. Albertson's store no. 1681 operating under the "Albertson's" trade name, which is located at 6150 West Flamingo Road, Las Vegas, Nevada 89103 (Clark County);
19. Albertson's store no. 1684 operating under the "Albertson's" trade name, which is located at 2475 East Tropicana Avenue, Las Vegas, Nevada 89121 (Clark County); and
20. Land Site for Albertson's store no. 633, which is located at the northwest corner of Eastern and Maryland Parkway, Henderson, Nevada 89012 (Clark County).

Supermarkets in the East Albuquerque, New Mexico Market

1. Albertson's store no. 905 operating under the "Albertson's" trade name, which is located at 2200 Juan Tabo Boulevard NE, Albuquerque, New Mexico 87112 (Bernalillo County);
2. Albertson's store no. 906 operating under the "Albertson's" trade name, which is located at 4401 Wyoming Boulevard NE, Albuquerque, New Mexico 87111 (Bernalillo County);
3. Albertson's store no. 912 operating under the "Albertson's" trade name, which is located at 5555 Zuni SE, Albuquerque, New Mexico 87108 (Bernalillo County); and
4. Albertson's store no. 923 operating under the "Albertson's" trade name, which is located at 13150 Central Avenue SE, Albuquerque, New Mexico 87123 (Bernalillo County).

Supermarkets in the Rio Rancho/ Northwest Albuquerque, New Mexico Market

1. Albertson's store no. 915 operating under the "Albertson's" trade name, which is located at 6200 Coors Boulevard NW, Albuquerque, New Mexico 87120 (Bernalillo County); and
2. Albertson's store no. 920 operating under the "Albertson's" trade name, which is located at 1660 Rio Rancho Drive SE, Rio Rancho, New Mexico 87124 (Sandoval County).

Supermarkets in the Las Cruces, New Mexico Market

1. America Stores store no. 668 operating under the "Lucky" trade name, which is located at 320 Wyatt Drive, Las Cruces, New Mexico 88001 (Dona Ana County); and
2. American Stores store no. 698 operating under the "Lucky" trade name, which is located at 3861 North Main, Las Cruces, New Mexico 88005 (Dona Ana County).

Schedule C—Supermarkets and Land Sites Divested to Ralphs

Supermarket in the Antioch/Pittsburg, California Market

1. American Stores store no. 122 operating under the "SuperSaver" trade name, which is located at 300 Atlantic Avenue, Pittsburg, California 94565 (Contra Costa County).

Supermarket in the Atascadero, California Market

1. American Stores store no. 273 operating under the "Lucky" trade name, which is located at 8665 El Camino Real, Atascadero, California 93422 (San Luis Obispo County).

Supermarket in the Auburn, California Market

1. Albertson's store no. 759 operating under the "Albertson's" trade name, which is located at 2795 Bell Road, Auburn, California 95603 (Placer County).

Supermarket in the Greater Bakersfield, California Market

1. American Stores store no. 280 operating under the "Lucky" trade name, which is located at 1121 Olive Drive, Bakersfield, California 93308 (Kern County).

Supermarkets in the Danville/San Ramon/Dublin/Pleasant, California Market

1. Albertson's store no. 703 operating under the "Albertson's" trade name, which is located at 9100 Alcosta Avenue, San Ramon, California 94568 (Contra Costa County); and
2. Albertson's store no. 733 operating under the "Albertson's" trade name, which is located at 7333 Regional Street, Dublin, California 94568 (Alameda County).

Supermarket in the Davis, California Market

1. Albertson's store no. 725 operating under the "Albertson's" trade name, which is located at 1800 East 8th Street, Davis, California 95616 (Yolo County).

Supermarket in the Grass Valley, California Market

1. American Stores store no. 323 operating under the "Lucky" trade name, which is located at 11867 Sutton Way, Grass Valley, California 95945 (Nevada County).

Supermarket in the Grover/ City/Arroyo Grande, California Market

1. Albertson's store no. 1688 operating under the "Albertson's" trade name, which is located at 829 Oak Park Boulevard, Pismo Beach, California 93449 (San Luis Obispo County).

Supermarket in the Jackson, California Market

1. American Stores store no. 193 operating under the "Lucky" trade name, which is located at 555 Highway 49, Jackson, California 95642 (Amador County).

Supermarket in the Laguna Beach, California Market

1. Albertson's store no. 612 operating under the "Albertson's" trade name, which is located at 700 South Coast Highway, Laguna Beach, California 92651 (Orange County).

Supermarket in the Livermore, California Market

1. Albertson's store no. 763 operating under the "Albertson's" trade name, which is located at 919 East Stanley Boulevard, Livermore, California 94550 (Alameda County).

Supermarket in the Lompoc, California Market

1. American Stores store no. 270 operating under the "Lucky" trade name, which is located at 729 North H Street, Lompoc, California 93436 (Santa Barbara County).

Supermarket in the Monterey/Seaside/ Del Rey Oaks/Pacific Grove, California Market

1. Albertson's store no. 794 operating under the "Albertson's" trade name, which is located at 815 Canyon Del Ray, Monterey, California 93940 (Monterey County).

Land Site in the Morro Bay/Los Osos, California Market

1. Land Site for American Stores store no 592, which is located at the northwest corner of Los Osos Valley Road and Southbay Boulevard, Los Osos, California 93402 (San Luis Obispo County).

Supermarket in the Napa, California Market

1. Albertson's store no. 750 operating under the "Albertson's" trade name, which is located at 3682 Bel Aire Plaza, Napa, California 94558 (Napa County).

Supermarket in the Paso Robles, California Market

1. American Stores store no. 266 operating under the "Lucky" trade name, which is located at 2121 Spring Street, Paso Robles, California 93446 (San Luis Obispo County).

Supermarkets in the Greater Sacramento, California Market

1. Albertson's store no. 702 operating under the "Albertson's" trade name, which is located at 5001 Foothills Boulevard, Roseville, California 95678 (Placer County).

2. Albertson's store no. 761 operating under the "Albertson's" trade name, which is located at 2280 Sunrise Boulevard, Rancho Cordova, California 95670 (Sacramento County).

3. Albertson's store no. 762 operating under the "Albertson's" trade name, which is located at 9522 Greenback Lane, Folsom, California 95630 (Sacramento County).

4. Albertson's store no. 765 operating under the "Albertson's" trade name, which is located at 6737 Watt Avenue, North Highlands, California 95660 (Sacramento County).

5. Albertson's store no. 766 operating under the "Albertson's" trade name, which is located at 3615 Bradshaw Road, Sacramento California 95827 (Sacramento County).

6. Albertson's store no. 769 operating under the "Albertson's" trade name, which is located at 5330 Stockton Boulevard, Sacaramento California 95820 (Sacramento County).

7. Albertson's store no. 770 operating under the "Albertson's" trade name, which is located at 4560 Mack Road, Sacaramento California 95823 (Sacramento County).

8. Albertson's store no. 771 operating under the "Albertson's" trade name, which is located at 4080 Douglas Boulevard, Granite Bay, California 95746 (Placer County).

9. Albertson's store no. 774 operating under the "Albertson's" trade name, which is located at 6124 San Juan, Citrus Heights, California 95610 (Sacramento County).

10. Albertson's store no. 777 operating under the "Albertson's" trade name, which is located at 8122 Gerber Road, Sacramento, California 95828 (Sacramento County).

11. Albertson's store no. 783 operating under the "Albertson's" trade name, which is located at 5025 Marconi Avenue, Carmichael, California 95608 (Sacramento County).

12. Albertson's store no. 788 operating under the "Albertson's" trade name, which is located at 25000 Blue Ravine Road, Folsom, California 95630 (Sacramento County);

13. American Stores no. 179 operating under the "Super Saver" trade name, which is located at 2351 Northgate Boulevard, Sacramento, California 95833 (Sacramento County); and

14. American Stores no. 195 operating under the "Lucky" trade name, which is located at 8539 Elk Grove Boulevard, California 95624 (Sacramento County).

Supermarket in the Salinas, California Market

1. Albertson's store no. 795 operating under the "Albertson's" trade name, which is located at 1030 East Alisal, Salinas, California 93905 (Monterey County).

Supermarket in the San Luis Obispo, California Market

1. American Stores store no. 271 operating under the "Lucky" trade name, which is located at 201 Madonna Road, San Luis Obispo, California 93401 (San Luis Obispo County).

Supermarket in the Santa Cruz/ Capitola, California Market

1. Albertson's store no. 719 operating under the "Albertson's" trade name, which is located at 1710 41st Avenue, Capitola, California 95010 (Santa Cruz County).

Supermarket in the Santa Maria/Orcutt, California Market

1. American Stores store no. 262 operating under the "Lucky" trade name, which is located at 4869 South Bradley, Orcutt, California 93455 (Santa Barbara County).

Supermarkets in the Santa Rosa, California Market

1. Albertson's store no. 760 operating under the "Albertson's" trade name, which is located at 461 Stony Point Road, Santa Rosa, California 95401 (Sonoma County); and

2. American Stores no. 29 operating under the "Lucky" trade name, which is located at 390 Coddingtown Center, Santa Rosa, California 95401 (Sonoma County).

Supermarket in the Sonoma, California Market

1. Albertson's store no. 756 operating under the "Albertson's" trade name, which is located at 201 West Napa Street, Sonoma, California 95476 (Sonoma County).

Supermarket in the Vacaville, California Market

1. American Stores store no. 399 operating under the "Lucky" trade name, which is located at 615 Elmira Road, Vacaville, California 95687 (Solano County).

Supermarket in the Watsonville/ Freedom, California Market

1. Albertson's store no. 786 operating under the "Albertson's" trade name, which is located at 2010 Freedom Boulevard, Freedom, California 95019 (Santa Cruz County).

Supermarket and Land Site in the Santa Fe, New Mexico Market

1. American Stores store no. 688 operating under the "Lucky" trade name, which is located at 2308 Cerrillos Road, Santa Fe, New Mexico 87505 (Sante Fe County); and

2. Land Site for American Stores store no. 701, which is located at the northeast corner of Airport and South Meadows, Santa Fe, New Mexico 87505 (Santa Fe County).

Schedule D—Supermarkets and Land Site Divested to Stater

Supermarket in the Encinitas, California Market

1. Albertson's store no. 613 operating under the "Albertson's" trade name, which is located at 1048 North El Camino Real, Encinitas, California 92024 (San Diego County).

Supermarkets in the Escondido, California Market

1. Albertson's store no. 1672 operating under the "Albertson's" trade name, which is located at 635 North Broadway, Escondido, California 92025 (San Diego County); and

2. American Stores no. 561 operating under the "Lucky" trade name, which is located at 1330 Mission Road, San Marcos, California 92069 (San Diego County).

Land Site for Supermarket in the Fallbrook, California Market

1. Land Site for Albertson's store no. 1692, which is located at Mission and Pepper, Fallbrook, California 92028 (San Diego County).

Supermarkets in the Lancaster/ Palmdale, California Market

1. Albertson's store no. 1619 operating under the "Albertson's" trade name, which is located at 1840 East Avenue J, Lancaster, California 93536 (Los Angeles County);

2. Albertson's store no. 1634 operating under the "Albertson's" trade name, which is located at 37218 47th Street East, Palmdale, California 93550 (Los Angeles County);

3. Albertson's store no. 1670 operating under the "Albertson's" trade name, which is located at 2845 West Avenue L, Lancaster, California 93536 (Los Angeles County); and

4. American Stores store no. 458 operating under the "Lucky" trade name, which is located at 2535 East Avenue South, Palmdale, California 93550 (Los Angeles County).

Supermarkets in the Murrieta/ Temecula, California Market

1. Albertson's store no. 619 operating under the "Albertson's" trade name, which is located at 31813 Highway 79 South, Temecula, California 92592 (Riverside County); and

2. American Stores store no. 504 operating under the "Lucky" trade name, which is located at 25050 Hancock Avenue, Murrieta Hot Springs, California 92563 (Riverside County).

Supermarkets in the Oceanside/Vista/ Carlsbad, California Market

1. Albertson's store no. 1631 operating under the "Albertson's" trade name, which is located at 1451 North Santa Fe Avenue, Vista, California 92083 (San Diego County);

2. Albertson's store no. 1687 operating under the "Albertson's" trade name, which is located at 780 Sycamore Avenue, Vista, California 92083 (San Diego County);

3. American Stores store no. 231 operating under the "SuperSaver" trade name, which is located at 3770 Mission Avenue, Oceanside, California 92054 (San Diego County); and

4. American Stores store no. 298 operating under the "Lucky" trade name, which is located at 2170 Vista Way, Oceanside, California 92054 (San Diego County).

Supermarkets in the Palm Springs/ Indio, California Market

1. Albertson's store no. 683 operating under the "Albertson's" trade name, which is located at 1717 Vista Chino, Palm Springs, California 92262 (Riverside County);

2. Albertson's store no. 1623 operating under the "Albertson's" trade name, which is located at 69255 Ramon Road, Cathedral City, California 92234 (Riverside County); and

3. Albertson's store no. 1627 oiperating under the "Albertson's" trade name, which is located at 78–630 Highway 111, La Quinta, California 92253 (Riverside County).

Supermarkets in the Poway/North San Diego, California Market

1. Albertson's store no. 1644 operating under the "Albertson's" trade name, which is located at 13589 Poway Road, Poway, California 92064 (San Diego County); and

2. American Stores store no. 553 operating under the "Lucky" trade name, which is located at 9909 Carmel Mountain Road, San Diego, California 92129 (San Diego County).

Supermarket in the Ramona, California Market

1. Albertson's store no. 1630 operating under the "Albertson's" trade name, which is located at 1674 Main Street, Ramona, California 92065 (San Diego County).

Supermarket in the Santa Clarita, California Market

1. Albertson's store no. 681 operating under the "Albertson's" trade name, which is located at 26900 Sierra Highway, Santa Clarita, California 91355 (Los Angeles County).

Supermarkets in the South Los Angeles County/North Orange County, California Market

1. Albertson's store no. 607 operating under the "Albertson's" trade name, which is located at 3225 East Chapman Avenue, Orange, California 92669 (Orange County);

2. Albertson's store no. 620 operating under the "Albertsons's"trade name, which is located at 610 South Broookhurst, Anaheim California 92804 (Orange County);

3. Albertson's store no. 627 operating under the "Albertson's" trade name, which is located at 8640 East Alondra Boulevard, Paramount, California 90723 (Los Angeles County);

4. Albertson's store no. 629 operating under the "Albertson's" trade name, which is located at 851 North Harbor Boulevard, La Habra, California 90631 (Orange County);

5. Albertson's store no. 651 operating under the "Albertson's" trade name, which is located at 11815 Artesia Boulevard, Artesia, California 90701 (Los Angeles County);

6. Albertson's store no. 666 operating under the "Albertson's" trade name, which is located at 1131 State College Boulevard, Anaheim, California 92806 (Orange County);

7. Albertson's store no. 1601 operating under the "Albertson's" trade name, which is located at 7814 East Firestone Boulevard, Downey, California 90241 (Los Angeles County);

8. Albertson's store no. 1604 operating under the "Albertson's" trade name, which is located at 1111 East Imperial Highway, Placentia, California 92670 (Orange County);

9. Albertson's store no. 1608 operating under the "Albertson's" trade name, which is located at 10051 Valley View, Cypress, California 90630 (Orange County);

10. Albertson's store no. 1635 operating under the "Albertson's" trade name, which is located at 1040 East Bastanchury Road, Fullerton, California 92635 (Orange County);

11. Albertson's store no. 1641 operating under the "Albertson's" trade name, which is located at 6501 East Spring, Long Beach, California 90808 (Los Angeles County);

12. Albertson's store no. 1648 operating under the "Albertson's" trade name, which is located at 7511 East Orangethorp, Buena Park, California 90621 (Orange County);

13. Albertson's store no. 1652 operating under the "Albertson's" trade name, which is located at 12800 La Mirada Boulevard, La Mirada, California 90638 (Los Angeles County);

14. Albertson's store no. 1656 operating under the "Albertson's" trade name, which is located at 10114 Adams Street, Huntington Beach, California 92646 (Orange County);

15. Albertson's store no. 1668 operating under the "Albertson's" trade name, which is located at 7101 Warner Avenue, Huntington Beach, California 92647 (Orange County);

16. Albertson's store no. 1674 operating under the "Albertson's" trade name, which is located at 11300 Firestone Boulevard, Norwalk, California 90650 (Los Angeles County);

17. American Stores store no. 425 operating under the "Lucky" trade name, which is located at 333 North Euclid Avenue, Fullerton, California 92632 (Orange County);

18. American Stores store no. 442 operating under the "Lucky" trade name, which is located at 17220 South Lakewood Boulevard, Bellflower, California 90706 (Los Angeles County); and

19. American Stores store no. 473 operating under the "Lucky" trade name, which is located at 11750 East Whittier Boulevard, Whittier, California 90601 (Los Angeles County)

Supermarkets in the South Orange County, California Market

1. Albertson's store no. 1673 operating under the "Albertson's" trade name, which is located at 22351 El Toro Road, El Toro, California 92630 (Orange County);

2. Albertson's store no. 1677 operating under the "Albertson's" trade name, which is located at 26892 La Paz Road, Laguna Hills, California, 92653 (Orange County); and

3. American Stores store no. 624 operating under the "Lucky" trade name, which is located at 616 Camino de los Mares, San Clemente, California 92673 (Orange County).

Supermarket in the Southern Covina, California Market

1. Albertson's store no. 1662 operating under the "Albertson's" trade name, which is located at 20677 Amar Road, Walnut, California 91789 (Los Angeles County).

Schedule E—Supermarkets and Land Site Divested to Vons

Supermarket in the Moorpark, California Market

1. American Stores store no. 558 operating under the "Lucky" trade name, which is located at 4241 Tierra Rejada, Moorpark, California 93021 (Ventura County).

Supermarket in the Redlands, California Market

1. Albertson's store no. 1605 operating under the "Albertson's" trade name, which is located at 522 North Orange, Redlands, California 92374 (San Bernardino County).

Land Site for Supermarket in the Rialto/Fontana, California Market

1. Land Site for Albertson's store no. 628, which is located at Cherry and Baseline, Fontana, California 92336 (San Bernardino County).

Supermarket in the Riverside/Corona, California Market

1. Albertson's store no. 1622 operating under the "Albertson's" trade name, which is located at 1130 West 6th Street, Corona, California 91720 (Riverside County).

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 99–16572 Filed 6–29–99; 8:45 am]

BILLING CODE 6750–01–M

GENERAL SERVICES ADMINISTRATION

Notice of Public Meeting and Intent To Prepare an Environmental Impact Statement

AGENCY: General Services Administration, National Capital Region; Department of Transportation.

ACTION: Proposed lease acquisition of a new or renovated headquarters for the Department of Transportation in the Central Employment Area (CEA) of Washington, D.C.

SUMMARY: The General Services Administration (GSA) announces its intent to prepare an Environmental Impact Statement (EIS) for the lease acquisition of a new or renovated headquarters for the Department of Transportation (DOT), to be located in the CEA of Washington, D.C. GSA also announces its intent to conduct a public meeting to discuss the proposed action pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), as implemented by the Council of Environmental Quality regulations (40 CFR Parts 1500–1508), Section 106 of the National Historic Preservation Act of 1966, as amended, and in accordance with the Environmental Policies and Procedures implemented by GSA.

Background Information

DOT seeks to update its facilities, maximize efficiency, reorganize and consolidate its operations. To this end, Congress has authorized GSA, acting on behalf of DOT, to acquire up to 1.35 million rentable square feet of space under an operating lease for a term not to exceed twenty years. This procurement is designed to establish a competitive process to obtain a new or renovated headquarters for DOT.

The DOT's headquarters operations are currently housed primarily in two leased locations: the Nassif Building at 400 7th Street, SW, Washington, D.C., and the Transpoint Building at 2100 2nd Street, SW, Washington, D.C. In addition, DOT occupies smaller blocks of leased space in other buildings in Washington, D.C. All of these locations are proposed to be consolidated into the new headquarters. DOT also utilizes FOB 10A as the headquarters of the Federal Aviation Administration, but these operations are not proposed as part of this consolidation.

DOT first occupied the Nassif Building under a 20-year lease that commenced on January 2, 1970. A 10-year renewal commenced April 1, 1990 and expires on March 31, 2000.

Transpoint was first occupied in 1973. The current lease expires on May 15, 2003.

Consolidation in a new or renovated headquarters will produce significant operating efficiencies in support of DOT's mission. This procurement is the result of a three-year collaborative effort by the DOT, GSA, the Executive Branch, and Congress.

The lease acquisition for a DOT headquarters complex will be conducted in accordance with all applicable laws and regulations pertaining to GSA's acquisition of lease space.

These laws and regulations include, but are not limited to NEPA, the Competition in Contracting Act, the National Historic Preservation Act, the General Services Acquisition Regulations, and, where applicable, the Federal Acquisition Regulation. The Government plans to conduct this procurement as a negotiated, best value source selection. Under this approach, a panel of Government officials will select the proposal that satisfies all of the Government's minimum requirements as stated in the Solicitation For Offers (SFO), and presents the greatest overall value to the Government, considering price and technical factors stated in the SFO.

Notice of Intent

This Notice of Intent (NOI) initiates the formal environmental review/scoping process for this proposed action. At this time, a comprehensive EIS is considered to be the appropriate means identifying the potential adverse impacts from this proposed Federal action. A public scoping meeting will be held to assist GSA in determining the significant issues related to this project. The public is encouraged to submit written comments on the potential impacts of the proposed project, means of mitigating those impacts, and project alternatives. The comments and responses received will be considered in preparing the environmental document. The public is encouraged to provide additional comments after the Draft EIS is released. GSA anticipates that the Draft EIS will be released in the Fall of 1999.

Topics for environmental analysis include the short-term impacts of construction; the long-term impacts of site operations and maintenance on land use, historic resources, visual resources, physical-biological resources, public transportation, traffic and parking, public services and utilities, and socio-economic conditions within the project areas; and the cumulative impacts associated with this other future projects in the CEA of the District of Columbia.

The public meeting will be advertised in local and regional newspapers. At the meeting, a short formal presentation will preclude the request for public comments. GSA representatives will be available to receive comments from the public regarding issues of concern. It is important that Federal, regional, state and local agencies, and interested individuals and groups take this opportunity to identify environmental concerns that should be addressed during the preparation of the Draft EIS. In the interest of available time, each speaker will be asked to limit oral comments to five (5) minutes. A document summarizing the written and oral comments received will be prepared and made publicly available.

An informational packet regarding this project will be available for review at the public meetings or upon request to the GSA contact identified below. The informational packet and other information regarding this project will also be made available on the Internet. Agencies and the general public are encouraged to provide written comments on the scoping issues in addition to, or in lieu of, presenting oral comments at the public meeting. Environmental review/scoping comments should clearly describe specific issues or topics that the community believes the EIS should address.

Time and Location of Meeting

The public meeting will be held: At 7:00 p.m., Wednesday, July 29, 1999 at the General Services Administration, 1st Floor Auditorium (D Street Entrance), 7th & D streets, S.W., Washington, D.C. 20407.

DATES: Written comments regarding environmental review of the proposed DOT headquarters project must be postmarked no later than August 6, 1999, to the following address: General Services Administration, Attn: Mr. John Simeon, Portfolio Development Division (WPC), 7th and D Streets, S.W., Suite 2002, Washington, D.C. 20407.

FOR FURTHER INFORMATION PLEASE CONTACT: Mr. John Simeon, General Services Administration, (202) 260–9586.

Dated: June 25, 1999.

Anthony E. Costa,

Assistant Regioncl Administrator, Public Buildings Service.

[FR Doc. 99–16669 Filed 6–29–99; 8:45 am]

BILLING CODE 6820–23–M

GENERAL SERVICES ADMINISTRATION

Electronic Posting System

AGENCY: General Services Administration.

ACTION: Notice of public meeting.

SUMMARY: The General Services Administration (GSA) and the Office of Federal Procurement Policy (OFPP) will hold a public meeting to consider adopting the Electronic Posting System (EPS) as the "single point entry" for notice of Federal business opportunities..

DATES: The meeting will be held August 11, 1999, from 9:00 AM–1:00 PM.

ADDRESSES: The meeting will be in the GSA Auditorium, at the GSA Headquarters Building, 1800 F St, NW, Washington DC.

FOR FURTHER INFORMATION CONTACT: Paul Fontaine, ARNet Program Manager, GSA, Paul.Fontaine@gsa.gov, (202) 501–6941, or Julie Basille, OFPP, Julie Basile@OMB.EOP.GOV, (202) 395–4821.

SUPPLEMENTARY INFORMATION: The Electronic Posting System (EPS) is being considered for adoption as the "single point of entry"' for notice of Federal business opportunities. This is based upon a highly successful pilot project wherein EPS was used and later adopted by the General Services Administration (GSA), National Aeronautics and Space Administration (NASA), Department of the Treasury, Department of Transportation and Department of the Air Force. The EPS project team at GSA, and the Office of Federal Procurement Policy (OFPP), are conducting a public forum on EPS for Electronic Commerce vendors entitled "Building the Single Point of Entry". The intended audience is both the technical and marketing staffs of companies, which market Electronic Commerce products, and services for the Federal Government. The two purposes of the meeting are to first, introduce vendors to EPS and second, to solicit input from vendors on what EPS can do to enhance their market within the Federal EC arena.

Dated: June 24, 1999.

Ida M. Ustad,

Deputy Associated Administrator for Acquisition Policy.

[FR Doc. 99–16594 Filed 6–29–99; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Capacity-Building Assistance (CBA) To Strengthen the Prevention of Human Immunodeficiency Virus (HIV) in Racial and Ethnic Minority Populations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice and request for comments.

SUMMARY: In Fiscal Year (FY) 2000, CDC will provide approximately $8.3 million dollars to support racial or ethnic minority non-governmental organizations (NGOs) to carry out capacity-building activities for community-based organizations (CBOs) providing human immunodeficiency virus (HIV) prevention services to racial and ethnic minority individuals whose behaviors place them at risk of acquiring or transmitting HIV and other sexually transmitted diseases (STDs).

The purpose of this announcement is to request comments on this proposed program. After consideration of comments submitted, CDC will publish a program announcement to solicit applications. A more complete description of the goals of this program, the target applicants, availability of funds, program requirements, and evaluation criteria follows.

DATES: The public is invited to submit comments by July 14, 1999.

ADDRESS: Submit comments to: Technical Information and Communications Branch, National Center for HIV, STD, and TB Prevention, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE, Mail Stop E49, Atlanta, GA 30333.

FOR FURTHER INFORMATION CONTACT: Technical Information and Communications Branch, National Center for HIV, STD, and TB Prevention, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE, Mail Stop E49, Atlanta, GA 30333, Fax (404) 639–2007, E-mail address: *HIVMAIL@CDC.GOV*, Telephone (404) 639–2072.

SUPPLEMENTARY INFORMATION:

Purpose

The purpose of this program is to provide financial assistance to national, regional, or local non-governmental minority organizations to develop and implement regionally structured and focused capacity-building assistance that will sustain, improve, and expand HIV prevention services for racial and ethnic minority individuals whose behaviors place them at risk for acquiring or transmitting HIV and other sexually transmitted diseases (STDs).

Capacity-building assistance developed under this program will be provided in two categories, A and B. Category A includes capacity-building assistance in (1) Organizational Infrastructure Assessment and Development, and (2) Intervention Design, Development, Implementation, and Evaluation. Category B includes capacity-building assistance in (1) Community Capacity-Building for HIV Prevention, and (2) HIV Prevention Community Planning Participation.

The priority for capacity-building assistance in Category A is for CBOs that provide HIV prevention services to racial and ethnic minority populations. These CBOs are prioritized as follows: (1) CBOs funded directly by CDC, (2) CBOs not funded by CDC or State or local health departments, and (3) CBOs funded by State or local health departments. The priorities for receiving capacity-building assistance in Category B are (1) CBOs that provide HIV prevention services to racial and ethnic minority populations, and (2) community stakeholders who represent or work with racial and ethnic minority populations heavily affected by the HIV/AIDS epidemic. For the purpose of this program announcement, community stakeholders are individuals, groups, or organizations that have an interest in preventing HIV and are potential or actual agents of change.

This program will serve four regional groups as follows:

Northeast Region: CT, MA, ME, NH, NJ, NY, PA, PR, RI, VT, U.S. Virgin Islands.

Midwest Region: IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, WI.

South Region: AL, AR, D.C., DE, FL, GA, KY, LA, MD, MS, NC, OK, SC, TN, TX, VA, WV.

West Region: AK, AZ, CA, CO, HI, ID, NV, NM, OR, MT, UT, WA, WY, American Samoa, Commonwealth of Northern Mariana Islands, Federated States of Micronesia, Guam, Republic of Marshall Islands, Palau.

Goals

The goals for this program are as follows:

1. Category A

a. Improve the capacity of CBOs to develop and sustain organizational infrastructures in order to support program services and interventions.

b. Improve the capacity of CBOs to design, develop, implement, and evaluate effective HIV prevention interventions.

2. Category B

a. Improve the capacity of CBOs to increase community awareness, leadership, participation in and support for HIV prevention.

b. Enhance the capacity of community stakeholders to provide leadership and support for HIV prevention.

c. Enhance the capacity of CBOs and community stakeholders to effectively participate in the HIV prevention community planning process.

Eligible Applicants

Eligible applicants for Category A are (1) A national minority organization as a single organization or as the lead organization within a coalition serving one regional group; or (2) a regional minority organization as a single organization or as the lead organization within a coalition serving one regional group; or (3) a local minority organization as the lead organization within a coalition serving one regional group. A coalition can consist of any combination of two or more local, regional, or national minority organizations.

Eligible applicants for Category B are (1) A national minority organization as a single organization or as the lead organization within a coalition serving from one to four regions; or (2) a regional minority organization as a single organization or as the lead organization within a coalition serving one region; or (3) a local minority organization as the lead organization within a coalition serving one region.

Note: Applicants that meet the eligibility requirements for both Categories A and B may apply for both under separate applications.

Applicants must meet the following criteria:

1. Have a currently valid IRS Tax Determination 501(C)3 status certificate.

2. If applying for Category A, have a documented and established 3-year record of service providing organizational capacity-building assistance to CBOs serving racial and ethnic minority populations. If applying for Category B, have a documented and established 3-year record of service providing community capacity-building to CBOs serving a racial and ethnic minority population and to a racial and ethnic minority community or sub-population heavily affected by the HIV/AIDS epidemic. Acceptable documentation includes letters of support, client satisfaction survey summaries, annual reports, and memoranda of agreements.

3. Have a governing body composed of greater than 50 percent racial and ethnic minority members.

4. Have racial and ethnic minority persons serve in greater than 50 percent of key positions in the organization, including management, supervisory, administrative, and service provision positions (for example, executive director, program director, fiscal director, technical assistance provider, trainer, curricula development specialist, or group facilitator).

5. In a coalition, the lead organization, which is the legal applicant, must meet criteria 1–4 above. Other (non-lead) organizations in the coalition must meet criteria 3 and 4.

Availability of Funds

In Category A, up to $5.0 million is expected to be available in FY 2000 to fund four programs. In Category B, up to $3.4 million is expected to be available in FY 2000 to fund four to sixteen programs with awards ranging from $212,000 to $900,000. It is expected that the awards will begin about November 1999, and will be made for a 12-month budget period within a project period of up to five years.

Funding Priorities

In making funding decisions, efforts will be made to (1) ensure capacity-building assistance in both Categories A and B for all four regions identified in the introduction of this announcement; and (2) ensure that funding for capacity-building assistance is distributed in proportion to the HIV/AIDS disease burden for the four major racial and ethnic minority populations by each region or nationally.

Program Requirements

1. Category A

a. Create a regionally-based resource network that includes the applicant's current and proposed staff, researchers, academics, consultants, and other subject matter experts, and may include a coalition and collaborative relationships.

b. Identify capacity-building resources currently available in the region to avoid duplication of effort.

c. Ensure the effective and efficient provision of capacity-building assistance in (1) Organizational Infrastructure Development and Assessment, and (2) Intervention Design, Development, Implementation, and Evaluation. These services are to be provided through the use of the following delivery mechanisms: Information Transfer, Skills Building, Technical Consultation, Technical Services, and Technology Transfer.

d. Ensure that capacity-building assistance is allocated according to gaps in services and the priority capacity-building assistance needs of CBOs serving highly affected sub-populations.

e. Develop and implement a plan for targeting, engaging, and maintaining long-term capacity-building relationships with CBOs. The plan should include strategies for conducting ongoing needs assessments and developing tailored capacity-building packages to be delivered over the long-term and as appropriate to the identified needs.

f. Develop and implement a system that responds to capacity-building assistance requests. This system must include mechanisms for conducting needs assessments, prioritizing capacity-building assistance requests, linking requests to other capacity-building resources, delivering services, and conducting quality assurance.

g. Develop a standardized system for tracking, assessing, and documenting all capacity-building assistance requests and delivery, with CDC assistance as needed.

h. Participate in a CDC-coordinated capacity-building network.

i. Coordinate program activities with appropriate national, regional, State, and local HIV prevention programs, capacity-building providers, and community planning groups.

j. Evaluate the accomplishment of program objectives and the process and outcomes of capacity-building assistance.

2. Category B

a. Conduct regional community needs and resource assessments around issues related to HIV prevention, leadership development, and community mobilization.

b. Develop a regional plan of action to mobilize community and agency resources to meet priority needs in Community Capacity-Building for HIV Prevention.

c. Develop a regional plan of action to provide capacity-building assistance in HIV Prevention Community Planning Participation.

d. Provide capacity-building assistance to CBOs and community stakeholders in (1) Community Capacity-Building for HIV Prevention, and (2) HIV Prevention Community Planning Participation. These services are to be provided through the use of the following mechanisms: Information Transfer, Skills Building, Technical Consultation, Technical Services, and Technology Transfer.

e. Develop and implement a plan for targeting, engaging, and maintaining long-term capacity-building relationships with CBOs and community stakeholders. The plan should include strategies for conducting ongoing needs assessments and developing tailored capacity-building packages to be delivered over the long-term and as appropriate to the identified needs.

f. Form a regional (e.g., multi-State) community advisory board that includes CBOs, community representatives, members of the target populations and other community stakeholders to provide input on the overall direction of this program and in assessing the program's communication, linkages, performance, and services to the target population.

g. Ensure that capacity-building assistance is allocated according to priority needs for community capacity-building and community planning participation in highly affected sub-populations.

h. Develop and implement a system that responds to requests for assistance in Community Capacity-Building for HIV Prevention, and HIV Prevention Community Planning Participation. This process must include mechanisms for conducting needs assessments, prioritizing requests, linking requests to the resource network funded under Category A, delivering services, and conducting quality assurance.

i. Develop a standardized system for tracking, assessing, and documenting all capacity-building assistance requests and delivery, with CDC assistance as needed

j. Participate in a CDC-coordinated capacity-building network.

k. Coordinate program activities with appropriate national, regional, State, and local HIV prevention programs, capacity-building providers, and community planning groups.

l. Evaluate the acccmplishment of program objectives, and the process and outcomes of capacity-building assistance.

Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC:

1. Long-term Goals (5 points).
2. Organizational Capacity (35 points).
3. Assessing the Need for Capacity-Building Assistance (10 points).
4. Program Plan (35 points).
5. Program Evaluation Plan (5 points).
6. Communication and Dissemination Plan (5 points).
7. Plan for Acquiring Additional Resources (5 points).
8. Budget and Staffing Breakdown and Justification (not scored).

9. Training and Technical Assistance Plan (not scored).

10. Site visits by CDC staff may be conducted before final funding decisions are made. A fiscal Recipient Capability Assessment (RCA) may be required of some applicants before funds are awarded.

Dated: June 24, 1999.

Thena M. Durham,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention.

[FR Doc. 99–16590 Filed 6–29–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

The National Vaccine Program Office (NVPO), of the Centers for Disease Control and Prevention (CDC), Announces the Following Meeting

Name: International Symposium on Combination Vaccines.

Times and Dates: 8:30 a.m.–6 p.m., February 2, 2000. 9 a.m.–6 p.m., February 3, 2000. 8:30 a.m.–5 p.m., February 4, 2000.

Place: Natcher Auditorium, NIH Campus, Bethesda, Maryland.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 500 people.

Purpose: The purpose of the meeting is to fully explore laboratory, clinical, and epidemiologic data integral to developing and licensing new safe and effective combination vaccines.

Matters To Be Discussed: Agenda items will include presentations and discussion regarding: immunogenicity; immune interference; correlates of protection; pre- and post-licensure safety evaluation; combination vaccines vs. simultaneous administration; manufacturing, product testing, and preclinical (animal) evaluation; and overcoming challenges to use of combination vaccines.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Alicia S. Postema, Health Policy Fellow, NVPO, CDC, 1600 Clifton Road, NE, M/S A–11, Atlanta, Georgia 30333, telephone 404/639–4450.

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: June 23, 1999.

Carolyn Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 99–16589 Filed 6–29–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Head Start Grants Administration.

OMB No.: 0980–0243.

Description: This part establishes regulations applicable to program administration and grant management for grants under the Head Start Act. The regulations clarify definitions of terms applicable to the administration of the Head Start program. In addition the regulations establish a requirement for grantees to have student accidents insurance and bonding for certain officials. The regulations also require funding recipients to establish written personnel policies, and clarify the limitations on costs of development and administration of Head Start programs.

Respondents: State, Local or Tribal Government.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Appeal	2,186	1	2	4,372

Estimated Total Annual Burden Hours: 4,372.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 to 60 days after publication of this document in the **Federal Register.** Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project. 725 17th Street, N.W., Attn: ACF Desk Officer.

Dated: June 24, 1999.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 99–16625 Filed 6–29–99; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[0980–0242]

Submission for OMB Review; Comment Request

Title: Appeal Procedures for Head Start Grantees and Current or Former Delegate Agencies.

OMB No.: 0980–0242.

Description: Section 646 of the Head Start Act requires the Secretary to prescribe procedures insuring that an agency or organization which desires to serve as a delegate agency under the Head Start Act will receive special notice and an opportunity for a timely appeal when an application has been wholly or substantially rejected or when such application has not been acted upon within a period of time deemed reasonable by the Secretary. The rule also describes the actions available prior to the suspension, termination, or reduction of financial assistance or when an application for refunding is denied.

Respondents: State, Local or Tribal Government.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Appeal	10	1	16	160

Estimated total Annual Burden Hours: 160.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 to 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, N.W., Attn: ACF Desk Officer.

Dated: June 22, 1999.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 99–16626 Filed 6–29–99; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–0240]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extralabel Drug Use in Animals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (the PRA).

DATES: Submit written comments on the collection of information by July 30, 1999.

ADDRESSES: Submit written comments on the collection of information to Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm 10235, Washington, DC 20503, Attention: Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1472.

SUPPLEMENTARY INFORMATION: In compliance with section 3507 of the PRA (44 U.S.C. 3507), FDA has submitted the following proposed collection of information to OMB for review and clearance.

Extralabel Drug Use in Animals—21 CFR Part 530 (OMB Control No. 0910–0325—Extension)

Description: The Animal Medicinal Drug Use Clarification Act of 1994 (AMDUCA) (Pub. L. 103–396), amended the Federal Food, Drug, and Cosmetic Act (the act), to permit licensed veterinarians to prescribe extralabel use in animals of approved human and new animal drugs. Regulations implementing provisions of AMDUCA were codified in 1996 at part 530 (21 CFR part 530). A provision of these regulations, § 530.22(b), permits FDA to establish a safe level for the extralabel use in animals of an approved human or animal drug when the agency determines there is reasonable probability that this extralabel use may present a risk to the public health. The extralabel use in animals of an approved human or animal drug that results in residues exceeding the safe level is considered an unsafe use of the drug.

In conjunction with the establishment of a safe level, FDA may request development of an acceptable residue detection method for an analysis of residues above any safe level established under this part. In some cases, the sponsor may be willing to provide this methodology, while in others, FDA, the sponsor, the U.S. Department of Agriculture (USDA), States, or a consortium of interested parties may negotiate a cooperative arrangement to develop such a methodology. If no acceptable analytical method is developed, the agency would be permitted to prohibit extralabel use of the drug.

In the **Federal Register** of March 1, 1999 (64 FR 10002), the agency requested comments on the proposed collection of information. In response, FDA received one comment, which included several parts with questions. The comments and questions are listed in the following paragraphs with the agency's responses.

The comment asked: "How will FDA determine a safe level?" As stated in the preamble to the final rule, the agency may establish a finite safe level based on all relevant scientific information (61 FR 57732 at 57741, November 7, 1996).

The comment asked: "What will they use?" As stated in the rule, the agency may establish a safe level based on the lowest level that can be measured by a practical analytical method; or establish a safe level based on other appropriate scientific technical or regulatory criteria.

The comment asked: "If data [is] not in the approved information or in [the] general domain, then how will they collect it and who will pay for it?" As stated in the preamble to the final rule (61 FR 57732), the sponsor may be willing to provide the methodology for residue detection in some cases, while in others, FDA, the sponsor, USDA, States, or a consortium of interested parties may negotiate a cooperative arrangement to develop methodology. Conceivably, a third party who might submit such data could include a distributor or group of distributors who wish to make the drug available for extralabel use.

The comment asked: "Will they force [a] company to collect the data to establish a safe level?" FDA has no authority under AMDUCA or its implementing regulations to require a sponsor or any other person to collect data to establish a safe level for extralabel use if the sponsor or other person is not willing to do so. If the agency determines that an extralabel use in animals of a particular human drug or animal drug presents a risk to the public health, or if no required acceptable analytical method has been developed, the agency would be permitted to prohibit extralabel use of the drug.

The comment asked: "How much data will they demand to be collected ?" The nature and extent of data necessary to establish a safe level or to develop an

analytical method will be determined on a case-by-case basis.

The comment asked: "Will this rule apply to old approved drugs or just new approvals ?" This rule applies to the extralabel use in animals of currently approved new animal and human drugs and new approvals of human and new animal drugs.

The comment asked: "Who pays to have the analytical method developed ?" As stated previously, the sponsor may be willing to provide the methodology for assay of residue in some cases, while in others, FDA, the sponsor, USDA, States, or a consortium of interested parties may negotiate a cooperative arrangement to development the methodology. Conceivably, a third party who might submit such data could include a distributor or group of distributors who wish to make a drug available for extralabel use.

The comment asked: "To what extent will it have to be validated and how many tissues will it have to be validated for?" As stated in the preamble to the final rule, methods validation is anticipated to be necessary. The number of tissues for which method validation might be required would be determined on a case-by-case basis.

The comment asked: "If [there are] multiple approvals of [the] same active [ingredient], will they force all manufacturers to do the same work because of a different salt? If not, how will they decide who does the work?" As was stated in the preamble to the final rule, the sponsor may be willing to provide the methodology for residue detection in some case, while in others, FDA, the sponsor, States, USDA, or a consortium of interested parties could negotiate a cooperative arrangement to develop the methodology. The third party could conceivably include a group of drug sponsors who might cooperatively submit data on behalf of all drugs with a particular active drug ingredient.

The comment asked: "What will they do to generic approvals? Force the originator to pay?" FDA does not comtemplate requiring a sponsor or any other person to collect data to establish a safe level for extralabel use if the sponsor or other person is not willing to do so. If the agency determines that an extralabel use in animals of a particular human drug or animal drug presents a risk to the public health, or if no required acceptable analytical method has been developed, the agency would be permitted to prohibit extralabel use of the drug.

The comment asked: "If it is FDA's plan to demand this data for all existing drug[s] that might be used in food animals, please announce your intentions." FDA has no plan to require the submission of data for extralabel use for all existing drugs that might be used in food-producing animals. The respondents may be sponsors of new animal drugs, State(s) or Federal Government or individuals.

FDA estimates the burden for this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
530.22(b)	2	1	2	4,160	8,320

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on agency records and experience, the agency estimates that two methods of intermediate difficulty will be developed per year and each method may take up to two person years to develop.

Dated: June 18, 1999.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning and Legislation.

[FR Doc. 99–16593 Filed 6–29–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier HCFA–R–288]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services (DHHS), is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity of the utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. We are requesting an emergency review because the collection of this information is needed prior to the expiration of the normal time limits under OMB's regulations at 5 CFR part 1320. In particular, a statutory deadline has been missed and public harm may occur, as the result of unnecessary loss of Medicare trust fund dollars.

The Balanced Budget Act of 1997 requires the Secretary to implement up to seven competitive pricing demonstrations. Advisory committees, authorized under the Federal Advisory Committee Act (FACA), have been responsible for recommending the design of the demonstration, the sites for the demonstrations, and the manner in which the demonstrations are to be implemented. As such, this information collection was developed under the direction of the two committees and is intended for the Kansas City competitive pricing demonstration since its design is final.

Congress directed HCFA to implement the competitive pricing demonstration through the use of two FACA-compliant advisory committees composed of health care experts. Consistent with FACA requirements, all advisory committee meetings were open to the public and all affected parties were present and able to provide input. Notice of the five meetings of the Competitive Pricing Advisory Committee (CPAC) and the four meetings of the Kansas City Area

Advisory Committee were published in the **Federal Register**.

Throughout the planning process for this demonstration which began in May 1998, all entities impacted by the demonstration including health plans, providers, employers and beneficiaries have been educated on the types of specific information required in the bid solicitation package. In response, written comments and recommendations have been received from the public on all aspects of the demonstration design and implementation during our Federal Advisory Committee meetings. This information collection package could not be prepared until several specific decisions were made by the advisory committees. These included the formula for determining the government contribution, the standard benefit package upon which plans bid, the county or counties upon which the bid is based, and the service included in the demonstration. Final decisions occurred on May 12, 1999, and, as a result, HCFA could not reasonably comply with the normal clearance procedures. Also, due to the fact that the Kansas City demonstration is scheduled to begin on January 1, 2000, at the direction of the CPAC, HCFA must have the collection approved by July 1, 1999 to allow potential bidders enough time to plan for, and submit their applications.

The Bid Solicitation Package for Kansas City will be used to determine the government's contribution to premiums for Medicare+Choice plans that are participating in the Competitive Pricing Demonstration. HCFA will use the information to determine the higher of the weighted average or median of all submitted bids.

HCFA is requesting OMB review and approval of this collection within 2 days of publication, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individual designated below, within 2 days of publication.

During this 180-day period, HCFA will pursue OMB clearance of this collection as stipulated by 5 CFR 1320.

Type of Information Collection Request: New Collection;

Title of Information Collection: Medicare Competitive Pricing Demonstration Bid Solicitation Package for Kansas City;

Form No.: HCFA–R–0288;

Use: This information collection "Medicare Competitive Pricing Demonstration Bid Solicitation Package for Kansas City" will be used to determine the government's contribution to premiums for Medicare+Choice plans that are participating in the Competitive Pricing Demonstration. HCFA will use the information to determine the higher of the weighted average or median of all submitted bids;

Frequency: One time;

Affected Public: Business or other for-profit;

Number of Respondents: 9;

Total Annual Responses: 9;

Total Annual Hours: 360.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326.

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of information requirements. However, as noted above, comments on these information collection and record keeping requirements must be mailed and/or faxed to the designee referenced below within 2 days of publication:

Health Care Financing Administration, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Room N2–14–26, 7500 Security Boulevard, Baltimore, MD 21244–1850. Fax Number: (410) 786–0262 Attn: John Burke HCFA–R–0288

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Fax Number: (202) 395–6974 or (202) 395–5167 Attn: Allison Herron Eydt, HCFA Desk Officer.

Dated: June 22, 1999.

John P. Burke III.

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 99–16615 Filed 6–29–99; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4410–C–04]

FY 1999 Super Notice of Funding Availability (SuperNOFA); Modifications and Clarifications Regarding Funding Under the Fair Housing Initiatives Program

AGENCY: Office of the Secretary, HUD.

ACTION: Notice.

SUMMARY: On February 26, 1999, HUD published its Fiscal Year (FY) 1999 Super Notice of Funding Availability (SuperNOFA) for HUD's Housing, Community Development, and Empowerment programs. This notice advises of certain modifications and clarifications to funding provided under the Fair Housing Initiatives Program (FHIP).

DATES: The FHIP application due date of June 30, 1999, is not changed by this notice.

FOR FURTHER INFORMATION CONTACT: For the FHIP, please contact the office or individual listed in the "For Further Information" portion of the section of the individual programs that are part of the SuperNOFA, published on February 26, 1999 at 64 FR 9618.

SUPPLEMENTARY INFORMATION:

I. Background

On February 26, 1999 (64 FR 9618), HUD published its FY 1999 SuperNOFA for HUD's Housing, Community Development, and Empowerment programs. The FY 1999 SuperNOFA announced the availability of approximately $2.4 billion in HUD program funds covering 32 grant programs and program components administered by the following HUD offices: the Office of Community Planning and Development (CPD); the Office of Housing-Federal Housing Administration (FHA); the Office of Public and Indian Housing (PIH); the Office of Policy Development and Research (PD&R); the Office of Fair Housing and Equal Opportunity (FH&EO); and the Office of Lead Hazard Control.

On April 27, 1999 (64 FR 22634), HUD published a notice that extended the application deadlines of two programs (HOPE VI and FHIP) and made certain corrections and clarifications to four programs (FHIP, Lead-Based Hazard Control Program, Section 202 Supportive Housing for the Elderly Program; and Section 811 Supportive Housing for Persons with Disabilities Program).

On May 8, 1999 (64 FR 27120), HUD published a notice that, among other things, extended the deadline for certain programs in the SuperNOFA to accommodate areas that were designated disaster areas as a result of the tornados in early May 1999.

The purpose of this notice is to advise of certain modifications and clarifications to funding under the FHIP Program. These changes do not alter the selection factors of the FHIP NOFA.

These changes only clarify certain FHIP requirements.

Accordingly, in the SuperNOFA for Housing, Community Development, and Empowerment Programs, notice document 99–4476, beginning at 64 FR 9618, in the issue of Friday, February 26, 1999, the following corrections are made to the Fair Housing Initiatives Program (FHIP) section of the SuperNOFA, found at 64 FR 9677–9690.

1. On page 9682, first column, a new paragraph (11) is added to Section IV(A), and existing paragraphs (11), (12), and (13) are redesignated (12), (13), and (14) respectively. New paragraph 11 adds language to assure high quality performance of all grants, contracts, or cooperative agreements resulting from awards made under this NOFA. HUD is implementing a process to consider complaints from the public regarding FHIP funded activities. New paragraph (11) reads as follows:

(11) To assure high quality performance of all grants, contracts, or cooperative agreements resulting from awards made under this NOFA, HUD is implementing a process to consider complaints from the public regarding FHIP-funded activities. If, after notice and consideration of relevant information, HUD concludes that there has been inappropriate conduct, such as a violation of FHIP program requirements, grant, contract or cooperative agreement terms or conditions; or any other applicable statute, regulation or other requirement, HUD will take appropriate action to address its determination. Such action may include: written reprimand; consideration of past performance in ranking future FHIP applications; reimbursement of FHIP funding; and temporary or permanent denial of participation in the FHIP program.

2. On page 9683, in the middle column, paragraph (8) pertaining to "Conflict of Interest and Use of Settlement Funds Certification," is amended by revising paragraph (8)(b) to clarify the disposition of funds received as a result of activities funded in whole or in part by the FHIP program. Paragraph (8)(b) is revised to read as follows:

(b) When you receive funds as the result of enforcement activities funded in whole or in part by the FHIP program, including testing, you shall reimburse the United States for the FHIP-funded activities. To accomplish this, you shall reimburse the United States for the FHIP-funded activities in accordance with procedures set forth in your grant, contract or cooperative agreement.

3. On page 9683, in the middle column, Section IV(C)(1) pertaining to "Additional Requirements for Private Enforcement Initiative" is revised to remove the requirement that applications to provide projections of the number of complaints to be referred to HUD for enforcement purposes, and to make clear that applications already submitted which contain such projections needed not be revised because HUD will not consider such projections when evaluating the application. Paragraph (1) in Section IV(C) is revised to read as follows:

(1) Your proposal must include a description of the enforcement proposals to be referred to HUD to increase enforcement actions. Therefore, you must state what information you intend to collect and analyze, the kind of complaints you anticipate referring to HUD for enforcement purposes and a method for referring such complaints. If applications are submitted with projections of the number of complaints expected to be referred to HUD for enforcement purposes, they need not be revised because HUD will disregard any such projections when evaluating the application. Your application should explain how you plan to structure tests, train investigators, conduct investigations, etc. This description should make clear the safeguards to be used to ensure that complaints referred to HUD for enforcement actions are fully jurisdictional under the Act and supported by credible and legitimate evidence that the Act has been violated.

4. On page 9686, first column, paragraph (1), the Description of Proposed Activities (which is under Rating Factor 3), is revised to remove the requirement that applications contain projections of the number of enforcement proposals to be referred to HUD. All the text under the "Description of Proposed Activities" is removed and replaced with the following language:

How your proposed activities will result in the referral of enforcement proposals to HUD. Specifically, your description should explain how the activities performed during the period of performance of the grant will result in cases being referred to HUD. If applications are submitted with projections of the number of enforcement proposals to be referred to HUD, they need not be revised because HUD will disregard any such projections when evaluating the application. In responding to this factor, describe the methods to be developed or used to identify and refer enforcement proposals to HUD. If your past activities have resulted in successful enforcement proposals being referred to HUD, describe these actions and the outcome of such referrals.

Dated: June 25, 1999.

Susan Forward,

General Deputy Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 99–16719 Filed 6–28–99; 9:25 am]

BILLING CODE 4210–32–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Application for Endangered Species Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application for endangered species permit.

SUMMARY: The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

DATES: Written data or comments on these applications must be received, at the address given below, by July 30, 1999.

ADDRESSES: Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act,* by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: David Dell, Permit Coordinator). Telephone: 404/679–7313; Facsimile: 404/679–7081.

FOR FURTHER INFORMATION CONTACT: David Dell, Telephone: 404/679–7313; Facsimile: 404/679–7081.

SUPPLEMENTARY INFORMATION:

Applicant: Dr. Lawrence H. Herbst, Albert Einstein College of Medicine, Bronx, New York, TE013719–0.

The applicant requests authorization to take (capture, retain for disease trials, and release or euthanize) the endangered green sea turtle, *Chelonia mydas* throughout the species range in Florida for the purpose of enhancement of survival of the species.

Applicant: Michael Gangloff, Auburn University, Auburn, Alabama, TE013722–0.

The applicant requests authorization to take (capture, identify, and release) thirteen species of threatened and

endangered freshwater molluscs native to the Coosa River basin in Alabama and Georgia, for the purpose of enhancement of survival of the species.

Applicant: Dr. James A. Carpenter, David Lipscomb University, Nashville, Tennessee, TE013721–0.

The applicant requests authorization to take (capture, mark, and release) the endangered Nashville crayfish, *Orconectes shoupi,* throughout the species range in Tennessee, for the purpose of enhancement of survival of the species.

Dated: June 22, 1999.

Sam D. Hamilton,

Regional Director.

[FR Doc. 99–16576 Filed 6–29–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

North American Wetlands Conservation Council (Council), Meeting Announcement

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The Council will meet at 1:00 pm, July 7, 1999 to select North American Wetlands Conservation Act (NAWCA) proposals for recommendation to the Migratory Bird Conservation Commission. The meeting is open to the public.

DATES: July 7, 1999, Bismarck, ND—1:00 P.M.

ADDRESSES: The meeting will be held at the Holiday Inn, 605 East Broadway Avenue, Bismarck, ND. The Council Coordinator is located at U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Suite 110, Arlington, Virginia, 22203.

FOR FURTHER INFORMATION CONTACT: David A. Smith, Council Coordinator, (703) 358–1784.

SUPPLEMENTARY INFORMATION: In accordance with NAWCA (Pub. L. 101–233, 103 Stat. 1968, December 13, 1989, as amended), the State-private-Federal Council meets to consider wetland acquisition, restoration, enhancement and management projects for recommendation to, and final funding approval by, the Migratory Bird Conservation Commission. Proposals require a minimum of 50 percent non-Federal matching funds.

Dated: June 22, 1999.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 99–16574 Filed 6–29–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–310-00-1310 24 1A]

Extension of Currently Approved Information Collection; OMB Approval No. 1004–0162

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: The Paperwork Reduction Act requires Federal agencies to announce their intentions to request extension of approval for collecting information from individuals. The Bureau of Land Management (BLM) announces its intention to request extension of approval for collecting certain information from entities who (1) submit a Notice of Intent to Conduct Oil and Gas Geophysical Exploration Operations (Form 3150–4) of Federal lands, and (2) summit a Notice of Completion of Oil and Gas Exploration Operations (Form 3150–5), BLM uses the information to determine who is conducting geophysical operations on public lands and to ensure that appropriate measures are taken to protect the environment as required by the National Environmental Policy Act of 1969.

DATES: Comments on the proposed information collection must be received by August 30, 1999 to be considered.

ADDRESSES: Comments may be mailed to: Regulatory Affairs Group (WO–630), Bureau of Land Management, 1849 C St., NW., Mail Stop 401 LS, Washington, DC 20240. Comments may be sent via the Internet to: *WoComment@wo.blm.gov.* Please include "Attn: 1004–0162 and your name and address in your Internet address.

Comments may be hand delivered to the Bureau of Land Management Administrative Record, Room 401, 1620 L Street, NW, Washington DC 20036.

Comments will be available for public inspection and review at the L Street address during regular business hours, 7:45 a.m. to 4:15 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Barbara Gamble, Fluid Minerals Group, (202) 452–0338.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 1320.8(d) BLM is required to provide a 60-day notice in the **Federal Register** concerning a collection of information contained in published current rules and other collection instrument to solicit comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The Mineral Leasing Act (MLA) of 1920 (30 U.S.C. 181 *et seq.*), gives the Secretary of the Interior responsibility for oil and gas leasing on approximately 570 million acres of public lands and national forests, and private lands where minerals rights have been retained by the Federal Government. The Act of August 7, 1947 (Mineral Leasing Act of Acquired Lands), authorizes the Secretary to lease lands acquired by the United States (30 U.S.C. 341–359). The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*) establishes a public land policy and provides for the management, protection, development, and enhancement of the public lands.

The regulations at 43 CFR Group 3150 establish procedures for conducting oil and gas geophysical exploration operations on public lands when authorization for such operations is required from the BLM. The Notice of Intent to Conduct Oil and Gas Geophysical Exploration Operations (Form 3150–4) and the Notice of Completion of Oil and Gas Exploration Operations (Form 3140–5) were developed in 1990, and the information required from the public remains the same.

BLM needs the information requested on the Notice of Intent to allow it to process applications for geophysical exploration operations on public lands and to manage environmental compliance requirements in accordance with the laws, regulations, and land use plans. BLM uses the information to determine that geophysical operations activities will be conducted in a manner consistent with the regulations, local land use plans, and Environmental Assessments. BLM needs the information requested on the Notice of Completion to determine whether rehabilitation of the lands is satisfactory or whether additional rehabilitation is necessary.

The forms may be submitted in person or by mail to the proper BLM office. The company name, address, and telephone number is needed to identify the person/entity conducting operations. BLM assigns the BLM Case Number to track each specific operation. Where a particular operation requires State approval also, the State Case Number is assigned by the appropriate State agency so that the Bureau may coordinate exploration activity with the State. The legal land description is required to determine where the involved public lands are located.

Based on its experience administering onshore oil and gas geophysical exploration activities, BLM estimates the public reporting burden for completing the Notice of Intent to Conduct Geophysical Exploration Operations (Form 3150–4) is 1 hour, and for completing the Notice of Completion of Oil and Gas Exploration Operations (Form 3150–5) is an average of 20 minutes. The information required is clearly outlined on the form and in the terms and conditions attached. The information is already maintained by the respondents for their own record-keeping purposes and needs only to be transferred or attached to the forms.

BLM estimates the approximately 600 notices of intent and 600 notices of completion will be filed annually, with a total annual burden of 800 hours. Respondents vary from small businesses to major corporations.

Any interested member of the public may request and obtain, without charge, a copy of Form 3150–4 or 3150–5 by contacting the person identified under **FOR FURTHER INFORMATION CONTACT.** All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will also become part of the public record.

Dated: June 25, 1999.

Carole J. Smith,

Information Clearance Officer.

[FR Doc. 99–16687 Filed 6–29–99; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–050–1110–00:G9–0179]

Closure of Public Lands; Oregon

AGENCY: Bureau of Land Management.

ACTION: Notice is hereby given that all roads and trails as legally described below are seasonally closed to all uses (including, but not limited to motorized vehicle use, hiking, mountain biking, horseback riding) from March 1 through August 31 annually. In addition, the area legally described below is seasonally closed to shooting from March 1 through August 31 annually.

Legal Description

This closure order applies to all roads and trails located in Township 15 South, Range 11 East, WM, Section 21, South half of the Southeast quarter, Northeast quarter of the Southeast quarter; Section 28, West half of the Northeast quarter. In addition, the area closed to shooting is legally described as Township 15 South, Range 11 East, WM, Section 21, South half of the Southeast quarter; Section 28, North half of the Northeast quarter.

All roads and trails as described above are closed to all uses (motorized vehicle use, hiking, mountain biking, horseback riding) from March 1 through August 31 annually. The area legally described above is closed to shooting from March 1 through August 31 annually. "Shooting", in this closure, is defined as the discharge of firearms. The purpose of this closure is to protect wildlife resources. More specifically, this closure is ordered to reduce negative impacts to a nesting pair of prairie falcons. Prairie falcons are sensitive to human disturbance within the sensitive habitat area surrounding the nest site during the nesting season. Current uses at the site could jeopardize the persistence and nesting success of prairie falcons at this location.

Exemptions to this closure order will apply to administrative personnel for monitoring purposes; other exceptions to this restriction may be made on a case-by-case basis by the authorized officer. This emergency order will be evaluated in the Urban Interface Resource Management Plan. The authority for this closure is 43 CFR 9268.3 (d)(i)(iii,v): Operations—closures.

FOR FURTHER INFORMATION CONTACT: Sarah Cox, Wildlife Biologist, BLM Prineville District, P.O. Box 550, Prineville, Oregon 97754, telephone (541) 416–6725.

SUPPLEMENTARY INFORMATION: Violation of this closure order is punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months as provided in 43 CFR 9268.3 (d)(iv).

Dated: June 15, 1999.

Shaaron Netherton,

Acting Deschutes Area Manager, Prineville District Office.

[FR Doc. 99–16568 Filed 6–29–99; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–958–3130–00: GP9–0212; OR 51858]

Order Providing for Opening of Lands; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action will open 882.85 acres of lands to surface entry, mining, and mineral leasing. The lands have been eliminated from an exchange proposal.

EFFECTIVE DATE: July 20, 1999.

FOR FURTHER INFORMATION CONTACT: Pamela Chappel, BLM Oregon/Washington State Office, P.O. Box 2965, Portland, Oregon 97208, 503–952–6170.

SUPPLEMENTARY INFORMATION: Under the authority of section 206 of the Federal Land Policy and Management Act of 1976, as amended by the Federal Land Exchange Facilitation Act of 1988, the following lands have been eliminated from a proposed exchange, named the Northeast Oregon Assembled Land Exchange:

Willamette Meridian

Parcel No. B 203

T. 9 S., R. 42 E.,
Sec. 30 , lot 3, and SW¼NE¼, NE¼SW¼, and W½SE¼;
Sec. 31, W½NE¼ and SE¼NE¼.

Parcel Number B 213

T. 12 S., R. 43 E.,
Sec. 7, SW¼NE¼ and NW¼SE¼.

Parcel Number B 214

T. 12 S., R. 43 E.,
Sec. 7, NE¼NE¼;
Sec. 8, NW¼NW¼.

Parcel Number B 219

T. 12 S., R. 43 E.,
Sec. 24, NE¼SE¼.
T. 12 S., R. 44 E.,
Sec. 19, lot 3 and NE¼SW¼.

Parcel Number B 225

T. 12 S., R. 44 E.,
Sec. 15, E½E½.

Parcel Number B 229

T. 9 S., R. 44 E.,
Sec. 3, SW¼NE¼ and NW¼SE¼.

Parcel Number B 237

T. 8 S., R. 44 E.,
Sec. 8, NE¼SE¼.
The areas described aggregate 882.85 acres in Baker County.

At 8:30 a.m., on July 20, 1999, the above described lands will be opened to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of

applicable law. All valid existing applications received at or prior to 8:30 a.m., on July 20, 1999, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

At 8:30 a.m., on July 20, 1999, the above described lands will be opened to location and entry under the United States mining laws. Appropriation under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

At 8:30 a.m., on July 20, 1999, the lands will be opened to applications and offers under the mineral leasing laws.

Dated: June 9, 1999.

Robert D. DeViney, Jr.,

Chief, Branch of Realty and Records Services.

[FR Doc. 99–16105 Filed 6–29–99; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–942–1430–01; UTU 08463, UTU 53990, UTU 010096, UTU 42889]

Public Land Order No. 7395; Revocation of Public Land Order Nos. 494, 565, 983, and 1011, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes 4 public land orders in their entirety as to the remaining 3,055.62 acres of public and National Forest System lands withdrawn for use by the Atomic Energy Commission. The lands are no longer needed for the purpose for which they were withdrawn and the Department of Energy, formerly the Atomic Energy Commission, has requested that the withdrawals be revoked. This action will return 95.62 acres to Bureau of Land Management administration and open them to surface entry and mining and will return 2,960 acres to National Forest administration and will open them to mining and to such forms of disposition as may by law be made of National Forest System lands. All of the lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: July 30, 1999.

FOR FURTHER INFORMATION CONTACT: Brad Groesbeck, BLM Moab Field Office, 82 East Dogwood Drive, Moab, Utah 84532, 435–259–2115.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Public Land Order Nos. 494 and 565, which withdrew public lands for use by the Atomic Energy Commission, are hereby revoked in their entirety as to the following described lands:

Salt Lake Meridian

T. 37 S., R. 21 E.,
Sec. 3, E½SE¼SE¼;
Sec. 10, SW¼SW¼NW¼, and N½NW¼SW¼.
T. 24 S., R. 25 E.,
Sec. 34.

The areas described aggregate 95.62 acres in Grand and San Juan Counties.

2. Public Land Order Nos. 983 and 1011, which withdrew National Forest System lands for use by the Atomic Energy Commission, are hereby revoked in their entirety as to the following described lands:

Salt Lake Meridian

Manti-La Sal National Forest

T. 36 S., R 10 E.,
Sec. 18, W½;
Sec. 19, W½.
T. 36 S., R. 18 E.,
Secs. 13, 23, and 24;
Sec. 25, N½.
T. 28 S., R. 26 E.,
Sec. 29, S½NE¼.

The areas described aggregate 2,960 acres in San Juan County.

3. At 10 a.m. on July 30, 1999, the lands described in Paragraph 1 will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 30, 1999, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 10 a.m. on July 30, 1999, the lands described in Paragraph 1 and Paragraph 2 will be opened to location and entry under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1994), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determination in local courts.

5. At 10 a.m. on July 30, 1999, the lands described in Paragraph 2 will be opened to such forms of disposition as may by law be made of National Forest System lands, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law.

Dated: June 11, 1999.

John Berry,

Assistant Secretary of the Interior.

[FR Doc. 99–16616 Filed 6–29–99; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–040–99–1230–00–AZ11:8372]

Arizona and California: Implementation of Fee Demonstration Program throughout Yuma Field Office, Arizona

AGENCY: Bureau of Land management, Interior.

ACTION: Notice of Implementation of Fee Demonstration Program for recreation sites, recreation areas, concessions leases, and special recreation permits throughout Yuma Field Office administrative area.

SUMMARY: Notice is hereby given that in accordance with the Yuma Field Office Recreation Area Fee Demonstration program Business Plan approved on May 19, 1999, the following recreation sites will be included in the Yuma Field Office Fee Demonstration Pilot Project: Squaw Lake, Senator Wash Reservoir, North and South Shore, Betty's Kitchen Watchable Wildlife and Interpretive area, Oxbow recreation site, Ehrenberg Sandbowl, Hidden Shores concession, Walters Camp concession, Special Recreation Permits, the Imperial Long Term Visitor Area (LTVA), and the La Posa LTVA. A five dollar ($5.00) daily user fee or purchase of a fifty dollar ($50.00) annual recreation permit will be required prior to use of Squaw Lake,

Senator Wash Reservoir, North and South Shore, Betty's Kitchen Watchable Wildlife and Interpretive area, Ehrenberg Sandbowl, and Oxbow recreation sites. Fees for Hidden Shores concession, Walters Camp concession, Special Recreation Permits, the Imperial Long Term Visitor Area (LTVA), and the La Posa LTVA will be collected by on-site staff. Authority for this action is contained in Public Law 104–134 enacted in 1996. A map of the fee demonstration sites and areas is available at the Yuma Field Office, 2555 Gila Ridge Road, Yuma, Arizona 85365.

EFFECTIVE DATE: June 30, 1999.

FOR FURTHER INFORMATION CONTACT: Mark Lowans, Yuma Field Office, 2555 Gila Ridge Road, Yuma, Arizona 85365, (520) 317–3210.

Dated: June 23, 1999.

Gail Acheson,

Field Manager, Yuma.

[FR Doc. 99–16627 Filed 6–29–99; 8:45 am]

BILLING CODE 4310–32–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–950–7130–00–9789–P]

Filing of Plats of Survey; Nebraska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Wyoming State Office, Cheyenne, Wyoming, thirty (30) calendar days from the date of this publication.

Sixth Principal Meridian, Nebraska

T. 21 N., R. 57 W., accepted May 17, 1999

If protests against a survey, as shown on any of the above plats, are received prior to the official filing, the filing will be stayed pending consideration of the protest(s) and or appeal(s). A plat will not be officially filed until after disposition of protest(s) and or appeal(s).

These plats will be placed in the open files of the Wyoming State Office, Bureau of Land Management, 5353 Yellowstone Road, Cheyenne, Wyoming, and will be available to the public as a matter of information only. Copies of the plats will be made available upon request and prepayment of the reproduction fee of $1.10 per copy.

A person or party who wishes to protest a survey must file with the State Director, Bureau of Land Management, Cheyenne, Wyoming, a notice of protest prior to thirty (30) calendar days from the date of this publication. If the protest notice did not include a statement of reasons for the protest, the protestant shall file such a statement with the State Director within thirty (30) calendar days after the notice of protest was filed.

The above-listed plats represent dependent resurveys, subdivision of sections.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, P.O. Box 1828, 5353 Yellowstone Road, Cheyenne, Wyoming 82003.

Dated: May 19, 1999.

John P. Lee,

Chief Cadastral Survey Group.

[FR Doc. 99–16617 Filed 6–29–99; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–950–5700–77; AZA 30355]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; Arizona; Correction

AGENCY: Bureau of Land Management.

ACTION: Notice; Correction.

SUMMARY: A notice and subsequent correction concerning a proposed Bureau of Reclamation withdrawal were published on December 3, 1997 and February 28, 1998, respectively. This notice corrects one township and the total acres of the application.

FOR FURTHER INFORMATION CONTACT: Cliff Yardley, BLM Arizona State Office, 602–417–9437.

Correction

In the **Federal Register** publication of December 3, 1997, page 63957 (third column), and February 23, 1998, page 9014 (second column) the descriptions for T. 3 N., R. 14 E. are replaced, entirely, with the following:

T. 3 N., R. 14 E.,
Sec. 2, S½SW¼;
Sec. 3, S½S½;
Sec. 4, SW¼NW¼;
Sec. 5, lots 1, 2 and 4;
Sec. 6, lot 1 and SE¼NE¼;
Sec. 9, NE¼;
Sec. 10, N½;
Sec. 11, NW¼NW¼ and W½NE¼NW¼.

The total acreage for the proposed withdrawal, stated in both of the publications cited above, is changed to approximately 9,175 acres.

Dated: June 21, 1999.

Michael A. Ferguson,

Deputy State Director, Resources Division.

[FR Doc. 99–16570 Filed 6–29–99; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Arkansas Post National Memorial

AGENCY: National Park Service, DOI.

ACTION: Notice of Intent to prepare a General Management Plan and Environmental Impact Statement for Arkansas Post National Memorial, Arkansas.

SUMMARY: The National Park Service (NPS) will prepare a General Management Plan (GMP) and an associated Environmental Impact Statement (EIS) for Arkansas Post National Memorial, Arkansas, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). This notice is being furnished as required by NEPA Regulations 40 CFR 1501.7.

To facilitate sound planning and environmental assessment, the NPS intends to gather information necessary for the preparation of the EIS, and to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are invited.

Participation in the planning process will be encouraged and facilitated by various means, including newsletters and open houses. The NPS will conduct a series of public scoping meetings to explain the planning process and to solicit opinion about issues to address in the GMP/EIS. Notification of all such meetings will be announced in the local press and in NPS newsletters or other mailings.

ADDRESSES: Written comments and information concerning the scope of the EIS and other matters, or requests to be added to the project mailing list should be directed to: Mr. Ed Wood, Superintendent, Arkansas Post National Memorial, 1741 Old Post Road, Gillett, Arkansas 72055. Telephone: 870–548–2207. E-mail: ed__wood@nps.gov

FOR FURTHER INFORMATION CONTACT: Superintendent, Arkansas Post National Memorial, at the address and telephone number above.

SUPPLEMENTARY INFORMATION: Arkansas Post National Memorial is a commemorative unit of the National Park System located in the southeastern quadrant of Arkansas near the confluence of the Arkansas and Mississippi Rivers. The site

commemorates a series of events related to the establishment of a French trading post at the Quapaw Indian village of Osotuoy in 1686.

In accordance with NPS park planning policy, the GMP will ensure the Memorial has a clearly defined direction for resource preservation and visitor use. It will be developed in consultation with servicewide program managers, interested parties, and the general public. It will be based on an adequate analysis of existing and potential resource conditions and visitor experiences, environmental impacts, and costs of alternative courses of action.

The environmental review of the GMP/EIS for Historic Site will be conducted in accordance with requirements of the NEPA (42 U.S.C. § 4371 *et seq.*), NEPA regulations (40 CFR 1500–1508), other appropriate Federal regulations, and National Park Service procedures and policies for compliance with those regulations.

The National Park Service estimates the draft GMP and draft EIS will be available to the public by the sunmer of 2000.

Dated: June 21, 1999.

William W. Schenk,

Regional Director.

[FR Doc. 99–16580 Filed 6–29–99; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–403]

Assessment of the Economic Effects on the United States of China's Accession to the WTO

AGENCY: United States International Trade Commission.

ACTION: Revised completion date.

EFFECTIVE DATE: June 23, 1999.

SUMMARY: On June 16, 1999, the Commission received a letter from the United States Trade Representative (USTR) regarding its report, Assessment of the Economic Effects on the United States of China's Accession to the WTO (Inv. No. 332–403).

The USTR requested that the ITC amplify its report with further quantitative analysis of the effects on the U.S. economy of the full range of market access commitments (e.g., from telecommunications and insurance to elimination of non-tariff measures) that China made in April 1999. The USTR also extended the Commission's date for submitting the report to August 16, 1999.

FOR FURTHER INFORMATION CONTACT: Arona Butcher, Office of Economics (202–205–3301). For information on the legal aspects of this investigation, contact William Gearhart of the Office of the General Counsel (202–205–3091). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202) 205–1810.

BACKGROUND: The U.S. International Trade Commission instituted investigation 332–403, Assessment of the Economic Effects on the United States of China's Accession to the WTO, on January 19, 1999 following receipt on December 21, 1998 of a request under sec. 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) from the USTR. Further information on the scope of the investigation is available in the ITC's notice of investigation, dated January 20, 1999, which may be obtained from the ITC Internet server (www.usitc.gov) or by contacting the Office of the Secretary, United States International Trade Commission, 500 E Street SW, Washington, D.C. 20436 or at 202–205–1802.

By order of the Commission.

Issued: June 24, 1999.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–16676 Filed 6–29–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. AA1921–124 (Review) and 731–TA–546–547 (Review)]

Certain Steel Wire Rope From Japan, Korea, and Mexico

AGENCY: United States International Trade Commission.

ACTION: Scheduling of full five-year reviews concerning the antidumping duty orders on certain steel wire rope from Japan, Korea, and Mexico.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) (the Act) to determine whether revocation of the antidumping duty orders on certain steel wire rope from Japan, Korea, and Mexico would be likely to lead to continuation or recurrence of material injury. For further information concerning the conduct of these reviews 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, D, E, and F (19 CFR part 207). Recent amendments to the Rules of Practice and Procedure pertinent to five-year reviews, including the text of subpart F of part 207, are published at 63 F.R. 30599, June 5, 1998, and may be downloaded from the Commission's World Wide Web site at http://www.usitc.gov/rules.htm.

EFFECTIVE DATE: June 10, 1999.

FOR FURTHER INFORMATION CONTACT: Olympia DeRosa Hand (202–205–3182), 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 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).

SUPPLEMENTARY INFORMATION:

Background

On April 8, 1999, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that full reviews pursuant to section 751(c)(5) of the Act should proceed (64 F.R. 19198, April 19, 1999). A record of the Commissioners' votes and the Commission's statement on adequacy are available from the Office of the Secretary and at the Commission's web site.

Participation in the reviews 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 these reviews 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, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

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 these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews 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 reviews will be placed in the nonpublic record on September 23, 1999, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the reviews beginning at 9:30 a.m. on October 14, 1999, 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 30, 1999. 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 October 5, 1999, 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), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing .

Written submissions.—Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is October 4, 1999. 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 207.67 of the Commission's rules. The deadline for filing posthearing briefs is October 25, 1999; 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 reviews may submit a written statement of information pertinent to the subject of the reviews on or before October 25, 1999. On November 22, 1999, 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 November 24, 1999, but such final comments must not contain new factual information and must otherwise comply with section 207.68 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.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (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 reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: June 24, 1999.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–16677 Filed 6–29–99; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

International Competition Policy Advisory Committee (ICPAC); Notice of Meeting

The International Competition Policy Advisory Committee (the "Advisory Committee") will hold its fifth meeting on July 14, 1999. The Advisory Committee was established by the Department of Justice to provide advice regarding issues relating to international competition policy; specifically, how best to cooperate with foreign authorities to eliminate international anticompetitive cartel agreements, how best to coordinate United States' and foreign antitrust enforcement efforts in the review of multijurisdictional mergers, and how best to address issues that interface international trade and competition policy concerns. The meeting will be held at The Carnegie Endowment for International Peace, Root Conference Room, 1779 Massachusetts Avenue, NW, Washington, DC 20036 and will begin at 10:00 a.m. EST and end at approximately 4:30 p.m. The agenda for the meeting will be as follows:

1. Trade and Competition Policy Interface Issues
2. Multijurisdictional Merger Review
3. Enforcement Cooperation
4. Work Program: Next Steps

Attendance is open to the interested public, limited by the availability of space. Persons needing special assistance, such as sign language interpretation or other special accommodations, should notify the contact person listed below as soon as possible. Members of the public may submit written statements by mail, electronic mail, or facsimile at any time before or after the meeting to the contact person listed below for consideration by the Advisory Committee. All written submissions will be included in the public record of the Advisory Committee. Oral statements from the public will not be solicited or accepted at this meeting. For further information contact: Merit Janow, c/o Marianne Pak, U.S. Department of Justice, Antitrust Division, 601 D Street, NW, Room 10011, Washington, DC 20530, Telephone: (202) 353–9074, Facsimile: (202) 353–9985, Electronic mail:icpac.atr@usdoj.gov.

Merit E. Janow,

Executive Director, International Competition Policy Advisory Committee.

[FR Doc. 99–16675 Filed 6–29–99; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Office of the Secretary

Bureau of International Labor Affairs; Public Submissions of Information

This document is a notice for public submissions for the purpose of gathering information regarding a study being conducted by the Department of Labor on the minimum wage, prevailing wage, and non-wage benefits in the apparel and footwear industries, and the established poverty levels, in countries that are major suppliers of apparel and/or footwear to the U.S. market. The Department of Labor is now accepting written information on this subject matter from all interested parties. The Department is not able to provide financial assistance to those preparing written submissions.

For the purposes of the study, the Department of Labor will consider the apparel and/or footwear industries in 35

foreign countries that are major suppliers of footwear and/or apparel to the U.S. market. The 35 major apparel and/or footwear exporting countries or entities are: Bangladesh, Brazil, Cambodia, Canada, China, Colombia, Costa Rica, the Dominican Republic, Egypt, El Salvador, Guatemala, Honduras, Hong Kong, India, Indonesia, Israel, Italy, Jamaica, Macau, Malaysia, Mauritius, Mexico, Nicaragua, Pakistan, Peru, the Philippines, Singapore, South Korea, Spain, Sri Lanka, Taiwan, Thailand, Turkey, United Arab Emirates, and the United Kingdom.

In particular, the Department's Bureau of International Labor Affairs is seeking written submissions and supporting documents providing factual information on the countries enumerated above with respect to the following topics:

1. Current minimum wage, if any, and the prevailing wage in the apparel and footwear industries and the average for all manufacturing.

2. Mandated non-wage benefits or tax credits for workers in the apparel and footwear industries.

3. Measures and methods, such as a market basket of goods, used to determine the basic needs of workers and to establish the poverty level.

4. Methods to measure the purchasing power of wages and benefits and to assess how well the wage/benefit packages meet the basic needs of workers in the apparel and footwear industries.

This notice is a general solicitation of comments from the public. Information provided through public submissions will be considered by the Department of Labor in preparing its report.

DATES: Respondents will be required to provide one (1) copy of their written submission and attachments to the Office of International Economic Affairs by 5:00 p.m., Friday, July 30, 1999.

ADDRESSES: Written submissions and attachments should be addressed to the Office of International Economic Affairs, Bureau of International Labor Affairs, Room S–5325, U.S. Department of Labor, Washington, D.C. 20210, fax: (202) 219–5071.

FOR FURTHER INFORMATION CONTACT: Jorge F. Perez-Lopez, Office of International Economic Affairs, Bureau of International Labor Affairs, Room S–5325, U.S. Department of Labor, Washington, D.C. 20210, telephone: (202) 219–7597 ext. 145; fax (202) 219–5071.

All written materials and attachments submitted pursuant to this request will be made part of the record of review referred to above and will be available for public inspection.

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

Andrew J. Samet,

Deputy Under Secretary for International Labor Affairs.

[FR Doc. 99–16639 Filed 6–29–99; 8:45 am]

BILLING CODE 4510–28–U

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of May and June, 1999.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–35,890; Morris Button Co., New York, NY
TA–W–35,995; Mid-Oregon Industries, Bend, OR
TA–W–36,093; The Carbide/Graphite Group, Inc., Calvert City, KY
TA–W–35,779; SGL Carbon Group, St. Marys, PA
TA–W–35,910; Hytek Microsystems, Carson City, NV
TA–W–35,774; Carbide Corp., Irwin, PA
TA–W–35,864 & A; The Timken Co., Canton, OH and Wooster, OH
TA–W–36,202 & A; Thunderbird Mining, Eveleth, MN and Forbes, MN
TA–W–36,168; Dynegy Midstream Services Limited Partnership, Chico, TX
TA–W–36,092; UCAR Carbon Co., Lawrenceburg, TN
TA–W–35,954; SNS, Odessa, TX
TA–W–36,063; Cobre Mining Co., Hanover, NM
TA–W–35,981; Corning, Inc., Greenville, OH
TA–W–35,935; Suckle Corp., Scranton, PA

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA–W–36,029; OPE, Inc., Houston, TX
TA–W–36,242; Radan CIM, Inc., Malvern, PA
TA–W–35,520; Anchor Drilling Fluids USA, Inc., Sidney, MT
TA–W–36,284; Livingston Rebuild Center, Livingston, MT
TA–W–36,240; Consolidated Papers, Inc., Niagara Div., Niagara, WI
TA–W–35,718; H.B. & R, Inc., Dickerson, ND
TA–W–36,290; St. Paul Fire & Marine Insurance Co., Oil and Gas Unit, Arlington, TX
TA–W–35,866; Acutus Gladwin, Blytheville, AR

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–35,918; Rexford Paper Co., Milwaukee, WI
TA–W–36,328; Gulf Publishing Co,, Houston, TX
TA–W–36,248; Armenian American Exploration Co., Rancho Santa Fe, CA
TA–W–36,197; Cooper Industries, Inc., Bussmann Div., Elizabethtown, KY
TA–W–35,819; Gandy Drill Pipe LTD, Midland, TX
TA–W–36,053; Cable Systems International, Phoenix, AZ
TA–W–35,850; Cooper Camerion Valve, Missouri City, TX

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–36,061; D.B. Riley Corp., Erie, PA
TA–W–36,009 & A; Chesapeake Operating Inc., Hays, KS and Oklahoma City, OK
TA–W–36,097; Florsheim Group, Inc., Cape Girardeau, MO

The investigation revealed that criteria (2) has not been met. Sales or production did not decline during the

relevant period as required for certification.

TA–W–36,216; Key Four Corners, Roosevelt, UT

The investigation revealed that criteria (1) and criteria (2) have not been met. A significant number or proportion of the workers did not become totally or partially separated from employment as required for certification. Sales or production did not decline during the relevant period as required for certification.

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–35,673; Clayton Williams Energy, Inc., Deanville, TX: February 8, 1998.

TA–W–35,909; The O.S. Kelly Co., Springfield, OH: February 26, 1998.

TA–W–35,680; Homestead Industries, Inc., Claremont, NH: February 1, 1998.

TA–W–35,633; Alamac Knit Fabrics, Inc., Lumberton Plant, Lumberton, NC: January 25, 1998.

TA–W–35,795; Robinson Manufacturing Co., Inc., Lineville, AL: February 3, 1998.

TA–W–35,872; B & H Apparel, Inc., Mullins, SC: March 8, 1998.

TA–W–35,800; The Waco Co., Waterbury, CT: February 24, 1998.

TA–W–36,099; Miss Elaine, Inc., St. Genevieve, MO: April 9, 1998.

TA–W–36,074; Karen Anne Manufacturing, Inc., Fall River, MA: April 7, 1998.

TA–W–36,044; G & L Fishing Tool Co., Big Spring, TX: March 22, 1998.

TA–W–36,047; G & A Laydown Service, Inc., Odessa, TX: March 18, 1998.

TA–W–35,980; International Paper, Printing Papers Div., Hudson River Mill, Corinth, NY: March 16, 1998.

TA–W–36,039; Wellpro, Inc., Williston, ND: March 16, 1998.

TA–W–36,043; Construction Service, Inc., Watford City, ND: March 10, 1998.

TA–W–36,110 & A, B, C, D; Russell Corp., Sylacagua, AL, Gwaltney Spinning Plant, Wetumpka, AL, 101 North Street Plant, Columbia, AL, Greenville, AL and Niceville, FL: April 12, 1998.

TA–W–36,036; Erickson Contract Surveying, Sidney, MT: March 22, 1998.

TA–W–35,837; Datiani Fashions LTD, New York, NY: February 18, 1998.

TA–W–35,996; Quicksilver Contracting Co., Bend, OR: March 25, 1998.

TA–W–36,050; Plains Illinois, Inc., Bridgeport, IL: February 7, 1998.

TA–W–35,717; Blue Ridge Screen Printing, Inc., Stuart, VA: February 11, 1998.

TA–W–36,085; D.A.B. Oil Service, Inc., Abilene, TX: March 19, 1998.

TA–W–35,965; Uniroyal Chemical Co., Inc., Painesville, OH: March 22, 1998.

TA–W–35,796; Tom Brown, Inc., Midland, TX: February 16, 1998.

TA–W–36,041 & A; Chase Well Service, Inc., Great Bend, KS and Plainville; KS: March 17, 1998.

TA–W–35,807; Kicks Fashions, Inc., New York, NY: February 23, 1998.

TA–W–35,976; Revere Ware, Clinton, IL: March 19, 1998.

TA–W–35,815; Controlled Recovering, Inc., Hobbs, NM: February 17, 1998.

TA–W–35,783 & A; South Bay Circuits, San Jose, CA and Chandler, AZ: February 23, 1998.

TA–W–35,957 & A, B, C, D and E; The Stroh Brewery Co., Corp. Headquarters, Detroit, MI, Heileman—LaCrosse Plant, LaCrosse, WI, The Blitz Wwinhard Brewing Co., Portland, OR, Longview Brewery, Longview, TX, Winston-Salem Brewery, Winston-Salem, NC and The Rainier Brewing Co., Seattle, WA: March 15, 1998.

TA–W–36, 169; Bernard/Hickox, Inc., Coden, AL: April 4, 1998.

TA–W–35,788; R & B Falcon Drilling, USA, Inc., Inland Barge, Shallowwater Div., Houma, LA: February 19, 1998.

TA–W–36,146; Augusta Sportswear, Metter, GA: April 16, 1998.

TA–W–35,940 & A, B; Sanchez Oil and Gas Corp., Laredo, TX, Houston, TX and Zapata, TX: March 19, 1998.

TA–W–35,867; Exide Electronics, Brunswick Plant Operation, LeLand, NC: February 25, 1998.

TA–W–36,049; Lewis Casing Crews, Inc., Edessa, TX: March 17, 1998.

TA–W–35,742; Florida Canyon Mining, Inc., Imlay, NV: February 11, 1998.

TA–W–35,891; Corinth Acquisition, d.b.a. United Pioneer Co., Corinth, MS: March 9, 1998.

TA–W–36,052; R & D Manufacturing, Inc., Haynesville, LA: March 8, 1998.

TA–W–36,054; N.V.N. Co., Inc., Clifton, NJ: April 1, 1998.

TA–W–36,125; Shields Oil Producers, Inc., Russell, KS: April 5, 1998.

TA–W–36,131; Thorngate, Div. Of Biltwell Co., Farmington, MO: April 20, 1998.

TA–W–35,862; Flex-O-Lite, Inc., Service and Materials Co., Elwood, IN:

"All workers engaged in the production of sewn safety products separated on or after March 1, 1998 are eligible to apply for trade adjustment assistance".

It's further determined that "All workers engaged in employment related to safety cones are denied".

TA–W–35,649; TRW, Inc., Rochester Hills, MI: February 1, 1998.

TA–W–36,045; TMBR/Sharp Drilling, Inc., Midland, TX: March 18, 1998.

TA–W–36,183; Oxford Automotive, Oxford Suspension, Inc., Hamilton, IN: April 21, 1998.

TA–W–35,712; Cyprus Sierrita Corp., Green Valley, AZ: February 9, 1998.

TA–W–36,122 & A; Nashville Textile, Inc., Nashville, GA and Nashville GA Screen Print, Nashville, GA: April 12, 1998.

TA–W–36,164; The Wiser Oil Co., Dallas TX: April 19, 1998.

TA–W–35,938; Day-Timers, Inc., East Texas, PA: March 17, 1998.

TA–W–35,768; Veco Corp., Anchorage, AK: February 19, 1998.

TA–W–35,963; OshKosh B'Gosh, Celina, TN: March 24, 1998.

TA–W–36,024; Lease Equipment Services Co., Inc., Snyder, TX: March 19, 1998.

TA–W–36,027; Quadco, Inc., Anchorage, AK: March 18, 1998.

TA–W–36,016; Parsons Indusries, Parsons Pine Products, Ashland, OR: March 18, 1998.

TA–W–36,057; Clark-Schwebel Corp., Cleveland, GA: March 29, 1998.

TA–W–36,119; Sony Electronics, Inc., Display Systems Manufacturing, San Diego, CA: April 15, 1998.

TA–W–35,860; Timken Latrobe Steel, Latrobe, PA: March 1, 1998.

TA–W–36,055; Russell Corp., Habersham Mills, Habersham Mills, GA: March 1, 1998.

TA–W–36,255; KCS Resources, Inc., d/b/a KCS Mountain Resources, Inc., Worland, WY: February 12, 1998.

TA–W–36,178; Alcoa Memory Products, Inc., Sidney, OH: April 15, 1998.

TA–W–36,228; Buster Brown Apparel, Lebanon, VA: May 4, 1998.

TA–W–36,190; Cole-Haan Manufacturing, Livermore Falls, ME: April 27, 1998.

TA–W–36,291 & A; The Rosel Co., Oklahoma City, OK and Liberal, KS: May 7, 1998.

TA–W–36,174; Cranston Print Works, Universal Engravers Div., Providence, RI: April 15, 1998.

TA–W–36,288; Excel Energy Co., Springfield, IL: May 7, 1998.

TA–W–36,171; Gerber Childrenswear, Inc., Ballenger, TX: April 26, 1998.

TA–W–36,277; Indigo Jean, Lehighton, PA: April 15, 1998.

TA–W–36,545; Camp Sports, Inc., Oneonta, AL: January 15, 1998.
TA–W–35,927; Nemanco, Inc., Oak Grove, LA: March 5, 1998.
TA–W–36,207; Tarket, Inc., Whitehall, PA: April 29, 1998.
TA–W–36,257; Castalia Apparel, Castalia, NC: March 26, 1998.
TA–W–36,239; Newsouth Apparel LLC< Brewton, AL: April 28, 1998.
TA–W–36,179; Wilcox Forging Corp., Mechanicsburg, PA: April 14, 1998.
TA–W–36,058; Jaton Corp., Milpitas, CA: March 30, 1998.
TA–W–35,964; Avery Dennison, Fasson Roll Div., Ranch Cucamonga, CA: March 24, 1998.
TA–W–36,128; F & R Fashions, Jersey City, NJ: April 21, 1998.
TA–W–35,840; Ocean Energy, Inc., Lafayette, LA & operating at the following locations: (A) Denver, CO, (B) Houston, TX, (C) Havre, MT and (D) Oklahoma City, OK: March 1, 1998.
TA–W–35,832; Red's Satellite Service Co., Inc., Abilene, TX: February 24, 1998.
TA–W–36,003; E.I. DuPont de Nemours, Performance Coatings, Rochester, NY:

"All workers engaged in the production of photochemistry for X-ray film separated on or after March 27, 1998.

It was further determined that "All workers engaged in the production of photographic and film and printing plate chemistry are denied".

TA–W–35,907; Grand Fashions, Inc., West New York, NJ: March 2, 1998.
TA–W–35,986; BASF, Bourke Ave. Paint Plant, Detroit, MI: March 25, 1998.
TA–W–35,792; Texaco North American Production, a/k/a Texaco Exploration and Production, Inc. and operating at various locations in the following states: (A) AL, (B), CA, (C) CO, (D) IL, (E) KS, (F) LA, (G) NM, (H) OK, (I) TX (excluding Huston), (J) UT, (K) WY, (L) Texas Worldwide Upstream Headquarters and Texaco Exploration and Production Technology: March 1, 1998.
TA–W–36,094; C.R. Bard, Inc., Medical Div, Covington, GA: April 26, 1998.
TA–W–36,238; H.L. Miller & Son, Inc., Iola, KS: May 3, 1998.
TA–W–36,046; Columbus Energy Corp., Sidney, MT: March 18, 1998.
TA–W–36,153 & A; Croman Corp., Boise Lumber Div., Boise, ID and Logging Div., White City, OR: April 16, 1998.
TA–W–36,048; PGS Onshore Service, Lexington, OK: March 15, 1998.
TA–W–36,022; IEC Electronics Corp., Arab Manufacturing Plant, Arab, AL: March 25, 1998.
TA–W–35,820; Stone Savannah River Pulp & Paper Co., Savannah. GA: February 23, 1998.
TA–W–35,968; Mark Steel Jewelry, Spring City, UT: March 25, 1998.
TA–W–36,162; Otto Shirtmaker, Livingston, TN: April 14, 1998.
TA–W–35,990; Majestic Shapes, Bronx, NY: March, 11, 1998.
TA–W–35,946; Plaid Clothing Co., Knoxville, TN, Somerset, KY and Erlanger, KY: March 16, 1998.
TA–W–36,036; Erickson Contract Surveying, Sidney, MT: March 22, 1998.
TA–W–35,885; Willamette Industries, Inc., Kingsport Paper Mill, Kingsport, TN: March 6, 1998.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of May and June, 1999.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) that imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases in imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) that there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–02997; Mine Service & Supply, Battle Mountain, NV
NAFTA–TAA–03098; The Carbide/ Graphite Group, Inc., Carbide Business Unit, Calvert City, KY
NAFTA–TAA–03113; Dynegy Midstream Service, Limited Partnership, Houston, TX
NAFTA–TAA–03046; Mid-Oregon Industries, Bend, OR
NAFTA–TAA–03145; Consolidated Papers, Inc., Niagara Div., Niagara, WI
NAFTA–TAA–03039; Rexford Paper Co., Milwaukee, WI
NAFTA–TAA–03147; Armenian American Exploration Co., Rancho Santa Fe, CA
NAFTA–TAA–03116; Thorngate Div. Of Biltwell Co., Farmington, MO
NAFTA–TAA–03019; Parsons Industries, Parsons Pine Products, Ashland, OR
NAFTA–TAA–02912; Alamac Knit Fabrics, Inc., Lumberton Plant, Lumberton, NC

The investigation revealed that the criteria for eligibility have not been met for the reasons specified.

NAFTA–TAA–03088; Barnett Banks, Inc., Tampa, FL
NAFTA–TAA–03160; Livingston Rebuild Center, Livingston, MT
NAFTA–TAA–03195; Acutus Gladwin, Blytheville, AR
NAFTA–TAA–03157; St. Paul Fire & Marine Insurance Co., Oil and Gas Unit, Arlington, TX
NAFTA–TAA–03204; AMP, Inc., Metrology Group, Harrisburg, PA

The investigation revealed that the workers of the subject firm did not produce an article within the meaning of Section 250(a) of the Trade Act, as amended.

NAFTA–TAA–03134; Filko Automotive, A Div. Of Standard Motor Products, Bradenton, FL

The investigation revealed that criteria (1) and criteria (2) have not been met. A significant number or proportion of the workers in such workers' firm or an appropriate subdivision (including workers in any agricultural firm or appropriate subdivision thereof) did not become totally or partially separated from employment as required for certification. Sales or production, or both, of such firm or subdivision did not decreased absolutely.

NAFTA–TAA–03048; D.B. Riley Corp., Erie, PA

The investigation revealed that criteria (2) has not been met. Sales or production, or both, of such firm or subdivision did not decrease absolutely.

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–03121; The Stanley Works, Stanley Engineered Components, New Britain, CT: April 14, 1998.
NAFTA–TAA–03148; Hamilton Beach—Proctor Silex, Inc. Southern Pines, NC: April 27, 1998.
NAFTA–TAA–03032; Dame Manufacturing, Inc., Greenville, KY and Dundee, KY: March 16, 1998.
NAFTA–TAA–02951; Equistar Chemicals L.P., Port Arthur, TX: February 14, 1998.
NAFTA–TAA–02955; Wady Co. Including Leased Workers of Employment Solutions of California, Inc., Pasadena, CA: February 22, 1998
NAFTA–TAA–03083; C.R. Bard, Inc., Medican Div., Covington, GA: April 5, 1998.
NAFTA–TAA–03075; BASF, Bourke Ave. Paint Plant, Detroit, MI: March 24, 1998.
NAFTA–TAA–03065; E.I. DePont de Nemours, Performance Coatings, Rochester, NY: March 23, 1998.
NAFTA–TAA–03054; Avery Dennison, Fasson Roll Div., Rancho Cucamonga, CA: March 24, 1998.
NAFTA–TAA–03099; Genlyte Thomas Group LLC, Hopkinsville, KY: April 15, 1998.
NAFTA–TAA–03108; IEC Electronics Corp., Arab Manufacturing Plant, Arab, AL: April 8, 1998.
NAFTA–TAA–03056; Quicksilver Contracting Co., Bend, OR: March 26, 1998.
NAFTA–TAA–03183 & A, B, C; Russel Corp., Sylcaugua, AL, Gwaltney Spinning Plant, Wetumpka, AL, 101 North Street Plant, Columbia, AL and Greenvile, AL: May 5, 1998.
NAFTA–TAA–03192; Perfection Pad/ Consolidated Contractors, a/k/a New York Pad, Buffalo, NY: May 17, 1998.
NAFTA–TAA–03067; Plaid Clothing Co., Knoxville, TN: March 25, 1998.
NAFTA–TAA–03085; Plaid Clothing Co., Somerset, KY and Erlanger, KY: March 25, 1998.
NAFTA–TAA–03064; Uniroyal Chemical Co., Inc., Painesville, OH: March 22, 1998.
NAFTA–TAA–03110; Sony Electronics, Inc., Display Systems Manufacturing, San Diego, CA: April 15, 1998.
NAFTA–TAA–03118; Varga Brakes, Inc., A Div. of Lucasvarity Automotive, Chesapeake, VA: April 16, 1998.
NAFTA–TAA–03169; Minnesota Mining and Manufacturing (3M), Electronic Products Div. (EPD), Chico, CA; May 12, 1998.
NAFTA–TAA–03095 & A; Nashville Textiles, Inc., Nashville, GA and Nashville GA Screen Print, Nashville, GA: April 14, 1998.
NAFTA–TAA–03016; Day-Timers, Inc., East Texas, Pennsylvania: March 17, 1998.
NAFTA–TAA–02982; Timken Latrobe Steel, Latrobe, PA: March 1, 1998.
NAFTA–TAA–03028; Cascade Corp., Inc., Vancouver, WA: March 22, 1998.
NAFTA–TAA–02927; Kelly Springfield Tire Co., Freeport, IL: February 16, 1998.
NAFTA–TAA–03202; Robertshaw Controls Co., Fort Collins, CO: May 18, 1998.
NAFTA–TAA–03087; Berendsen Fluid Power, Rahway, NJ: April 14, 1998.
NAFTA–TAA–02994; USA Venturcraft Corp., Abilene, TX: March 4, 1998.

I hereby certify that the aforementioned determinations were issued during the months of May and June, 1999. Copies of these determinations are available for inspection in Room C–4318, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: June 17, 1999.

Linda G. Poole,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99–16640 Filed 6–29–99 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35,901]

American Cabinetry, Cranbury, N.J.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 22, 1999 in response to a petition filed on behalf of workers at American Cabinetry, Cranbury, New Jersey.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 17th day of June 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 99–16642 Filed 6–29–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for NAFTA Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (Pub.L. 103–182), hereinafter called (NAFTA–TAA), have been filed with State Governors under Section 250(b)(1) of Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA–TAA petition has been received, the Acting Director of the Office of Trade Adjustment Assistance (OTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes action pursuant to paragraphs (c) and (e) of Section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment on or after December 8, 1993 (date of enactment of Pub.L. 103–182) are eligible to apply for NAFTA–TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Acting Director of OTAA at the U.S. Department of Labor (DOL) in Washington, D.C. provided such request is filed in writing with the Acting Director of OTAA not later than July 12, 1999.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Acting Director of OTAA at the address shown below not later than July 12, 1999.

Petitions filed with the Governors are available for inspection at the Office of the Acting Director. OTAA, ETA, DOI, Room C–4318, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of June 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Subject firm	Location	Date received at Governor's office	Petition number	Articles produced
Circle DE Lumber (Wkrs)	Klamath Falls, OR	06/02/1999	NAFTA–3,217	Wood chips, wood posts & poles.
Jantzen (Co.)	Portland, OR	06/02/1999	NAFTA–3,218	Swimwear and backpacks.
Warnaco—Warners (Wkrs)	Stratford, CT	06/01/1999	NAFTA–3,219	Ladies undergarments.
Moen—Hoov-R-Line (USWA)	Providence, KY	06/02/1999	NAFTA–3,220	Injection molding plastic plumbing parts.
National Wood Products (Co.)	Glasgow, KY	05/26/1999	NAFTA–3,221	Wood brush blocks.
Modern Machine Works (PACE)	Cudahy, WI	06/01/1999	NAFTA–3,222	Connecting rods & crankshafts.
Motorola (Wkrs)	Phoenix, AZ	06/01/1999	NAFTA–3,223	Semiconductors.
Lincoln Automotive (Co.)	Jonesboro, AR	06/02/1999	NAFTA–3,224	Service jacks, transmission jacks.
Crown Cork and Seal (Wkrs)	Omaha, NE	06/02/1999	NAFTA–3,225	Cans, ends, for cans & decorated plates.
MCM Enterprises (Wkrs)	Crawfordsville, IN	04/21/1999	NAFTA–3,226	Wire products.
Victoreen (IAMAW)	Solon, OH	06/02/1999	NAFTA–3,227	Resistor, Capacitors.
Heel Rite (UNITE)	Wright City, MO	06/03/1999	NAFTA–3,228	Shoe parts (heels & soles).
Sylvia Hat (UNITE)	St. Louis, MO	06/03/1999	NAFTA–3,229	Ladies hats.
Gesco International—C.R. Bard (Co.)	San Antonio, TX	06/03/1999	NAFTA–3,230	Medial devices.
Horn Textile (Co.)	Thusville, OR	06/07/1999	NAFTA–3,231	Narrow fabrics.
May Tag and Label (Co.)	Hillside, NJ	06/04/1999	NAFTA–3,232	Labels, tags, tickets.
Rockwell Automation (Wkrs)	Shelby, NC	06/04/1999	NAFTA–3,233	Ac/dc electric motors.
Alpha Industries (Wkrs)	Knoxville, TN	06/07/1999	NAFTA–3,234	Military flight jackets.
Apache Corporation (Wkrs)	Houston, TX	06/04/1999	NAFTA–3,235	Oil and gas.
Shadowline (Co.)	Mars Hill, MO	05/28/1999	NAFTA–3,236	Women's intimate apparel.
Horner Flooring C (Co.)	Dollar Bay, MI	05/06/1999	NAFTA–3,237	Maple flooring, unfinished strip floor.
Columbus Energy (Wkrs)	Sidney, MT	06/03/1999	NAFTA–3,238	Energy.
Collins and Aikman (Co.)	Homer, MI	05/21/1999	NAFTA–3,239	Automotive interior parts.
D.Q.C. (Wkrs)	Tucson, AZ	06/03/1999	NAFTA–3,240	Cultured marble, bathroom sinks.
Ansell Edmont Protection Products (Wkrs).	Tarboro, NC	06/04/1999	NAFTA–3,241	Gloves.
Woolrich (Co.)	Soperton, GA	06/08/1999	NAFTA–3,242	Shirts, blouses.
Batts (Wkrs)	Zeeland, MI	05/27/1999	NAFTA–3,243	Hanger production.
Midwestco Enterprises (Co.)	Chicago, IL	06/08/1999	NAFTA–3,244	Transformers.
Montana Power (IBEW)	Colstrip, MT	06/07/1999	NAFTA–3,245	Electricity.
Salant—Manhattan Accessories (Wkrs).	Long Island City, NY	06/11/1999	NAFTA–3,246	Men's neckwear.

[FR Doc. 99–16641 Filed 6–29–99; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Services—Washington, DC.

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 August 16, 1999. 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: To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740–6001. Requests also may be transmitted by FAX to 301–713–6852 or by e-mail to records.mgt@arch2.nara.gov. 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: Marie Allen, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: (301)713–7110. E-mail: records.mgt@arch2.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 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.

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 Air Force, Agency-wide (N1–AFU–99–4, 6 items, 6 temporary items). Paper and electronic records compiled in the implementation of the Air Force Status of Resources and Training System (SORTS), an electronic information system used to collect, store, and report data regarding unit resources and training. Records include SORTS documentation, input documents, worksheets, forms, master data file, electronic backups of the master data file, and hardcopy printouts. Also included are electronic copies of documents created using word processing and form filler software that is used to generate paper copies.

2. Department of the Air Force, Agency-wide (N1–AFU–99–8, 1 item, 1 temporary item). Customs records for personal property brought into or acquired in Turkey by U.S. military and civilian personnel.

3. Department of the Air Force, Agency-wide (N1–AFU–99–9, 3 items, 3 temporary items). Hazardous material authorization forms used to control the issuance of hazardous materials. Included are electronic copies of forms created using word processing and form filler software that is used to generate paper copies.

4. Department of the Army, Agency-wide (N1–AU–99–5, 2 items, 2 temporary items). Records relating to individuals treated and counseled for the Human Immunodeficiency Virus (HIV). Records consist primarily of forms pertaining to counseling and treatment provided by the Army. Also included are electronic copies of documents created using electronic mail and word processing.

5. Department of Defense, Defense Finance and Accounting Service (N1–507–97–1, 398 items, 398 temporary items). Records, including electronic systems and electronic copies of documents created using electronic mail, word processing, and other office automation applications, accumulated by Defense Finance and Accounting Service servicing centers, accountable stations, and other offices. Records pertain primarily to finance and accounting activities, including such matters as cost analysis and budgeting, accounting operations, payments to vendors, procurement, the management of nonappropriated funds, the collection and disbursement of funds, accountability and fund reporting, internal control programs, U.S. Savings Bonds, travel payments, payments to civilian and military personnel, retiree and annuitant pay, foreign military sales, revolving funds, internal audits and inspections, reports of survey, financial property, logistical activities, and the preparation of financial statements. Also included are administrative files pertaining to safety and accident prevention programs.

6. Department of Labor, Employment and Training Administration, (N1–369–98–1, 4 items, 2 temporary items). Weekly reports of payments to Job Corps members and Office of Trade Adjustment case files dealing with the eligibility for assistance of businesses impacted by foreign imports. Files documenting Jobs Corps facility operations, 1964 through 1971, are proposed for permanent retention.

7. Department of the Treasury, Internal Revenue Service (N1–58–98–1, 8 items, 4 temporary items). Reading files and calendars, including electronic copies of calendars. Subject files, reading files, and the recordkeeping copies of the calendars of the Chief Operations Officer are proposed for permanent retention.

8. Tennessee Valley Authority, Communications Office (N1–142–97–24, 2 items, 2 temporary items). Paper and microfilm copies of newspaper clippings concerning TVA provided by a clipping service.

9. Tennessee Valley Authority, Occupational Safety and Health Office (N1–142–98–4, 3 items, 3 temporary items). Material Safety Data Sheets required by the Occupational Safety and Health Administration for employee safety. Sheets are primarily prepared by manufacturers and include data on hazardous materials. Included are electronic copies of documents created using electronic mail and word processing and copies of sheets that have been imaged.

10. Tennessee Valley Authority, Human Resources Office (N1–142–98–13, 1 item, 1 temporary item). Notes, correspondence, vendor contracts, booklets, and questionnaires pertaining to the 360 Degree Feedback Project. Under this project, TVA employees are provided with feedback from peers and supervisors concerning their performance.

11. Tennessee Valley Authority, Administrative Services Office (N1–142–99–6, 2 items, 2 temporary items). Abstracts of Title pertaining to properties TVA has purchased or acquired rights to. Included are electronic copies of documents created using electronic mail and word processing.

12. Tennessee Valley Authority, Office of Nuclear Power (N1–142–99–10, 2 items, 2 temporary items). Work Orders requesting maintenance or operation modifications for nuclear power plants. Records include work instructions, manuals, drawings, procedures and related records. Also included are electronic copies of documents created using electronic mail and word processing.

13. Tennessee Valley Authority, Agency-wide (N1–142–99–11, 2 items, 2 temporary items). Responses and supporting papers relating to selections to fill vacancies that have been challenged. Also included are electronic copies of documents created using electronic mail and word processing that relate to the filling of positions.

Dated: June 24, 1999.

Geraldine Phillips,

Acting Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 99–16672 Filed 6–29–99; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Proposed Modification OMB No. 3145–0101; Comment Request; Submission to OMB Review

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: Under the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3501 *et seq.*), and as part of its continuing efforts to reduce paperwork and respondent burden, the National Science Foundation (NSF) is inviting the general public and other federal agencies to comment on this proposed continuing information collection. This is the second notice for public comment; the first was published in the **Federal Register** at 64 FR 19831 (April 22, 1999). We did not receive any comments. NSF is forwarding the proposed renewal submission, the comments with our responses, to OMB for clearance simultaneously with the publication of this second notice. 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; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725—17th Street, N.W. Room 10235, Washington, D.C. 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send email to splimpto@nsf.gov. Please include current OMB Control Number 3145–0101 with your comments.

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.

DATES: Comments regarding this information collection 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 703–306–1125 X 2017.

FOR ADDITIONAL INFORMATION OR COMMENTS: Contact Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230; telephone (703) 306–1125 X 2017; or send email to splimpto@nsf.gov. You also may obtain a copy of the data collection instrument and instructions from Ms. Plimpton.

SUPPLEMENTARY INFORMATION:

Abstract

In 1995 OMB approved both the 1996 and 1998 survey cycles of the NSF Survey of Scientific and Engineering Research Facilities at Colleges and Universities (OMB No. 3145–0101). The survey collects information on the science and engineering (S&E) research facilities at the nation's higher education institutions. The 1999 Facilities Survey will also collect information on S&E research facilities at the nation's higher education institutions. The modifications to the approved 1998 questionnaire will make the data more useful to federal agencies and policymakers. The Federal Government intends to use the aggregate data to review average costs of construction. The Follow-Up Survey responds to a revision to OMB Circular A–21 which requires an adequate internal review and approval process for facility costs when an institution has a new large facility costing at least $25 million. The Follow-Up Survey will collect more specific information on each project fitting OMB's qualifications as determined using data reported in the Facilities Survey.

Proposed Modifications to the OMB-Approved 1999 Survey

- Sample size. We are requesting that the 1999 survey sample be increased from a sample of 365 to a census of 579 to allow for more precise data estimates and more complex analyses such as subgroup analyses.
- Modifications to the 1999 questionnaire wording focused on improving the clarity of the questions and increasing the ease of response. The changes include:
- A check-off box was added above each question allowing institutions who participated in the 1998 cycle of the survey and whose information has not changed to simply mark the check-off box instead of copying repeat information into the grids. The check-off boxes are explained in detail on the main instruction page at the beginning of the questionnaire.
- The instructions provided for each question were condensed and made more precise, in an effort to avoid respondent confusion.
- A statement was added to the instructions reminding respondents that animal research facility space should be included in cost calculations.
- Basic skip patterns were added to Items 4A, 4C, 4E, 6A, and 7A to allow respondents to skip over questions that do not apply to their particular institution.
- In an effort to increase specificity, the columns in Item 3 were renamed and a column was added for "Not Applicable." The column headings read: Suitable Space; Requires Minor Repair/Renovation; Requires Major Repair/Renovation; Requires Replacement; and Not Applicable. The definitions of these categories were revised accordingly.
- Items 4C and 4D were reworded to clarify the appropriate inclusion of non-fixed equipment. The wording specifies that non-fixed equipment costs refer to single pieces of non-fixed equipment costing at least $1 million.
- In Items 4B and 6B, a category was added for construction costs equal to or greater than $500,000 for biomedical research facilities.
- A definition of the term "project" was added to the appropriate item glossaries.
- Item 8 was redesigned in an effort to collect more useful data regarding animal research facilities. A question was added in this section asking respondents to rate, as adequate or inadequate, the amount of total animal research NASF available to their institutions. In a new question following the design of Item 3, respondents are asked to rate the current condition of their institution's animal research space. The final question in this section was altered, in the form of a grid, follows the design of Item 4B, requesting the costs and amounts of NASF for animal facility improvements involving repair/renovation and new construction over $100 million scheduled to begin in FY 1000 or FY 2001. Question 3 of Item 8

from the 1998 questionnaire was dropped from the survey.

There are no modifications to the Follow-Up Survey, because the first cycle of the survey (1998) has not yet been completed.

Use of the information

The information from the Facilities survey will be used by Federal policymakers, planners, and budget analysis in making policy decisions as well as by academic officials, the S&E establishment, and State agencies that fund universities and colleges. The survey will provide updated data on the status of and trends in S&E research facilities to help policymakers with decisions about the health of academic S&E research, funding, regulations, and reporting guidelines. The Follow-Up Survey will collect additional information to supplement the original survey data. The data collected using the Follow-Up Survey is expected to be used to make more exact and, as a result, more valid judgements concerning the reasonableness of facility costs.

Specifically, the Facilities data will be used in:

- A separate report of the findings for Congress;
- A special report for NIH on the Status of Biomedical Research Facilities;
- Other NSF compilations such as National Patterns of R&D Resources and Science and Engineering Indicators;
- Special reports for other Federal agencies on an as-needed basis; and
- A public release file of collected data in aggregate form made available to researchers on the World Wide Web.

Expected Respondents

The sample size for the 1999 survey is planned to be increased to the size of the universe of institutions in the NSF 1997 Survey of Scientific and Engineering Expenditures at Universities and Colleges. This universe is selected to provide nationally representative data for both undergraduate and graduate degree-granting schools. The respondents will have the option to complete the survey on the World Wide Web. Based on experience with similar populations, we expect some forty percent (40%) of the institutions to respond via the Internet. Eligibility for inclusion in the Follow-up Survey is based upon responses to the Facilities Survey. There is no sampling involved in the determination of institutions who will be asked to participate. All qualified institutions will be included in this study. It is estimated that approximately 43 academic institutions will be eligible for the Follow-Up Survey.

Burden on the Public

The average completion time for the survey by academic institutions was reduced from 43 to 24 hours between 1988 and 1998. This decrease reflected continued improvements in the questionnaire, institutional databases, and, more recently, the introduction of the option to complete the survey on disk.

Much of the data noted in the the proposed modification are readily available to the respondents. It is expected that the proposed modifications to the questionnaire will decrease burden hours due to the inclusion of skip patterns on the survey itself, clarification of all instructions to the respondent, and the option to use an Internet-based version of the survey. We expect that the overall response time will be an average of 22 hours.

The Follow-Up Survey will be sent to qualifying institutions, of which there is expected to be approximate 43. The completion time per academic institution is expected to average 1.5 hours

Dated: June 25, 1999.

Suzanne Plimpton,

NSF Reports Clearance Officer.

[FR Doc. 99–16671 Filed 6–29–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Committee Management; Renewals

The NSF management officials having responsibility for the 26 advisory committees listed below have determined that renewing these groups for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

1. Advisory Committee for Small Business Industrial Innovation (#61)
2. Advisory Committee for Biological Sciences (#1110)
3. Advisory Committee for Education & Human Resources (#1119)
4. Advisory Committee for Polar Programs (#1130)
5. Advisory Panel for Biochemistry & Molecular Structure & Function (#1134)
6. Advisory Panel for Cell Biology (#1136)
7. Advisory Panel for Developmental Mechanisms (#1141)
8. Advisory Panel for Genetics (#1149)
9. Advisory Panel for Neuroscience (#1158)
10. Advisory Panel for Physiology and Ethnology (#1160)
11. Advisory Committee for Engineering (#1170)
12. Alan T. Waterman Award Committee (#1172)
13. Advisory Panel for Biological Infrastructure (#1215)
14. Special Emphasis Panel in Science & Technology Infrastructure (#1373)
15. Earth Sciences Proposal Review Panel (#1569)
16. Advisory Panel for Ecological Studies (#1751)
17. Advisory Panel for Systematic & Population Biology (#1753)
18. Special Emphasis Panel in Biological Sciences (#1754)
19. Advisory Committee for Geosciences (#1755)
20. Special Emphasis Panel in Geosciences (#1756)
21. Advisory Panel for Anthropological & Geographic Sciences (#1757)
22. Advisory Panel for Cognitive, Psychological & Language Sciences (#1758)
23. Advisory Panel for Economics, Decision & Management Sciences (#1759)
24. Advisory Panel for Methods, Cross-Directorate and Science and Society (#1760)
25. Advisory Panel for Social & Political Sciences (#1761)
26. Special Emphasis Panel in Social, Behavioral & Economic Sciences (#1766)

Authority for these Committees will expire on June 30, 2001, unless they are renewed. For more information, please contact Karen York, NSF, at (703) 306–1182.

Dated: June 25, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–16670 Filed 6–29–99; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–443]

North Atlantic Energy Service Corporation, et al.; Seabrook Station, Unit 1; Notice of Consideration of Approval of Application Regarding Proposed Corporate Merger and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is

considering the issuance of an order under 10 CFR 50.80 approving the indirect transfer of Facility Operating License No. NPF–86 for the Seabrook Station, Unit 1 (Seabrook Station), to the extent held by New England Power Company (NEP), one of 11 joint owners of the Seabrook Station. The indirect transfer would be to The National Grid Group plc (National Grid) resulting from the planned merger of National Grid and New England Electric System (NEES), the parent company of NEP.

According to the application by NEP for approval of the indirect transfer, on December 11, 1998, NEES entered into an Agreement and Plan of Merger with National Grid, a holding company incorporated in England and Wales. Upon consummation of the merger, NEES will become a wholly-owned indirect subsidiary of National Grid with NEP remaining a subsidiary of NEES, thereby effecting an indirect transfer of NEP's interest in the Seabrook Station's Facility Operating License. North Atlantic Energy Service Corporation, the sole licensed operator of the facility, would remain as the managing agent for the 11 joint owners of the facility and would continue to have exclusive responsibility for the management, operation and maintenance of the Seabrook Station. The application does not propose a change in the rights, obligations, or interests of the other joint owners of the Seabrook Station. In addition, no physical changes to the Seabrook Station or operational changes are being proposed. No direct transfer of the license will result from the proposed merger.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the proposed transfer of control will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

The filing of requests for hearing and petitions for leave to intervene, and written comments regarding the license transfer application, are discussed below.

By July 20, 1999, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon Edward Berlin, Esq., and Scott P. Klurfeld, Esq., Swidler Berlin Shereff Friedman, LLP, 3000 K Street, NW, Suite 300, Washington, DC 20007–5116, attorneys for New England Power Company; Thomas G. Robinson, Esq., New England Power Company, 25 Research Drive, Westborough, MA 01582, attorney for New England Power Company; Samuel Behrends IV, Esq., Mary A. Murphy, Esq., and Yvonne M. Coviello, Esq., LeBoeuf, Lamb, Greene & MacRae, L.L.P., 1875 Connecticut Avenue, NW, Suite 1200, Washington, DC 20009, attorneys for the National Grid Group plc and NGG Holdings LLC; Paul K. Connolly, Jr., Esq., LeBoeuf, Lamb, Greene & MacRae, L.L.P., 260 Franklin Street, Boston, MA 02110, attorney for NGG Holdings LLC; Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, 107 Selden Street, Berlin, Connecticut, 06037, attorney for North Atlantic Energy Service Corporation; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by July 30, 1999, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated March 15, 1999, submitted under cover of a letter dated March 15, 1999, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, and at the Seabrook Station local public document room located at the Exeter Public Library, Founders Park, Exeter, NH 03833.

Dated at Rockville, Maryland this 21st day of June 1999.

For the Nuclear Regulatory Commission.

John T. Harrison,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–16600 Filed 6–29–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–423]

Northeast Nuclear Energy Company, et al. Millstone Nuclear Power Station, Unit 3; Notice of Consideration of Approval of Application Regarding Proposed Corporate Merger and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the indirect transfer of Facility Operating License No. NPF–49 for the Millstone Nuclear Power Station, Unit No. 3 (Millstone Unit 3), to the extent held by New England Power Company (NEP), one of 13 joint owners of Millstone Unit 3. The indirect transfer would be to The National Grid Group plc (National Grid) resulting from the planned merger of National Grid and New England Electric System (NEES), the parent company of NEP.

According to the application by NEP for approval of the indirect transfer, on December 11, 1998, NEES entered into an Agreement and Plan of Merger with National Grid, a holding company incorporated in England and Wales. Upon consummation of the merger, NEES will become a wholly-owned indirect subsidiary of National Grid with NEP remaining a subsidiary of NEES, thereby effecting an indirect transfer of NEP's interest in Millstone Unit 3's Facility Operating License. Northeast Utilities, the sole licensed operator of the facility, would remain as the managing agent for the 13 joint owners of the facility and would continue to have exclusive responsibility for the management, operation and maintenance of Millstone Unit 3. The application does not propose a change in the rights, obligations, or interests of the other joint owners of Millstone Unit 3. In addition, no physical changes to Millstone Unit 3 or operational changes are being proposed. No direct transfer of the license will result from the proposed merger.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the proposed transfer of control will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

The filing of requests for hearing and petitions for leave to intervene, and written comments regarding the license transfer application, are discussed below.

By July 20, 1999, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon Edward Berlin, Esq., and Scott P. Klurfeld, Esq., Swidler Berlin Shereff Friedman, LLP, 3000 K Street, NW, Suite 300, Washington, DC 20007–5116, attorneys for New England Power Company; Thomas G. Robinson, Esq., New England Power Company, 25 Research Drive, Westborough, MA 01582, attorney for New England Power Company; Samuel Behrends IV, Esq., Mary A. Murphy, Esq., and Yvonne M. Coviello, Esq., LeBoeuf, Lamb, Greene & MacRae, L.L.P., 1875 Connecticut Avenue, NW, Suite 1200, Washington, DC 20009, attorneys for the National Grid Group plc and NGG Holdings LLC; Paul K. Connolly, Jr., Esq., LeBoeuf, Lamb, Greene & MacRae, L.L.P., 260 Franklin Street, Boston, MA 02110, attorney for NGG Holdings LLC; Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, 107 Selden Street, Berlin, Connecticut, 06037, attorney for Northeast Nuclear Energy Company; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by July 30, 1999, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated March 15, 1999, submitted under cover of a letter dated March 15, 1999, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the Millstone Unit 3 local public document rooms located at the Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut.

Dated at Rockville, Maryland this 21st day of June 1999.

For the Nuclear Regulatory Commission.

John A. Nakoski,

Senior Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–16599 Filed 6–29–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–272 and 50–311]

Public Service Electric and Gas Company; Salem Nuclear Generating Station, Unit Nos. 1 and 2; Notice of Consideration of Approval of Transfer of Facility Operating Licenses and Issuance of Conforming Amendments, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating Licenses Nos. DPR–70 and DPR–75 for the Salem Nuclear Generating Station, Unit Nos. 1 and 2, to the extent currently held by Public Service Electric and Gas Company (PSE&G), as a co-owner and the licensed operator of Salem Units 1 and 2. The transfer would be to PSEG Nuclear, LLC. PSE&G currently owns 42.59 percent of each Salem unit. The proposed transfers do not involve any change with respect to the non-operating ownership interests held by Philadelphia Electric Company, Delmarva Power and Light Company, and Atlantic City Electric Company. The Commission is also considering amending the licenses for administrative purposes to reflect the proposed transfer.

According to an application for approval filed by PSE&G, PSEG Nuclear,

LLC, would assume title to PSE&G's interest in both units of the facility following approval of the proposed transfer of the licenses, and would become exclusively responsible for the operation, maintenance, and eventual decommissioning of Salem Units 1 and 2. No physical changes to the Salem facility or operational changes are being proposed in the application.

The proposed amendments would replace references to PSE&G in the licenses with references to PSEG Nuclear, LLC, to reflect the proposed transfer.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the licenses, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By July 20, 1999, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon Jeffrie J. Keenan, Esquire, Public Service Electric and Gas Company, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038 (tel: 609–339–5429, fax: 609–339–1234, and e-mail: JKeenan@PSEG.com); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by July 30, 1999, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated June 4, 1999, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, and at the local public document room located at the Salem Free Public Library, 112 West Broadway, Salem, NJ 08079.

Dated at Rockville, Maryland this 23rd day of June 1999.

For the Nuclear Regulatory Commission.

Patrick D. Milano,

Senior Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–16601 Filed 6–29–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–354]

Public Service Electric and Gas Company, Hope Creek Generating Station; Notice of Consideration of Approval of Transfer of Facility Operating License and Issuance of Conforming Amendment, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating License No. NPF–57 for the Hope Creek Generating Station, to the extent currently held by Public Service Electric and Gas Company (PSE&G), as a co-owner and the licensed operator of Hope Creek. The transfer would be to PSEG Nuclear, LLC. PSE&G currently owns 95 percent of Hope Creek. The proposed transfer does not involve any change with respect to the non-operating ownership interest held by Atlantic City Electric Company. The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer.

According to an application for approval filed by PSE&G, PSEG Nuclear, LLC, would assume title to PSE&G's interest in the facility following approval of the proposed license transfer, and would become exclusively responsible for the operation, maintenance, and eventual decommissioning of Hope Creek. No physical changes to the Hope Creek facility or operational changes are being proposed in the application.

The proposed amendments would replace references to PSE&G in the license with references to PSEG Nuclear, LLC, to reflect the proposed transfer.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly,

through transfer of control of the licenses, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By July 20, 1999, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon Jeffrie J. Keenan, Esquire, Public Service Electric and Gas Company, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038 (tel: 609–339–5429, fax: 609–339–1234, and e-mail JKeenan@PSEG.com); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by July 30, 1999, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated June 4, 1999, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Pennsville Public Library, 190 S. Broadway, Pennsville, NJ 08070.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 23rd day of June, 1999.

Richard B. Ennis,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–16602 Filed 6–29–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Licensee Qualification for Performing Safety Analyses; Issue

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Issuance.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued Supplement 1 to Generic Letter (GL) 83–11, Licensee Qualification for Performing Safety Analyses, to all holders of operating licenses for nuclear power reactors. This GL supplement presents criteria that licensees may choose to comply with to verify to the NRC their qualifications to use approved codes and methods for performing safety analyses.

DATES: The GL supplement was issued on June 24, 1999.

ADDRESSES: Not applicable.

FOR FURTHER INFORMATION CONTACT: Laurence I. Kopp, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, telephone 301–415–2879, e-mail lik@nrc.gov.

SUPPLEMENTARY INFORMATION: In 1995, the Nuclear Regulatory Commission (NRC) prepared a draft of a supplement to Generic Letter 83–11, Licensee Qualification for Performing Safety Analyses, for the purpose of presenting criteria that licensees may choose to comply with to verify to the NRC their qualifications to use approved codes and methods for performing safety analyses. By complying with these criteria, a licensee would eliminate the need to submit a topical report for qualifying their use of a previously approved methodology. A notice of opportunity for public comment including a draft of the supplement were published in the **Federal Register** on October 25, 1995 (60 FR 54712). NRC staff responses to the comments received are presented below under the heading "Discussion of Comments."

The NRC subsequently decided to cancel the issuance of the generic letter supplement primarily because of issues that had arisen at a nuclear power facility (Maine Yankee) regarding the improper application of approved methods. At that time, the NRC concluded that the potential reduction in staff oversight which would result from its issuance was not justified. A notice of cancellation was published in the **Federal Register** on October 30, 1996 (61 FR 56069). The specific issue that arose concerned the licensee's failure to comply with all of the restrictions and conditions stated in the

staff's safety evaluation report (SER) for proper application of a loss-of-coolant-accident (LOCA) code.

A review of the lessons learned from Maine Yankee has indicated that the issue involved was adequately addressed in the generic letter supplement as published for public comment on October 25, 1995, because the supplement requires that licensees adhere to all limitations and restrictions in the staff's SER. Further, this supplement to GL 83–11 does not apply to LOCA codes. Therefore, the NRC determined that there would be no reduction in staff oversight and decided to proceed with issuance of the supplement.

The GL supplement is available in the NRC Public Document Room under accession number 9906210103.

Discussion of Comments

Comments were received from 13 licensees, 3 fuel vendors, and 3 industry interest groups, in response to the notice of opportunity for public comment noted above. Following are the staff responses to comments received on the proposed GL 83–11 supplement:

Studsvik of America, Inc.

Comment: Clarify that "safety analysis" includes the physics parameters and codes used to generate them.

Response: Clarification has been made in both the Purpose section and 2.0 Guidelines section.

Comment: For physics codes, approval of code should be separate from the application method.

Response: Section 2.2 has been modified to clarify that in some instances the approval of the code is separate from the application method.

Comment: Clarification of what constitutes NRC approval of a code and/or method would be helpful.

Response: Section 2.1 has been modified to clarify the eligibility of codes and methods for this process.

Comment: Clarify what constitutes a significant code and/or methodology update that must be reviewed by the NRC.

Response: What constitutes a significant code or methodology update that must be reviewed by the NRC is too complex a topic to fully address in a generic manner at this time. However, as mentioned in the **Federal Register** notice (October 25, 1995 (60 FR 54712)), the NRC is also investigating modified procedures for reducing the resource effort for acceptance of new or revised licensee or vendor analysis methods. Therefore, it is anticipated that this topic will be addressed at a future date.

Westinghouse Electric Corporation

Comment: Reemphasize that NRC's experience has shown that a large percentage of all errors or discrepancies discovered in safety analyses can be traced to the user rather than the code itself.

Response: The fact that NRC's experience has shown that many times errors or discrepancies discovered in safety analyses can be traced to the user rather than the code itself is stated in the Description of Circumstances section.

Florida Power & Light Company

Comment: NRC should allow licensees to modify the Core Operating Limit Report (COLR) without specific NRC review so long as the methods and codes have already been approved by the NRC.

Response: The issuance of this supplement would allow this modification as long as the approved methodology is referenced in the technical specifications. The Introduction and Section 2.0 have been modified to address this.

Duke Power Company

Comment: NRC should generically lift restrictions included in topical report SERs that restricted application of the methodology to the plants operated or supported by the licensee of the methodology.

Response: The issuance of this supplement would generically lift these restrictions. However, any other limitations stated in the SERs should be adhered to.

Comment: The introduction should state that the codes are developed by vendors, utilities, national labs, or organizations like EPRI.

Response: The proposed statement has been added to the Introduction.

Comment: The scope of safety analyses should be defined to cover any analytical areas including reload physics design, core thermal-hydraulics, fuel mechanical analysis, transient analysis, dose analysis, setpoint analysis, containment analysis, criticality analysis, statistical methods, and any other analytical area for which topical reports have been approved by the NRC.

Response: The suggested clarification has been incorporated in the Purpose and 2.0 Guidelines sections, with the exception of LOCA analysis codes.

Nuclear Energy Institute

Comment: Recommends deletion of last two items in Section 2.5.

Response: The NRC believes that the two items emphasized are of sufficient significance to be explicitly stated.

Comment: Recommends rewording of Section 2.4 so as not to imply all of the suggested set of benchmark data is required.

Response: The wording in Section 2.4 has been modified to clarify that these are examples of appropriate benchmark data and are not all required.

Commonwealth Edison Company

Comment: Terminology and criteria are open to interpretation. For example, in Section 2.4, what the licensee may think is appropriate justification for an observed deviation in comparison calculations may satisfy one reviewer but not another.

Response: Suggested rewording for benchmark deviations has been added to Section 2.4 to eliminate ambiguity.

Comment: The intent of the term "application procedure" in Section 2.2 could be misinterpreted.

Response: Section 2.2 has been revised for clarification.

Comment: Section 2.4 should be revised to read "Significant, unexpected, or unusual deviations should be * * *"

Response: The suggested rewording has been added to Section 2.4.

Comment: Vendor update implementation in Section 2.5 should be clarified so as not to imply that all changes that vendor makes must be implemented.

Response: Section 2.5 Item (1) has been modified to allow an evaluation of updates to determine if implementation is required.

Electric Power Research Institute

Comment: Questions whether a licensee must base the methodology on a previously approved plant SER or can develop a "new" topical based only on the generic code SER?

Response: By adhering to the guidelines in the supplement, a licensee can perform its own analyses using any approved code or method.

Comment: For clarity, the words "application of the" should be deleted from Section 2.2.

Response: The in-house application procedures should be consistent with the code qualification and approved application of the methodology. Therefore, this has been retained in Section 2.2.

Comment: Training should be performed by either the developer or someone who has been previously qualified.

Response: The proposed wording has been added to Section 2.3.

Comment: "Vendor" analysis should be changed to "analysis of record."

Response: The proposed rewording has been added to Section 2.4.

Comment: An appropriate set of benchmark data should include analysis of events, using higher order codes or published numerical benchmarks.

Response: The proposed wording has been added to Section 2.4.

Comment: In Section 2.4, "Any deviations" should be explained.

Response: A revision has been made to Section 2.4 to more clearly define deviations that must be explained.

Southern Nuclear Operating Company

Concurs with NEI comments.

GPU Nuclear Corporation

Comment: It seems appropriate to identify existing codes and methodologies that have been developed by national labs for the NRC that can be considered NRC approved codes and methods.

Response: The identification of existing codes and methodologies developed by national labs that can be considered as NRC approved codes and methods, even though formal NRC review and approval has never been performed, is beyond the scope of this proposed supplement.

Comment: Suggests that the terms "codes", "methods", and "applications" be clearly defined.

Response: A definition of codes, methods, and applications has been added to the Introduction.

Siemens Power Corporation

Supports the approaches described in the proposed supplement.

Virginia Power

Endorses the proposed supplement.

Pacific Gas and Electric Company

Comment: Concept should not be limited to core analysis.

Response: The specific analytical areas that the GL refers to have been added to the Purpose Section.

Comment: NRC should allow the training requirement to be met by on-the-job training.

Response: A new user can be qualified by on-the-job training as well as by formal classroom instruction. In many cases, user qualification will be accomplished by a combination of both

Yankee Atomic Electric Company (YAEC)

Comment: It is YAEC's understanding that the supplement will only apply to licensees who use another organization's methods and codes, and not to an organization that receives approval for its own codes and methods, and conducts safety analyses using those codes and methods.

Response: YAEC's interpretation is correct.

Comment: Recommends that the supplement also note that other organizations such as utilities and engineering service companies have developed codes and methods.

Response: The example of possible code developers has been modified to include utilities and national labs.

Indiana Michigan Power Company

Comment: Suggests that different versions of previously approved codes should be applicable as long as the calculational methodology is not changed.

Response: Section 2.1 has been modified to clarify code eligibility. What constitutes a significant code or methodology update that must be reviewed by the NRC is too complex a topic to fully address in generic terms at this time. However, as mentioned in the **Federal Register** notice (60 FR 54712; October 25, 1995), the NRC is also investigating modified procedures for reducing the resource effort for acceptance of new or revised licensee or vendor analysis methods. Therefore, it is anticipated that this topic will be addressed at a future date.

Entergy Operations, Incorporated

Comment: The applicability of a particular method to either a specific fuel design or to a core which contains a mixture of fuel types is important. Use of one vendor's hot channel analysis code with another's transient codes may not necessarily yield conservative results and may not be consistent with the NRC-approved reload analysis package. In-house application procedures should have proper controls to preclude such a misapplication, and should be permitted to include the flexibility to perform comparison tests between the different methodologies to show that a conservative assessment can be made.

Response: Section 2.2 has been modified to incorporate this application procedure.

Comment: NRC should consider issuing an inspection procedure concurrently with the supplement so that licensees would know what questions and documentation requests might be needed to support audits.

Response: The NRC will incorporate oversight of this GL supplement into the NRC inspection program following the issuance of this supplement.

Comment: NRC should consider providing licensees the flexibility to conduct its own assessment of a third party reviewer similar to what is currently allowed in NRC Inspection Module 40501.

Response: Issuance of this supplement would eliminate the need to submit a qualification topical report for NRC review and thus eliminate the need for a third party reviewer.

Arizona Public Service (APS)

Comment: The "first licensing application" is interpreted by APS as being the first proposed license amendment or other licensing basis change requiring prior NRC review and approval that was supported by safety analyses performed by the licensee instead of a vendor.

Response: The "first licensing application" may not necessarily be a licensing basis change requiring NRC approval before implementation, but may be a revision to a COLR parameter, for example.

Comment: APS would interpret "eligibility" in Section 2.1 to mean that code packages previously approved in topical reports or license amendments for other plants would be generically approved.

Response: The only codes and methods that are eligible for this process are those that have been generically approved, or those that have been otherwise accepted as part of a plant's licensing basis. Section 2.1 has been modified to clarify this.

Comment: APS suggests that plant specific uncertainties could be used without additional NRC review, even if these uncertainties are less than the generically approved uncertainties.

Response: As a general rule, plant specific uncertainties may be used without additional NRC review provided that they are derived with previously approved methods. However, NRC review is required for modifications to uncertainties that were generically approved to cover uncertainties due to codes and methods, correlations, etc.

Comment: APS states that they would control changes to methodology by design control procedures and that the changes would be subject to 10 CFR 50.59 evaluations, if appropriate.

Response: As stated in Section 2.1, the use of a new methodology or a change to an existing methodology is not applicable to this process. However, as mentioned in the **Federal Register** notice (60 FR 54712; October 25, 1995), the NRC is also investigating modified procedures for reducing the resource effort for acceptance of new or revised

licensee or vendor analysis methods. Therefore, it is anticipated that this topic will be addressed at a future date.

Comment: APS considers an appropriate set of benchmark data to include other acknowledged industry standard data or criteria.

Response: The examples of appropriate benchmark data has been expanded to include APS' suggestions.

Comment: APS suggests that Section 2.5 be revised to allow a provision for evaluating vendor updates and implementing those updates, if applicable.

Response: The proposed rewording has been incorporated into Section 2.5.

Centerior Energy

Comment: The guidance should be explicit enough to allow for utilities to reference topical reports submitted by non-NSSS vendors.

Response: Utilities have been added to the example of organizations that develop methods.

Comment: The proposed guidance should be sufficiently flexible to allow substitution of computer codes within an approved analytical methodology.

Response: The Application Procedures have been modified to allow this, but should contain proper controls to preclude misapplications or inappropriate use of an application.

Comment: NRC should maintain a listing of the codes or methods it has approved.

Response: The NRC is currently developing a data base of approved codes as a separate action.

Comment: NRC should define the point at which reapproval of updates is necessary.

Response: What constitutes a significant code or methodology update that must be reviewed by the NRC is too complex a topic to fully address in generic terms at this time. However, as mentioned in the **Federal Register** notice (60 FR 54712; October 25, 1995), the NRC is also investigating modified procedures for reducing the resource effort for acceptance of new or revised licensee or vendor analysis methods. Therefore, it is anticipated that this topic will be addressed at a future date.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 24th day of June, 1999.

James E. Lyons,

Deputy Chief, Events Assessment, Generic Communications and Non-Power Reactors Branch, Division of Regulatory Improvement Programs.

[FR Doc. 99–16597 Filed 6–29–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Governors' Designees Receiving Advance Notification of Transportation of Nuclear Waste

On January 6, 1982 (47 FR 596 and 47 FR 600), the Nuclear Regulatory Commission (NRC) published in the **Federal Register** final amendments to 10 CFR Parts 71 and 73 (effective July 6, 1982), that require advance notification to Governors or their designees by NRC licensees prior to transportation of certain shipments of nuclear waste and spent fuel. The advance notification covered in Part 73 is for spent nuclear reactor fuel shipments and the notification for Part 71 is for large quantity shipments of radioactive waste (and of spent nuclear reactor fuel not covered under the final amendment to 10 CFR Part 73).

The following list updates the names, addresses and telephone numbers of those individuals in each State who are responsible for receiving information on nuclear waste shipments. The list will be published annually in the **Federal Register** on or about June 30, to reflect any changes in information.

INDIVIDUALS RECEIVING ADVANCE NOTIFICATION OF NUCLEAR WASTE SHIPMENTS

State	Part 71	Part 73
ALABAMA	Col. L. N. Hagan, Director, Alabama Department of Public Safety, P.O. Box 1511, Montgomery, AL 36102–1511, (334) 242–4378.	Same.
ALASKA	Doug Dasher, Alaska Department of Environmental Conservation, Northern Regional Office, 610 University Avenue, Fairbanks, AK 99709–3643, (907) 451–2172.	Same.
ARIZONA	Aubrey V. Godwin, Director, Arizona Radiation Regulatory Agency, 4814 South 40th Street, Phoenix, AZ 85040, (602) 255–4845, ext. 222, 24 hours: (602) 223–2212.	Same.
ARKANSAS	David D. Snellings, Jr., Director, Division of Radiation Control and Emergency Management, Arkansas Department of Health, 4815 West Markham Street, Mail Slot #30, Little Rock, AR 72205–3867, (501) 661–2301, 24 hours: (501) 661–2136.	Same.
CALIFORNIA	Sgt. Meg Planka, California Highway Patrol, P.O. Box 942898, Sacramento, CA 94298–0001, (916) 327–3310, 24 hours: (916) 445–2211.	Same.
COLORADO	Captain Allan M. Turner, Hazardous Materials Section, Colorado State Patrol, 700 Kipling Street, Suite 1000, Denver, CO 80215–5865, (303) 239–4546, 24 hours: (303) 239–4501.	Same.
CONNECTICUT	Dr. Edward L. Wilds, Jr., Director, Division of Radiation, Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106–5127, (860) 424–3029, 24 hours: (860) 424–3333.	Same.
DELAWARE	Karen L. Johnson, Secretary, Department of Public Safety, P.O. Box 818, Dover, DE 19903, (302) 739–4321, 24 hours: (302) 739–5851.	Same.
FLORIDA	Harlan Keaton, Manager, Bureau of Radiation Control, Environmental Radiation Control, Department of Health, P.O. Box 680069, Orlando, FL 32868–0069, (407) 297–2095.	Same.
GEORGIA	Al Hatcher, Director, Transportation Division, Public Service Commission, 1007 Virginia Avenue, Suite 310, Hapeville, GA 30354, (404) 559–6600.	Same.
HAWAII	Mr. Gary Gill, Deputy Director for Environmental Health, State of Hawaii Department of Health, P.O. Box 3378, Honolulu, HI 96813, (808) 586–4424.	Same.
IDAHO	Captain David C. Rich, Department of Law Enforcement, Idaho State Police, P.O. Box 700, Meridian, ID 83680–0700, (208) 884–7206, 24 hours: (208) 334–2900.	Same.

INDIVIDUALS RECEIVING ADVANCE NOTIFICATION OF NUCLEAR WASTE SHIPMENTS—Continued

State	Part 71	Part 73
ILLINOIS	Thomas W. Ortciger, Director, Illinois Department of Nuclear Safety, 1035 Outer Park Drive, 5th Floor, Springfield, IL 62704, (217) 785–9868, 24 Hours: (217) 785–9900.	Same.
INDIANA	Melvin J. Carraway, Superintendent, Indiana State Police, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, IN 46204, (317) 232–8248.	Same.
IOWA	Ellen M. Gordon, Administrator, Emergency Management Division, Hoover State Office Building, Des Moines, IA 50319–0113, (515) 281–3231.	Same.
KANSAS	Frank H. Moussa, M.S.A., Technological Hazards Administrator, Department of the Adjutant General, Division of Emergency Management, 2800 SW. Topeka Boulevard, Topeka, KS 66611–1287, (785) 274–1409, 24 hours: (785) 296–3176.	Same.
KENTUCKY	John A. Volpe, Ph.D., Manager, Radiation and Toxic Agents Section, Cabinet for Human Resources, 275 East Main Street, Frankfort, KY 40621–0001, (502) 564–3700.	Same.
LOUISIANA	Major Joseph T. Booth, Louisiana State Police, 7901 Independence Boulevard, P.O. Box 66614 (#21), Baton Rouge, LA 70896–6614, (504) 925–6113.	Same.
MAINE	Chief of the State Police, Maine Dept. of Public Safety, 42 State House Station, Augusta, ME 04333, (207) 624–7000.	Same.
MARYLAND	First Sgt. Wellington Gray, Maryland State Police, Communication Services Division, 1201 Reisterstown Road, Pikesville, MD 21208, (410) 653–4208, 24 hours: (410) 653–4200.	Same.
MASSACHUSETTS	Robert M. Hallisey, Director, Radiation Control Program, Massachusetts Department of Public Health, 174 Portland Street, 5th Floor, Boston, MA 02114, (617) 727–6214.	Same.
MICHIGAN	Captain Stephen D. Madden, Commanding Officer, Special Operations Division, Michigan State Police, 714 S. Harrison Road, East Lansing, MI 48823, (517) 336–6263, 24 hours: (517) 336–6100.	Same.
MINNESOTA	John R. Kerr, Assistant Director, Planning Branch, Division of Emergency Management, Department of Public Safety, 444 Cedar St., Suite 223, St. Paul, MN 55101–6223, (612) 296–0481, 24 hours: (612) 649–5451.	Same.
MISSISSIPPI	James E. Maher, Director, Emergency Management Agency, P.O. Box 4501, Fondren Station, Jackson, MS 39296–4501, (601) 352–9100.	Same.
MISSOURI	Jerry B. Uhlmann, Director, Emergency Management Agency, P.O. Box 116, Jefferson City, MO 65102, (573) 526–9101, 24 hours: (573) 751–2748.	Same.
MONTANA	George Eicholtz, Coordinator, Radiological Health Program, Montana DPHHS, Licensure Bureau, P.O. Box 202951, Helena, MT 59620–2951, (406) 444–5246.	Jim Greene, Administrator, Disaster and Emergency Service, P.O. Box 4789, Helena, MT 59604, (406) 841–3911
NEBRASKA	Major Bryan J. Tuma, Nebraska State Patrol, P.O. Box 94907, Lincoln, NE 68509–4907, (402) 479–4950, 24 hours: (402) 471–4545.	Same.
NEVADA	Stanley R. Marshall, Supervisor, Radiological Health Section, Health Division, Department of Human Resources, 1179 Fairview Drive, Suite 102, Carson City, NV 89701–5405, (775) 687–5394 x276, 24 hours: (775) 687–4757.	Same.
NEW HAMPSHIRE	Richard M. Flynn, Commissioner, New Hampshire Dept. of Safety, James H. Hayes Building, 10 Hazen Drive, Concord, NH 03305, (603) 271–2791, (603) 271–3636 (24 hours).	Same.
NEW JERSEY	Kent Tosch, Manager, Bureau of Nuclear Engineering, Department of Environmental Protection, P.O. Box 415, Trenton, NJ 08625–0415, (609) 984–7701.	Same.
NEW MEXICO	Max D. Johnson, Bureau Chief, Technological Hazards Bureau, Department of Public Safety, P.O. Box 1628, Santa Fe, NM 87504–1628, (505) 476–9620, 24 hours: (505) 827–9126.	Same.
NEW YORK	Edward F. Jacoby, Jr., Director, State Emergency Management Office, 1220 Washington Avenue, Building 22—Suite 101, Albany, NY 12226–2251, (518) 457–2222.	Same.
NORTH CAROLINA	Line Sgt. Mark Dalton, Hazardous Materials Coordinator, North Carolina Highway Patrol Headquarters, 512 N. Salisbury St., P.O. Box 29590, Raleigh, NC 27626–0590, (919) 733–5282, After hours: (919) 733–3861.	Same.
NORTH DAKOTA	Dana K. Mount, Director, Division of Environmental Engineering, North Dakota Department of Health, 1200 Missouri Avenue, Box 5520, Bismarck, ND 58506–5520, (701) 328–5188, After hours: (701) 328–2121.	Same.
OHIO	James R. Williams, Chief of Staff, Ohio Emergency Management Agency, 2855 W. Dublin-Granville Road, Columbus, OH 43235–2206, (614) 889–7150.	Same.
OKLAHOMA	Bob A. Ricks, Commissioner, Oklahoma Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136–0145, (405) 425–2001, 24 hours: (405) 425–2424.	Same.
OREGON	David Stewart-Smith, Administrator, Energy Resources Division, Oregon Office of Energy, 625 Marion Street, NE, Salem, OR 97310, (503) 378–6469.	Same.
PENNSYLVANIA	John Bahnweg, Director of Operations and Training, Pennsylvania Emergency Management Agency, P. O. Box 3321, Harrisburg, PA 17105–3321, (717) 651–2001.	Same.

INDIVIDUALS RECEIVING ADVANCE NOTIFICATION OF NUCLEAR WASTE SHIPMENTS—Continued

State	Part 71	Part 73
RHODE ISLAND	William A. Maloney, Associate Administrator, Motor Carriers Section, Division of Public Utilities and Carriers, 100 Orange Street, Providence, RI 02903, (401) 222–3500; ext. 150.	Same.
SOUTH CAROLINA	Virgil R. Autry, Director, Division of Radioactive Waste Management, Bureau of Land and Waste Management, Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201, (803) 896–4244, Emergency: (803) 253–6488.	Same.
SOUTH DAKOTA	Gary N. Whitney, Director, Division of Emergency Management, 500 E. Capitol Avenue, Pierre, SD 57501–5060, (605) 773–3231.	Same.
TENNESSEE	John D. White, Jr., Director, Emergency Management Agency, 3041 Sidco Drive, Nashville, TN 37204–1504, (615) 741–0001, After hours: (Inside TN) 1–800–262–3300, (Outside TN) 1–800–258–3300.	Same.
TEXAS	Richard A. Ratliff, Chief, Bureau of Radiation Control, Texas Department of Public Health, 1100 West 49th Street, Austin, TX 78756, (512) 834–6688.	Col. Dudley Thomas, Director, Texas Department of Health Safety, Attn: EMS Tech. Hazards, P.O. Box 4087, Austin, TX 78773–0001, (512) 424–2429, (512) 424–2277 (24 hrs)
UTAH	William J. Sinclair, Director, Division of Radiation Control, 168 North 1950 West, P.O. Box 144850, Salt Lake City, UT 84114–4850, (801) 536–4250, After hours: (801) 536–4123.	Same.
VERMONT	Lieutenant Col. John H. Sinclair, Director, Division of State Police, Department of Public Safety, 103 South Main Street, Waterbury, VT 05671–2101, (802) 244–7345.	Same.
VIRGINIA	L. Ralph Jones, Jr., Director, Technological Hazards Division, Department of Emergency Services, Commonwealth of Virginia, 10501 Trade Court, Richmond, VA 23236, (804) 897–6570.	Same.
WASHINGTON	Lieutenant Gail R. Otto, Washington State Patrol, P.O. Box 42600, Olympia, WA 98504–2600, (360) 753–0565, After hours (253) 536–6210 (ext. 0).	Same.
WEST VIRGINIA	Colonel Gary L. Edgell, Superintendent, West Virginia State Police, 725 Jefferson Road, South Charleston, WV 25309, (304) 746–2111.	Same.
WISCONSIN	Steven D. Sell, Administrator, Wisconsin Division of Emergency Management, P.O. Box 7865, Madison, WI 53707–7865, (608) 242–3232.	Same.
WYOMING	Captain L. S. Gerard, Motor Carrier Officer, Wyoming Highway Patrol, 5300 Bishop Boulevard, P.O. Box 1708, Cheyenne, WY 82003–1708, (307) 777–4317, 24 hours: (307) 777–4321.	Same.
DISTRICT OF COLUMBIA.	Norma J. Stewart, Chief, Bureau of Food, Drug & Radiation Protection, Department of Health, 825 North Capitol St., NE, Room 5125, Washington, DC 20002, (202) 442–5919.	Same.
PUERTO RICO	Hector Russe Martinez, Chairman, Environmental Quality Board, P.O. Box 11488, San Juan, PR 00910, (787) 767–8056 or (787) 767–8181.	Same.
GUAM	Jesus T. Salas, Administrator, Guam Environmental Protection Agency, P.O. Box 22439 GMF, Barrigada, Guam 96921, (671) 475–1658/9.	Same.
VIRGIN ISLANDS	Charles Turnbull, Governor, Governor's Office 21–22 Kongens Gade, St. Thomas, Virgin Islands 00802, (809) 774–0001.	Same.
AMERICAN SAMOA	Pati Faiai, Government Ecologist, Environmental Protection Agency, Office of the Governor, Pago Pago, American Samoa 96799, (684) 633–2304.	Same.
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.	Joaquin A. Tenorio, Ph.D., Secretary, Department of Lands and Natural Resources, Commonwealth of Northern Mariana Islands Government, Saipan, MP 96950, (670) 322–9830 or (670) 322–9834.	Same.

Questions regarding this matter should be directed to Spiros Droggitis, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (Internet Address: SCD@NRC.GOV) or at (301) 415–2367.

Dated at Rockville, Maryland this 21st day of June , 1999.

For the Nuclear Regulatory Commission.

Paul H. Lohaus,

Director, Office of State Programs.

[FR Doc. 99–16393 Filed 6–29–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Pub. L. 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision 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 biweekly notice includes all notices of amendments issued, or proposed to be issued from June 5, 1999, through June 18, 1999. The last

biweekly notice was published on June 16, 1999 (64 FR 32284).

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 10 CFR 50.92, 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 the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing 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 and Directives Branch, Division of Administration 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 delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By July 30, 1999, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, 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.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention:

Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Units Nos. 1, 2, and 3, Maricopa County, Arizona

Date of amendments request: May 26, 1999.

Description of amendments request: The proposed amendment would revise Technical Specification 3.3.1, "Reactor Protective System (RPS) Instrumentation—Operating," to change the RPS reactor coolant flow trip setpoints. The change is intended to reduce spurious reactor trip hazards.

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?

No. The proposed change will change the Reactor Protection System (RPS) reactor coolant flow trip setpoints. The RPS functions to mitigate the consequences of an accident. The changes to the low reactor coolant flow trip setpoints will reduce or eliminate unnecessary challenges to the RPS. Therefore, the proposed change will not involve a significant increase in the probability of an accident previously evaluated.

These changes will result in an increased time delay for the RPS low reactor coolant flow trip. The reanalysis of the affected UFSAR [updated final safety analysis report] Chapter 15 events (UFSAR 15.3.4, Reactor Coolant Pump Shaft Break with Loss of Offsite Power and UFSAR 15.1.5, Steam System Piping Failures Inside and Outside Containment—Modes 1 and 2 Operations), with the increased time delay, shows that the dose consequences for these events remain bounded by the UFSAR analysis. Therefore, this change does not involve a significant increase in the 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?

No. The proposed change will change the RPS reactor coolant flow trip setpoints. The RPS functions to mitigate the consequences of an accident. The changes to the low reactor coolant flow trip setpoints will reduce or eliminate unnecessary challenges to the RPS. The proposed change only changes the mitigating actions of the RPS, without changing the required function of the RPS. Therefore, the change to the low reactor coolant flow trip setpoints does 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?

No. The proposed change will change the RPS reactor coolant flow trip setpoints. The reanalysis of the affected UFSAR Chapter 15 events (UFSAR 15.3.4, Reactor Coolant Pump Shaft Break with Loss of Offsite Power and UFSAR 15.1.5, Steam System Piping Failures Inside and Outside Containment—Modes 1 and 2 Operations), with the revised reactor coolant flow trip setpoints, shows that the minimum DNBR [departure from nucleate boiling ratio] and SAFDLs [specified acceptable fuel design limits] for these events remain bounded by the UFSAR analysis. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on that review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involve no significant hazards consideration.

Local Public Document Room location: Phoenix Public Library, 1221 N. Central Avenue, Phoenix, Arizona 85004.

Attorney for licensee: Nancy C. Loftin, Esq., Corporate Secretary and Counsel, Arizona Public Service Company, P.O. Box 53999, Mail Station 9068, Phoenix, Arizona 85072–3999

NRC Section Chief: Stephen Dembek.

Carolina Power & Light Company, et al., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: June 2, 1999.

Description of amendment request: The proposed amendment would relocate Shearon Harris Nuclear Power Plant (HNP) Technical Specification (TS) Section 6.5, "Review and Audit," TS 6.8.2, TS 6.8.3, and TS Section 6.10, "Record Retention," intact from the HNP TS to the Quality Assurance Program Description currently located in the HNP Final Safety Analysis Report Section 17.3. Future changes to the associated relocated TS would be processed in accordance with 10 CFR 50.54(a). The proposed change is consistent with NUREG–1431, Revision 1, "Standard Technical Specifications, Westinghouse Plants," dated April 1995, and with the guidance provided in NRC Administrative Letter 95–06, "Relocation of Technical Specification Administrative Controls related To Quality Assurance," dated December 12, 1995.

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 amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

This TS change relocates administrative requirements from HNP TS to the Quality Assurance Program Description (QAPD). The proposed amendment will not introduce any new equipment or require existing equipment to function different from that previously evaluated in the Final Safety Analysis Report (FSAR) or TS.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment will not introduce any new equipment or require existing equipment to function different from that previously evaluated in the Final Safety Analysis Report (FSAR) or TS. The changes are consistent with NUREG–1431, Revision 1 and the Commission's Final Policy Statement on Technical Specification improvements. The proposed amendment will not create any new accident scenarios, because the change does not introduce any new single failures, adverse equipment or material interactions, or release paths.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety.

This TS change relocates administrative requirements from HNP TS to the Quality

Assurance Program Description (QAPD). The QAPD will be revised to include the requirements associated with this proposed change. NRC Administrative Letter 95–06 states that administrative requirements for review and audit and the independent safety engineering group may be relocated from TS to the quality assurance program. HNP proposes relocating the associated requirements from TS to the QAPD intact. Future changes to these requirements will be processed in accordance with 10 CFR 50.54(a). This proposed TS change is administrative in nature and does not alter NRC acceptance limits with respect to accident mitigation or accident analysis.

Therefore, 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.

Local Public Document Room location: Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

Attorney for licensee: William D. Johnson, Vice President and Senior Counsel, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602

NRC Section Chief: Sheri R. Peterson.

Duke Energy Corporation, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: July 22 and October 22, 1998; May 6, 1999.

Description of amendment request: The amendments would revise the Technical Specifications (TS) to reflect the licensee's planned use of fuel supplied by Westinghouse. The staff has published a Notice of Consideration of Issuance of Amendments and Proposed No Significant Hazards Consideration Determination on November 3, 1998 (63 FR 69338) covering the July 22 and October 22, 1998, submittals. In the May 6, 1999, submittal the licensee proposed to expand the original amendment request, revising Section 5.6.5 of the Technical Specifications. Section 5.6.5 specifies a list of NRC-approved topical reports that the licensee is required to use to determine reactor core operating limits. The licensee proposed to update this list to show the current approval status of these topical reports.

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 for the proposed changes conveyed by the May 6, 1999, submittal. The NRC staff has reviewed the licensee's analyses against the standards of 10 CFR 50.92(c). The NRC staff's analysis is presented below.

First Standard

No. The proposed changes to Section 5.6.5 will not affect the safety function, and will not involve any change to the design or operation of any plant system or component. The topical reports were previously approved by the NRC staff under separate licensing actions. The use of methodologies in these approved topical reports will ensure that previously evaluated accidents remain bounding. Therefore, no accident probabilities or consequences will be impacted.

Second Standard

No. The proposed changes would not lead to any hardware or operating procedure change. Hence no new equipment failure modes or accidents from those previously evaluated will be created.

Third Standard

No. Margin of safety is associated with confidence in the design and operation of the plant; specifically, the ability of the fission product barriers to perform their design functions during and following an accident. The proposed changes to Section 5.6.5 do not involve any change to plant design, operation, or analysis. Thus the margin of safety previously analyzed and evaluated is maintained.

Based on this analysis, it appears that the three standards of 10 CFR 50.92(c) are satisfied for the proposed changes to Section 5.6.5. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: J. Murrey Atkins Library, University of North Carolina at Charlotte, 9201 University City Boulevard, Charlotte, North Carolina.

Attorney for licensee: Mr. Albert Carr, Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina

NRC Section Chief: Richard L. Emch, Jr.

Duke Energy Corporation, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of amendment request: April 5, 1999, supplemented May 27, 1999.

Description of amendment request: The proposed amendments would revise the Improved Technical Specifications (TS), Updated Final Safety Analysis Report, and Core Operating Limits Report to incorporate Topical Report (TR) DPC–NE–3005–P, "Thermal-Hydraulic Transient Analysis Methodology." This analysis has been completed for Unit 2 and is ongoing for Units 1 and 3. Therefore, the proposed changes that reflect the TR provisions affect Unit 2 only. Other proposed changes affect all three units. Specifically, (1) a note to TS Surveillance Requirement (SR) 3.4.1.2, "RCS [Reactor Coolant System] Pressure, Temperature, and Flow DNB [Departure from Nucleate Boiling] Limits," would be modified to address application of the delta-T_{cold} limits; (2) TS 3.4.10, "Pressurizer Safety Valves," would be modified to increase the setpoint range of the lift settings for the pressurizer safety valves for the Oconee unit that has been analyzed in accordance with the TR and state that the range is not changed for the other units; (3) a statement to SR 3.4.10.1 would be added that will specify the pressurizer safety valve lift setpoint in order to clarify the difference between the operability setpoint range for a test lift and the range required when the setpoint is reset following the surveillance test; (4) TS 3.7.4, "Atmospheric Dump Valve (ADV) Flow Paths," would be added to address the applicability and required actions related to the ADS valves; (5) TS 3.9.7, "Unborated Water Source Isolation Valves," would be added to require valves that are used to isolate unborated water sources to be secured in the closed position while in Mode 6, incorporate SRs, and provide required actions if one or more of the valves is not secured in the closed position; (6) TS 5.6.5b would be changed to update the Core Operating Limits Report references; and (7) the appropriate Bases would be changed to reflect the above changes, other changes consistent with the revisions to the TR analysis, and the Updated Final Safety Analysis Report revisions that were provided in the submittal.

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. Involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed changes to the Technical Specifications, Bases, Updated Final Safety Analysis Report (UFSAR), and Core Operating Limits Report (COLR) incorporate the accident analyses established in Topical

Report DPC–NE–3005–P, "UFSAR Chapter 15 Transient Analysis Methodology." On July 30, 1997, Duke submitted Topical Report DPC–NE–3005–P to the NRC for approval. The NRC found DPC–NE–3005–P acceptable, with noted exceptions, in a Safety Evaluation issued on October 1, 1998. To resolve the noted NRC exceptions, Duke submitted Revision 1 of DPC–NE–3005–P to the NRC for review on February 1, 1999. Additional information regarding Revision 1 of DPC–NE–3005–P was submitted on April 19 and May 5, 1999. This LAR is dependent upon the NRC approval of Revision 1 of DPC–NE–3005–P. [This Topical Report was approved by the NRC on May 25, 1999.]

The analyzed events are initiated by the failure of specific plant structures, systems or components. These proposed changes do not impact the condition or performance of those structures, systems or components.

The revised accident analyses in DPC–NE–3005–P demonstrate that the applicable acceptance criteria are met. In addition, the preliminary calculations show that the applicable radiological and environmental acceptance criteria continue to be met.

Based on the above, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed changes do not involve a physical alteration of the plant. No new or different equipment is being installed, and no installed equipment is being operated in a new or different manner. Where setpoints and operating limits have been revised, the revised accident analyses demonstrate that the applicable acceptance criteria are met. As a result, no new failure modes are being introduced.

Based on the above, the proposed changes do not create the possibility of any new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety?

No. The margin of safety is established through the design of the plant structures, systems and components, the parameters within which the plant is operated, and the establishment of the setpoints for the actuation of equipment relied upon to respond to a event. The proposed changes do not involve a physical alteration of the plant. No new or different equipment is being installed, and no installed equipment is being operated in a new or different manner. Where setpoints and operating limits have been revised, the revised accident analyses in DPC–NE–3005–P demonstrate that the applicable acceptance criteria are met.

Based on the above, the proposed changes do not involve a significant reduction in a margin of safety.

Based upon the preceding evaluation, performed pursuant to 10 CFR 50.92, Duke has concluded that the proposed changes to the Oconee Nuclear Station Technical Specifications, Bases, UFSAR, and O2C18 COLR will not involve a significant hazards consideration.

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.

Local Public Document Room location: Conee County Library, 501 West South Broad Street, Walhalla, South Carolina

Attorney for licensee: Anne W. Cottington, Winston and Strawn, 1200 17th Street, NW., Washington, DC.

NRC Section Chief: Richard L. Emch, Jr.

Duke Energy Corporation, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of amendment request: May 24, 1999

Description of amendment request: The proposed amendments would revise the maximum local fuel pin centerline temperature safety limit in Technical Specification 2.1.1.1 from the limit determined using the TACO2 fuel performance computer code to the value determined using a newer TACO3 computer code.

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.

The following discussion is a summary of the evaluation of the changes contained in this proposed amendment against the 10 CFR 50.92 (c) requirements to demonstrate that all three standards for no significant hazards consideration are satisfied. A no significant hazards consideration is indicated if 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.

First Standard

Implementation of this amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated. The use of the revised maximum local fuel pin centerline temperature limit is appropriate since the new limit uses a fuel melt temperature which has been conservatively reduced to account for code uncertainties in calculating fuel centerline temperature. NRC has previously found the use of the TACO3 code by DPC [Duke Power Company] in performing reload licensing to be acceptable. The use of the revised limit for fuel analyzed using an approved code ensures centerline fuel melting is avoided by ensuring the maximum fuel temperature is less than the melting temperature of the fuel. Therefore this change would not involve a significant increase in the probability or consequences of an accident previously evaluated.

Second Standard

Implementation of this amendment will not create the possibility of a new or different kind of accident from any previously evaluated. The use of the revised maximum local fuel pin centerline temperature limit has no affect on accident precursors. Implementation of this amendment will not impact any plant systems that are accident initiators. No other modifications are being proposed in the plant that would result in the creation of a new accident mechanism. Also, no changes are being made to the way the plant is operated; therefore, no new failure mechanisms will be initiated.

Third Standard

The revised maximum local fuel pin centerline temperature limit has been appropriately reduced to account for uncertainties in predicting centerline fuel temperatures. NRC has previously found the use of the TACO3 code by DPC in performing reload licensing to be acceptable. Therefore, implementation of this amendment would not involve a significant reduction in a margin of safety.

Therefore, Duke has concluded that the proposed amendment does not involve a significant hazards consideration.

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.

Local Public Document Room location: Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina

Attorney for licensee: Anne W. Cottington, Winston and Strawn, 1200 17th Street, NW., Washington, DC.

NRC Section Chief: Richard L. Emch, Jr.

Duquesne Light Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2, Shippingport, Pennsylvania

Date of amendment request: May 27, 1999.

Description of amendment request: The proposed changes would relocate the seismic monitoring instrumentation requirements contained in Technical Specification (TS) 3/4.3.3.3 to the Licensing Requirements Manual based on the guidance provided in Generic Letter 95–10, "Relocation of Selected Technical Specifications Requirements

Related to Instrumentation." The Bases section for Specification 3/4.3.3.3 will also be relocated to the LRM. The appropriate Index pages, Table Index page (Unit No. 1 only), TS pages and Bases pages will be revised to reflect the removal of the seismic monitoring instrumentation specification from the TSs. An additional specification page will be added to reflect that Specification Number 3/4.3.3.4 is not used. This additional page will also denote the number of the following page. The Bases section will also be modified to denote that Specification Number 3/4.3.3.4 is not used.

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 change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed amendment would relocate Technical Specification (TS) 3/4.3.3.3 titled "Seismic Instrumentation" and the associated Bases section to the Licensing Requirements Manual (LRM) (based on the guidance provided in Generic Letter (GL) 95–10, "Relocation of Selected Technical Specification Requirements Related to Instrumentation"). The proposed amendment would also revise the TS Index and Beaver Valley Power Station (BVPS) Unit No. 1 List of Tables to reflect the relocation of this TS and associated Bases. The relocated Specification will be controlled in accordance with the requirement of 10 CFR 50.59, "Controls, Tests, and Experiments." Additional administrative changes are also included to reflect that Specification Number 3/4.3.3.4 is not used.

The proposed amendment does not involve a significant increase in the probability of an accident previously evaluated because no changes are being made to any accident initiator. No analyzed accident scenario is being changed. The initiating condition and assumptions remain as previously analyzed. The failure of the seismic monitoring instrumentation to detect a seismic event is not an accident initiating event.

The seismic monitoring instrumentation performs no role in mitigating a seismic event or in achieving a safe shutdown condition after a seismic event has occurred. Seismic instrumentation is not assumed to function in the safety analysis. The seismic instrumentation is not associated with a process variable, design feature, or operating restriction that is an initial condition of a Design Basis Accident (DBA) or transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier. Seismic instrumentation does not actuate any protective equipment or play any direct role in the mitigation of an accident. The capability of the plant to withstand a seismic event or other design basis accident is determined by the initial design and construction of systems, structures, and components. This instrumentation is used to alert operators to the seismic event and evaluate the plant response.

The proposed revisions to the Index pages, Table Index page (BVPS Unit No. 1 only), Specification pages and Bases pages are administrative in nature and do not affect plant safety.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed amendment does not involve any physical changes to the plant or the modes of plant operation defined in Appendix A of the operating license. The proposed amendment does not involve the addition or modification of plant equipment nor does it alter the design or operation of plant systems. Seismic instrumentation does not actuate any protective equipment or play any direct role in the mitigation of an accident. The capability of the plant to withstand a seismic event or other design basis accident is determined by the design and construction of systems, structures, and components. This instrumentation is used to alert operators to the seismic event and evaluate the plant response.

Therefore, operation of the facility in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The proposed amendment does not involve revisions to any safety limits or safety system setting that would adversely impact plant safety. The proposed amendment does not affect the ability of systems, structures or components important to ensure the safe shutdown of the facility, or the mitigation and control of accident conditions within the facility. In addition, the proposed amendment does not affect the ability of safety systems to ensure that the facility can be maintained in a shutdown or refueling condition for extended periods of time, or the availability of sufficient instrumentation and control capability for monitoring and maintaining the unit status.

The proposed revisions to the Index pages, Table Index page (BVPS Unit No. 1 only), Specification pages and Bases pages are administrative in nature and do not affect plant safety

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 request involves no significant hazards consideration.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, PA 15001.

Attorney for licensee: Jay E. Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: S. Singh Bajwa.

Duquesne Light Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2, Shippingport, Pennsylvania

Date of amendment request: May 27, 1999.

Description of amendment request: The proposed amendments would (1) revise the frequency for performing the CHANNEL FUNCTIONAL TEST (CFT) of the manual initiation functional units specified in the Beaver Valley Power Station, Unit Nos. 1 and 2, Engineered Safety Features Actuation System (ESFAS) Instrumentation Technical Specifications (TSs) from monthly, with an accompanying footnote which allows the manual initiation to be tested on a refueling interval, to each refueling interval; (2) Revise footnotes associated with TS ESFAS tables; (3) revise associated TS Bases.

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 change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change revises the frequency notation specified for the channel functional test of the manual initiation functions listed on Table 4.3–2 of TS 3/4.3.2, "Engineered Safety Feature Actuation System (ESFAS) Instrumentation." The proposed change revises the current TS requirement for surveillance testing these functions to clarify that testing be performed on a refueling basis. The revision to the surveillance frequency specified in Table 4.3–2 does not physically impact the Instrumentation, its setpoints, or the actual frequency at which the manual initiation functions are tested. The revision eliminates the potential for confusion regarding the testing required for the manual initiation function by deleting Footnote (1) to Table 4.3–2. The proposed change to the Surveillance Requirements of Table 4.3–2 for the manual initiation functions eliminates the need for Footnote (1). Footnote (1) requires testing the manual actuation switches every 18 months and performing a Channel Functional Test on all other circuitry associated with manual safeguards actuation every 31 days. As there is no other circuitry for which a 31 day CFT is applicable, the proposed change simplifies the TS requirement consistent with the current Standard TS for Westinghouse plants. Footnote (1) is consistent with early versions of the Standard Technical Specifications of

NUREG–0452; however, later versions of the Standard Technical Specifications and the Improved Standard Technical Specifications of NUREG–1431 simply require testing manual initiation functions on a refueling or 18 month basis. The proposed refueling frequency for testing this instrumentation recognizes that the manual initiation functions can not be tested at power since this would introduce the potential for a significant plant transient.

The deletion of Table 4.3–2 Footnote (1) resulted in renumbering Footnote (2) to (1). In addition, expired Unit 2 Table 4.3–2 Footnote (3) (only applicable to the first refueling outage) was also deleted. In addition, changes to the TS bases are made to further clarify the channel functional test requirements. The reorganization of the Table 4.3–2 footnotes and bases modifications are considered to be editorial changes.

The manual initiation instrumentation will continue to be tested in the same manner as before (every refueling). This test frequency is consistent with the licensing basis for testing this instrumentation described in the Updated Final Safety Analysis Report (UFSAR) and with the testing frequency specified in the standard Westinghouse Plant TS. Therefore, this test frequency is considered adequate to verify instrumentation operability. In addition, failure of a manual initiation function is not an accident initiator. As such, the ESFAS instrumentation will continue to be capable of providing the required safety functions described in the UFSAR. Therefore, operation of the facility in accordance with the proposed amendment does not involve a significant increase in the probability or consequence of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

There are no hardware changes associated with this license amendment nor are there any changes in the method by which any safety-related plant system performs its safety function. No new accident scenarios, transient precursors, failure mechanisms or limiting single failures are introduced as a result of these changes. These changes do not introduce any adverse effects or challenges to any safety-related systems. No change is required to any system configurations, plant equipment or analyses. Therefore, these changes will not create the possibility of any new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The margin of safety depends on the maintenance of specific operating parameters and systems within design requirements. Updating the manual initiation function surveillance interval requirements specified on ESFAS TS Table 4.3–2 and deleting Table 4.3–2 Footnote (1) reflects the standard Westinghouse Plant TS requirements for this instrumentation and is consistent with the design and operation of the plant as described in the UFSAR. In addition, the proposed change does not reduce the current refueling interval testing performed on this instrumentation. The refueling test frequency specified for this instrumentation is consistent with industry standards and considered adequate to ensure the affected manual initiation functions are maintained operable. The proposed change will improve the clarity of the TS requirement by eliminating the potential for confusion as to when the surveillances are required to be performed. As such, the proposed change continues to ensure that the operation of the affected instrumentation is maintained within its design requirements and that it continues to be capable of providing the required safety functions described in the UFSAR. Therefore, operation of the facility in accordance with the proposed amendment will 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.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, PA 15001.

Attorney for licensee: Jay E. Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: S. Singh Bajwa.

Entergy Operations, Inc., Docket No. 50–313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: June 1, 1999.

Description of amendment request: The proposed amendment would revise the surveillance requirements and applicable Bases relevant to inservice inspection requirements for the portions of the once-through steam generator (OTSG) tubes adjacent to the primary cladding region of the upper and lower OTSG tubesheets.

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:

Criterion 1—Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

The OTSGs are used to remove heat from the reactor coolant system during normal operation and during accident conditions. The OTSG tubing forms a substantial portion of the reactor coolant pressure boundary. An OTSG tube failure is a breach of the reactor coolant pressure boundary and is a specific accident analyzed in the Arkansas Nuclear One, Unit 1 (ANO–1), Safety Analysis Report (SAR).

The purpose of the periodic surveillance performed on the OTSGs in accordance with ANO–1 Technical Specification (TS) 4.18 is to ensure that the structural integrity of this portion of the reactor coolant system will be maintained. The TS plugging limit of 40% of the nominal tube wall thickness requires tubes to be repaired or removed from service because the tube may become unserviceable prior to the next inspection. Unserviceable is defined in the TS as the condition of a tube if it leaks or contains a defect large enough to affect its structural integrity in the event of an operating basis earthquake, a loss-of-coolant accident, or a steam line or feedwater line break. The proposed TS change allows OTSG tubes with axial TEC [tube end cracking] indications that do not extend from the cladding region into the carbon steel interface within the tube-to-tubesheet rolled joint of the tubesheets to remain in service with existing degradation exceeding the existing 40% through-wall (TW) plugging limit.

Extensive testing and plant experience has illustrated that TEC flaws confined to this area within the OTSG will not result in tube burst or significant tube leakage under MSLB [main steamline break] conditions. Potential leakage from tubes with TEC will be bounded by the MSLB evaluation presented in the SAR. Therefore, allowing TEC flaws in this specific region to remain in service will not alter the conditions assumed in the current ANO–1 accident analysis for OTSG tube failures under postulated accident conditions. In addition, the condition of the OTSG tubes in this region are monitored during regular inspection intervals to assess for evidence of growth. Any growth noted will be addressed through the operational assessment. Therefore, Entergy Operations has determined that the identification, monitoring, assessment, and corrective action programs * * * [associated with the proposed changes] sufficiently support this change request.

Application of the TEC alternate repair criteria will allow leaving tubes with TEC indications found in the defined area of the tubesheets in service while ensuring safe operation by monitoring and assessing the present and future conditions of the tubes. Through the inspection, monitoring, and assessment programs previously mentioned, and the on-line leak detection capabilities available during plant operation, continued safe operation of ANO–1 is reasonably assured.

Therefore, the application of the TEC alternate repair criteria * * * does *not* involve a significant increase in the probability or consequences of any accident previously evaluated.

Criterion 2—Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated.

The implementation of the TEC alternate repair criteria will not result in any failure mode not previously analyzed. The OTSGs are passive components. The intent of the TS surveillance requirements are being met by these proposed changes in that adequate structural integrity will be maintained. Potential leakage under MSLB conditions will remain bounded by the current SAR analysis. Additionally, the proposed change does not introduce any new modes of plant operation.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3—Does Not Involve a Significant Reduction in the Margin of Safety.

The application of an alternate repair criteria for TEC provides adequate assurance with margin that ANO–1 steam generator tubes will retain their structural integrity under normal and accident conditions. The structural requirements of TEC affected tubes have been evaluated satisfactorily and meet or exceed regulatory requirements. The tubing region where TEC occurs is constrained within the tubesheet bore; therefore, there is no additional risk associated with tube rupture. Main steam line break leakage rates for these tubes are reasonably assured to remain within the assumptions of the accident analysis by proper application of the TEC alternate repair criteria program. Because no appreciable impact is evidenced on the tubes structural integrity or its potential leakage rate, the margin to safety remains unaltered.

Therefore, this 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.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

Florida Power and Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: June 1, 1999.

Description of amendment request: The amendments would revise the St. Lucie, Units 1 and 2, Technical Specifications (TS), Sections 3.5.2, to allow up to 7 days to restore an inoperable Low Pressure Safety Injection System train to operable status. The amendments would also revise the associated surveillance requirements and TS Bases sections to be consistent with the revisions to TS Section 3.5.2. Minor editorial changes for the specified Recirculation Actuation Signal (RAS) verification test are also included to ensure the terminology used in the specification is consistent with plant design.

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) Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendments for St. Lucie Plant, Units 1 and 2 will extend the action completion/allowed outage time (AOT) for a single inoperable Low Pressure Safety Injection (LPSI) train from 72 hours to 7 days. A LPSI train is designed as a part of each Emergency Core Cooling System (ECCS) subsystem to supplement Safety Injection Tank (SIT) inventory during the early stages of mitigating a Design Basis Accident. As such, components of the LPSI system are not accident initiators, and an extended AOT to restore operability of an inoperable LPSI train would not increase the probability of occurrence of accidents previously analyzed.

The safety analyses for both St. Lucie Units demonstrate that ECCS performance acceptance criteria are satisfied with only one of the two redundant ECCS subsystems operating during the postulated Design Basis Accident. The proposed technical specification revisions involve the AOT for a single inoperable LPSI train, and do not change the conditions assumed for the minimum amount of operating equipment needed for accident mitigation. Therefore, the consequences of an accident previously evaluated will not be significantly increased.

In addition to the preceding evaluation, a Probabilistic Safety Analysis (PSA) was performed to quantitatively assess the risk impact of the proposed amendments. It was concluded from the results of that assessment that the risk contribution of the AOT extension is very small, and that the net impact of the proposed amendment can be risk beneficial.

The editorial corrections proposed for the specified RAS verification test do not alter existing test requirements and have no impact on the accident analyses. Therefore, operation of either facility in accordance with its proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendments will not change the physical plant or the modes of plant operation defined in either Facility License. The changes do not involve the addition or modification of equipment nor do they alter the design of plant systems. Therefore, operation of either facility in accordance with its proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

The margin of safety associated with the ECCS system is established by acceptance criteria for system performance defined in 10 CFR 50.46. The proposed amendments will not change these acceptance criteria or the operability requirements for equipment that is used to achieve such performance as demonstrated in the plant safety analyses. Moreover, an integrated assessment of the risk impact of extending the AOT for a single inoperable LPSI train has concluded that the risk contribution is very small, LPSI system reliability can potentially be improved, and the net impact of the proposed change can be risk beneficial. The editorial corrections proposed for the specified RAS verification test do not alter existing test requirements and have no impact on the accident analyses. Therefore, operation of either facility in accordance with its proposed amendment would 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 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954–9003.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Section Chief: Sheri R. Peterson.

GPU Nuclear, Inc., et al., Docket No. 50–289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: May 13, 1999.

Description of amendment request: The proposed amendment would make changes to the TMI–1 Facility Operating License No. DPR–50 Sections 2.a, 2.c.(3), and 2.c.(7) to delete obsolete or outdated portions of the license conditions, and would change the Bases for Technical Specification 3.1.1.

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. Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated. Most of the proposed amendment is only administrative; it adds to the Technical Specifications generic references to various documents. These changes have no affect upon the plant design or operation.

The proposed change to the Technical Specification Bases 3.1.1 is the removal of the specified pressurizer code safety valve flow-rate for which no basis could be found and the acceptance of a 3% setpoint drift (as-found) as per the ASME code. The 3% code limit is in accordance with the plant's Inservice Test Program submittal, which was evaluated by the NRC staff for the current 10 year interval and documented under NRC TAC No. M93777. The [c]orrect pressurizer code safety valve flow is provided in the FSAR Table 4.2–8. The proposed change is supported by a revise[d] Startup Accident analysis with the revised safety valve flow-rate at the 3% setpoint drift, which demonstrated that the acceptance criteria for the event were met with considerable margin. The proposed change does not affect the Technical Specification 3.1.1.a, pressurizer code safety valve operable (as-left) requirement of {plus or minus} 1%.

Therefore, operation in accordance with the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated, because no new failure modes are created by the proposed changes. The administrative changes are cosmetic and have no impact on plant design or operation.

3. Operation of the facility in accordance with the proposed amendment will not involve a significant reduction in a margin of safety. The proposed amendment does not change any operating limits for reactor operation.

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.

Local Public Document Room location: Law/Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105.

Attorney for licensee: Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: S. Singh Bajwa.

GPU Nuclear, Inc., et al., Docket No. 50–289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: May 26, 1999.

Description of amendment request: The proposed amendment would approve changes to the TMI–1 Updated Final Safety Analysis Report (UFSAR) which would allow use of the EPRI (Electric Power Research Institute) Conservative Deterministic Failure Margin (CDFM) methodology for seismic analysis of the portions of the auxiliary steam line located in the Auxiliary, Control and Fuel Handling buildings at TMI–1. The licensee determined that these changes to the UFSAR required prior NRC approval in accordance with 10 CFR 50.59.

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 amendment, use of CDFM methodology for the analysis of the auxiliary steam system piping, would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The analysis of the auxiliary steam pipe using the CDFM methodology demonstrates that the pipe wall will maintain integrity sufficient to prevent adverse impact on safety related equipment during a safe shutdown earthquake (SSE). The methodology is based on actual earthquake experience data and has been shown to be adequate to demonstrate that piping systems will maintain integrity. The CDFM methodology was developed by experts in the field of seismic analysis and is based on actual earthquake experience and the results of dynamic tests with large seismic accelerations. The methodology provides a conservative mechanism for analytically predicting performance during actual earthquakes, and thus its application would not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed amendment, use of CDFM methodology for the analysis of the auxiliary steam system piping, would not create the possibility of a new or different kind of accident from any accident previously evaluateed.

No changes to plant systems, structures or components are proposed and no changes to methods of operation [of the plant] are involved.

3. The proposed amendment, use of CDFM methodology for the analysis of the auxiliary steam system piping, would not involve a significant reduction in a margin of safety.

No changes are proposed to operating limits or safety system settings, or to accident analysis acceptance criteria. The CDFM methodology provides a conservative mechanism for analytically predicting system performance during actual earthquakes. Its application to the auxiliary steam system piping would 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.

Local Public Document Room location: Law/Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105.

Attorney for licensee: Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: S. Singh Bajwa.

GPU Nuclear, Inc., et al., Docket No. 50–289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: June 4, 1999.

Description of amendment request: The amendment revises decay heat removal capability requirements to ensure that at least two active methods of decay heat removal capability will be available during shutdown conditions except when the reactor vessel head is removed and the fuel transfer canal water level is greater than or equal to 23 feet above the reactor vessel flange.

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:

GPU Nuclear has determined that this Technical Specification Change Request poses no significant hazards as defined by NRC in 10 CFR 50.92. 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 because the proposed changes would remove exceptions for decay heat removal system operability requirements during the time the plant is in a Refueling Shutdown with the RCS loop not filled. The proposed changes effectively add requirements to maintain redundancy in decay heat removal systems.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed changes would not introduce any new failure modes or modify existing systems.

3. Involve a significant reduction in a margin of safety because the proposed amendment would not involve changes to the safety limits, limiting safety system settings, or operating limits.

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.

Local Public Document Room location: Law/Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105.

Attorney for licensee: Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: S. Singh Bajwa.

Northeast Nuclear Energy Company, et al., Docket No. 50–245, Millstone Nuclear Power Station, Unit No. 1, New London County, Connecticut

Date of amendment request: April 19, 1999.

Description of amendment request: The proposed amendment would replace the current set of technical specifications for the Millstone Unit 1 plant with a new set of technical specifications for the permanently shutdown status of the plant.

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, a summary of which is presented below:

The proposed change does not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

This proposed change is consistent with the STS [standard technical specifications]. The relocation of requirements from the MP1 TS [Millstone Unit 1 Technical Specifications] to the licensee controlled documents is consistent with the criteria set forth in 10 CFR 50.36 for the content of Technical Specifications. The removal of definitions, generic LCO [limiting condition for operation] actions and generic surveillance requirements has no impact on facility SSCs [structure, system, and components] or the methods of operation of such SSCs. The deletion of design features and safety limits not applicable to the permanently shutdown and defueled status of MP1 has no impact on the remaining DBA [design-basis accident], the fuel handling accidents in the fuel storage pool. The removal of LCOs and surveillance requirements which are related only to the operation of the nuclear reactor or only to the prevention, diagnosis or mitigation of reactor-related transients or accidents do not affect the applicable DBA previously evaluated. The critical safety functions involving core reactivity control, reactor heat removal, reactor coolant system inventory control and containment integrity are no longer necessary at MP1. The proposed accidents involving damage to the reactor coolant system, main steam lines, reactor core, and the subsequent release of radioactive material are no longer possible at MP1. Fuel pool cooling and makeup related equipment and support equipment (e.g., electrical power systems) are not required to be continuously available since recent analysis demonstrated that there is up to ten days before fuel storage pool boiling to effect repairs, establish alternate sources of make up flow, or establish steady state natural air circulation cooling of the Reactor Building atmosphere and fuel storage pool water in the event of a loss of cooling and makeup flow to the fuel pool. The radioactive decay of the irradiated fuel since shutdown of the reactor in November, 1995 has reduced the consequences of the fuel handling accident to levels well below those previously analyzed. The relevant parameter (water level) associated with the fuel pool provides an initial condition for the fuel handling accident analyses and is included in the PDTS [Permanently Defueled Technical Specifications]. The Reactor Building crane LCOs are retained to preserve the engineered controls which preclude a spent fuel cask drop from occurring over the fuel storage pool. The deletion and modification of provisions of the administrative controls do not directly affect the design of SSCs necessary for safe storage of irradiated fuel or the methods used for handling and storage of such fuel in the fuel pool. The relocation of administrative controls related to quality assurance to the Northeast Utilities Quality Assurance Program is also consistent with the guidance provided in NRC Administrative Letter AL 95–06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance," dated December 12, 1995. The changes to the administrative controls are administrative in nature and do not affect any accidents applicable to the safe storage of irradiated fuel or the permanently shutdown and defueled condition of the reactor. Therefore, the proposed changes to the MP1 TS do not involve any increase in the probability or consequences of any accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes have no impact on facility SSCs affecting the safe storage of irradiated fuel or on the methods of operation of such SSCs, or handling and storage of such fuel. These changes are consistent with the STS and add to the clarity and ease of use of the proposed PDTS. The removal of Technical Specifications which are related only to the operation of the nuclear reactor or only to the prevention, diagnosis, or mitigation of reactor-related transients or accidents cannot result in different or more adverse failure modes or accidents than previously evaluated because the reactor is permanently shutdown and defueled and MP1 is no longer authorized to operate the plant. The proposed deletion of provisions of the MP1 TS do not affect systems credited in the accident analyses for the fuel handling accident in the fuel storage pool at MP1. The proposed PDTS continue to require proper control and monitoring of safety significant parameters and activities. The proposed restriction on the fuel pool level is fulfilled by normal operating conditions and preserves initial conditions assumed in the analyses of the postulated DBA. Reactor Building crane LCOs are retained from current Technical Specifications to preclude the possibility of a spent fuel cask drop over the fuel storage pool. Therefore, the proposed changes to this section of the MP1 TS would not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

The deletion of provisions of the MP1 TS, which are not related to the storage of irradiated fuel or which are inconsistent with the scope of the STS, will not affect the analyses of the remaining DBA applicable to MP1. The postulated DBAs involving the reactor are no longer possible due to the permanently shutdown and defueled condition of the reactor. The requirements for SSCs which have been deleted from the MP1 TS are not credited in the existing accident analyses for the remaining applicable postulated accidents and therefore, do not contribute to the margin of safety associated with the accident analysis. Therefore, the proposed changes to this section of the MP1 TS do not involve any reduction in a margin of safety.

Conclusion

NNECO has concluded that the proposed change to the MP1 Technical Specifications does not involve a significant hazards consideration as defined by 10 CFR 50.92.

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.

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut 06360, and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut.

Attorney for licensee: Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, Connecticut.

NRC Section Chief: Michael T. Masnik.

Power Authority of the State of New York, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: January 25, 1996, as supplemented April 26, 1996, September 12, 1996, March 17, 1997, September 9, 1997, December 30, 1998, and May 19, 1999.

Description of amendment request: The proposed changes extend the allowed outage time for an emergency diesel generator (EDG) system from 7 to

14 days. At FitzPatrick, an EDG system consists of 2 EDGs powering one of two emergency AC power buses. The proposal includes provisions for a Configuration Risk Management Program (CRMP) consistent with the guidance of Regulatory Guide (RG) 1.177, "An Approach for Plant-Specific, Risk-Informed Decisionmaking: Technical Specifications." The NRC staff had previously published a notice on these topics on March 27, 1996 (61 FR 13532). This revised notice on these topics is required to address revisions made in the licensee's supplemental submittals.

The licensee's January 25, 1996, submittal also proposed two line-item changes to reduce EDG testing at power and to revise AC power requirements for cold shutdown and refueling modes. The two line-item changes have not been affected by the supplemental information provided by the licensee, so the March 27, 1996, proposed finding of no significant hazards considerations remains valid for these items.

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:

Operation of the FitzPatrick plant in accordance with the additional changes to the proposed Amendment discussed above, would not involve a significant hazards consideration as defined in 10 CFR 50.92, since it would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes to the Technical Specifications will allow longer Allowed Out of Service Times to perform necessary repair and maintenance on Emergency Diesel Generators while at power. This extended AOT [allowed outage time] will enhance scheduling of preventive maintenance of individual EDGs without significantly increasing the probability or consequences of an accident previously evaluated. The risk evaluations for the EDGs determined that the probability of an accident by increasing the AOT for an EDG System from 7 days to 14 days is non-risk-significant.

Increasing the EDG AOT does not involve physical alteration of any plant equipment and does not affect analysis assumptions regarding functioning of required equipment designed to mitigate the consequences of accidents. Further, the severity of postulated accidents and resulting radiological effluent releases will not be affected by the increased AOT for an EDG System.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

[The CRMP provides administrative controls to ensure equipment configurations do not result in any significant increase in plant risk. In RG 1.177, the NRC staff established a standard for the content of the CRMP. The licensee's proposal is consistent with that standard, and so does not involve a significant increase in the probability or consequences of an accident previously evaluated.]

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

Extending the AOT for an EDG system does not necessitate physical alteration of the plant or changes in parameters governing normal plant operation. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated for [the] JAF [FitzPatrick] plant.

[The CRMP provides administrative controls to ensure equipment configurations do not result in any significant increase in plant risk. These administrative controls do not create any new equipment configurations, or provide for operation of equipment in a new or different manner. Therefore, the CRMP does not create the possibility of a new or different kind of accident from any accident previously evaluated.]

3. Involve a significant reduction in the margin of safety.

As discussed above, a Fitzpatrick evaluation determined that the change in risk associated with extending the AOT for a[n] EDG System is non-risk-significant. In addition, the design provides adequate redundancy for safe shut down during the AOT with an EDG System out of service. This is supported by the LOCA [loss-of-coolant accident] analyses including analyses for long term suppression pool cooling and reactor shutdown cooling.

[The CRMP provides administrative controls to ensure equipment configurations do not result in any significant increase in plant risk. These administrative controls do not create any new equipment configurations, or provide for operation of equipment in a new or different manner. Therefore, the proposed CRMP 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 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Mr. David E. Blabey, 1633 Broadway. New York, New York 10019.

NRC Section Chief: S. Singh Bajwa.

Public Service Electric & Gas Company, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

Date of amendment request: May 24, 1999.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) to correct typographical and editorial errors, and is considered administrative in nature.

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 changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed editorial and administrative changes involve typographical errors and/or reflect changes that were previously reviewed and approved by the NRC. These changes, therefore, do not modify or add any initiating parameters that would significantly increase the probability or consequences of any previously analyzed accident.

(2) The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

These proposed changes do not involve any potential initiating events that would create the possibility of a new or different kind of accident. Therefore, the proposed changes do 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 a margin of safety.

These changes are editorial in nature and/or reflect information previously reviewed and approved by the NRC. The proposed changes will make the information in the TS consistent with that already approved by the NRC. 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.

Local Public Document Room location: Pennsville Public Library, 190 S. Broadway, Pennsville, NJ 08070.

Attorney for licensee: Jeffrie J. Keenan, Esquire, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Section Chief: James W. Clifford.

Sacramento Municipal Utility District (the District), Docket No. 50–312, Rancho Seco Nuclear Station, Sacramento County, California

Date of amendment request: April 23, 1999.

Description of amendment request: The proposed amendment would change Permanently Defueled Technical Specification (PDTS) D3/4.1, "Spent Fuel Pool Level," to replace a specific reference to spent fuel pool (SFP) level alarm switches with a generic reference to SFP level instrumentation. This would allow the licensee to replace the old level alarm switches with a new ultrasonic level transmitter.

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:

PA–193 will not create a significant increase in the probability or consequences of an accident previously evaluated in the SAR [Safety Analysis Report], because the proposed PDTS change is editorial in nature and only changes the type of equipment that is referenced in surveillance specification D4.1.2. The SFP level instrument reference in D4.1.2 is changed from a specific reference (i.e., SFP level alarm switches) to a more generic reference (i.e., SFP level instrumentation). In addition:

1. SFP level monitoring instrumentation is not relied on to mitigate the consequences of the accidents analyzed in the SAR (i.e., Fuel Handling Accident, Loss-Of-Offsite-Power event, Liquid Tank Ruptures, and Decommissioning Accidents),

2. PA–193 does not alter the SFP level monitoring, SFP cooling, or fuel handling functions during the PDM [Permanently Defueled Mode],

3. PA–193 continues to require an 18-month calibration of SFP level instrumentation, and

4. SFP level and alarm indication in the Control Room is maintained with the new SFP level instrumentation. Also, the SFP level alarm setpoints remain unchanged with the new SFP level detection system.

PA–193 will not create the possibility of a new or different type of accident than previously evaluated in the SAR, because SFP level instrumentation does not provide any control function and does not affect any equipment associated with SFP cooling, fuel handling, or inventory control. The proposed wording change to PDTS D4.1.2 accommodates upgrading the SFP level instrumentation without changing the intent of surveillance specification D4.1.2. Also, the new SFP level detection system will (1) maintain the existing SFP level alarm setpoints and Control Room indication features and (2) have no adverse impact on the SFP level monitoring function.

PA–193 will not involve a significant reduction in the margin of safety, because the proposed PDTS change is editorial in nature and necessary and only accommodates replacing an unreliable, antiquated SFP level monitoring system with a new, state-of-the-art, ultrasonic level detection system. The new SFP level detection system will improve the accuracy, reliability, and serviceability of the SFP level monitoring function. The District is maintaining the requirement to perform a[n] SFP level calibration and is only changing the type of equipment that is referenced in D4.1.2 from a specific reference (i.e., SFP level alarm switches) to a more generic reference (i.e., SFP level instrumentation).

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 requested amendment involves no significant hazards consideration.

Local Public Document Room location: Central Library, Government Documents, 828 I Street, Sacramento, California 95814.

Attorney for licensee: Dana Appling, Esq., Sacramento Municipal Utility District, P.O. Box 15830, Sacramento, California 95852–1830.

NRC Section Chief: Michael T. Masnik.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment requests: June 8, 1999 (PCN–495).

Description of amendment requests: The licensee has re-evaluated its small break loss-of-coolant accident (SBLOCA) using ABB Combustion Engineering (ABB–CE) S2M evaluation model. Based on this re-evaluation, the licensee proposes to revise the Technical Specifications (TSs) for the San Onofre Nuclear Generating Station (SONGS) Units 2 and 3 to reflect that charging flow is not required to mitigate the effects of the SBLOCA, add a surveillance requirement to verify that each charging pump is operable for boration based on the Inservice Testing Program, increase the maximum as-found lift pressure positive tolerance of main steam safety valves (MSSVs) from +1% to +2% of the lift setting, and list the ABB–CE S2M model as an acceptable method for determining linear heat rate. The licensee will also revise the TS Bases and the Updated Final Safety Analysis Report (UFSAR) to reflect the proposed changes.

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) Involve a significant increase in the probability or consequences of any accident previously evaluated?

Response: No.

The new Small Break Loss Of Coolant Accident (SBLOCA) evaluation model (ABB Combustion Engineering (ABB–CE) S2M SBLOCA evaluation model, CENPD 137 Supplement 2–P–A, "Calculative Methods of the ABB–CE Small Break LOCA Evaluation Model," dated April 1998) more accurately models the heat transfer mechanisms that occur during a SBLOCA. As a result of this modeling improvement, there is no longer a need to credit charging flow during a SBLOCA. The reanalysis, with an as-found tolerance of +2%/−3% of the lift setting on Main Steam Safety Valves (MSSVs) 2(3)–PSV–8401 and 2(3)–PSV–8410 in Table 3.7.1–2, determined that the peak cladding temperature (PCT) that occurs in a SBLOCA is within the acceptance criteria limit of 2200 [degrees] F specified in 10CFR50.46.

This proposed change removes the charging pump Emergency Core Cooling System (ECCS) surveillance requirement from the Technical Specifications (TS) which effectively removes the charging system from the ECCS. This is based on the SBLOCA reanalysis using the new ABB–CE S2M SBLOCA evaluation model. The reanalysis using the new model did not credit charging system flow to the reactor coolant system.

Because this proposed change to remove the charging pump ECCS flow surveillance requirement is based on a reanalysis of the SBLOCA rather than physical changes to the plant or the way it is operated, the probability of the SBLOCA is not affected. The results of the reanalysis demonstrate the consequences of the SBLOCA without charging flow do not exceed the consequences of the limiting LOCA. This is based on the fact that the SBLOCA PCT [peak clad temperature] does not exceed the limiting large break LOCA PCT.

The addition of Surveillance Requirement (SR) 3.1.9.5 to require the charging pump to be tested in accordance with the Inservice Testing (IST) program will ensure that the charging pumps remain capable of performing their emergency boration requirements.

Use of the NRC approved ABB–CE S2M SBLOCA analysis methodology identified in TS 5.7.1.5 for calculating the core operating limits further assures that there is no significant increase in the probability or consequences of any accident.

Therefore, the probability or consequences of any accident previously evaluated are not increased.

(2) Create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

This change does not involve a physical change to the plant, or a change to the way the plant is operated. The as-left tolerance of [plus or minus] 1% on MSSVs 2(3)–PSV–8401 and 2(3)–PSV–8410 in Table 3.7.1–2 is not being changed. The charging system will still be verified capable of meeting its emergency boration requirements.

Use of the NRC approved ABB–CE S2M SBLOCA analysis methodology identified in TS 5.7.1.5 for calculating the core operating limits further assures that there is no increase in the possibility of a new or different kind of accident from any previously evaluated. Therefore, the possibility of a new or different kind of accident from any previously evaluated is not created.

(3) Involve a significant reduction in a margin of safety?

Response: No.

This proposed change to remove the ECCS surveillance requirement for the charging pumps, and increase the as-found tolerance on MSSVs 2(3)–PSV–8401 and 2(3)–PSV–8410, is based on a SBLOCA reanalysis using the new ABB–CE S2M SBLOCA evaluation model. The NRC Safety Evaluation for the ABB–CE S2M evaluation model determined that the new evaluation model contains sufficient conservatism such that an adequate margin of safety exists when the S21VI evaluation model is used. The results of the SBLOCA reanalysis are within the acceptance criteria specified in 10 CFR 50.46.

Testing of the charging pumps per the Inservice Testing Program, combined with the existing Technical Specification 3.1.9—"Boration System—Operating" surveillance requirements ensure that the emergency boration requirements remain met without any reduction in a margin of safety.

Use of the NRC approved S2M ABB–CE SBLOCA analysis methodology identified in TS 5.7.1.5 for calculating the core operating limits further assures that there is no significant reduction in any margin of safety.

Therefore, a significant reduction in margin of safety is not involved.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Main Library, University of California, Irvine, California 92713.

Attorney for licensee: Douglas K. Porter, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770.

NRC Section Chief: Stephen Dembek.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: June 7, 1999.

Description of amendment request: The proposed amendments would revise Technical Specification (TS) 2.2.1, Reactor Trip System (RTS) Instrumentation Setpoints, and TS 3.3.2, Engineered Safety Features Actuation System (ESFAS) Instrumentation, and the associated Bases, by removing the Total Allowance (TA), Sensor Error (S), and Z terms from the RTS and ESFAS Instrumentation Trip Setpoints Tables. This would replace the five-column methodology with a two-column methodology that consists of the trip setpoint and allowable value columns.

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:

The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change eliminates the option to evaluate the equation (Z+R+S [is less than or equal to] TA), within 12 hours, from Technical Specification 2.2.1, when the trip setpoint is outside the allowable value limit. The equation established a threshold for submitting a Licensee Event Report. The change does not affect the probability of an accident. The evaluation of the equation is an administrative provision and has no relevance to the initiation of any analyzed event. The consequences of an accident are not affected. The change will not alter assumptions relative to the mitigation of an accident or transient event.

The proposed amendment is a programmatic and administrative change that does not physically alter safety-related systems, nor does it affect the way in which safety-related systems perform their functions. Because the design of the facility and system operating parameters are not being changed, the proposed amendment does not involve an increase in the probability or consequences of any accident previously evaluated.

The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment is a programmatic and administrative change that does not physically alter safety-related systems, nor does it affect the way in which safety-related systems perform their functions. The changes in methods governing normal plant operation are consistent with current safety analysis assumptions. The proposed change eliminates the option to evaluate the equation (described above) within 12 hours, when the trip setpoint is outside the allowable limit. Because the design of the facility and system operating parameters are not being changed, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change does not involve a significant reduction in a margin of safety.

The proposed amendment is a programmatic and administrative change that provides assurance that plant operations continue to be conducted in a safe manner. As stated above, the proposed amendment does not physically alter safety-related systems, nor does it affect the way in which safety-related systems perform their functions. The proposed change eliminates the option to evaluate the equation (described above) within 12 hours, when the trip setpoint is outside the allowable limit.

The margin of safety is not affected by eliminating an administrative provision in Technical Specifications. The determination for submitting a Licensee Event Report when a trip setpoint is outside the allowable value will be performed with the guidelines of 10CFR50.73. The safety analysis assumptions will still be maintained, thus, no question of safety exists. Because the design of the facility and system operating parameters are not being changed, the proposed amendment 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 standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Local Public Document Room location: Wharton County Junior College, J. M. Hodges, Learning Center, 911 Boling Highway, Wharton, Texas 77488.

Attorney for licensee: Jack R. Newman, Esq., Morgan, Lewis & Bockius, 1800 M Street, NW., Washington, DC 20036–5869.

NRC Section Chief: Robert A. Gramm.

Tennessee Valley Authority, Docket Nos. 50–260, 50–296, Browns Ferry Nuclear Power Plant, Units 2 and 3. Limestone County, Alabama

Date of amendment request: March 12, 1997 as supplemented by letters dated March 30, 1999, April 23, 1999 and June 18, 1999.

Description of amendment request: The proposed amendment would revise the Technical Specifications to extend, from 7 days to 14 days, the Allowable Outage Time (AOT) applicable to an inoperable emergency diesel generator.

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:

No Significant Hazards Consideration Determination

TVA has concluded that operation of BFN in accordance with the proposed change to the TS does not involve a significant hazards consideration. TVA's conclusion is based on it's evaluation, in accordance with 10 CFR 50.91(a)(1), of the three standards set forth in 10 CFR 50.92(c).

A. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The EDGs are designed as backup AC power sources in the event of loss of off-site

power. The proposed AOT does not change the conditions, operating configurations, or minimum amount of operating equipment assumed in the safety analysis for accident mitigation. No changes are proposed in the manner in which the EDGs provide plant protection or which create new modes of plant operation. In addition, a PSA evaluation concluded that the risk contribution of the AOT extension is non-risk significant. Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not introduce any new modes of plant operation or make physical changes to plant systems. Therefore, extension of the allowable AOT for EDGs does not create the possibility of a new or different accident.

C. The proposed amendment does not involve a significant reduction in a margin of safety.

BFN's emergency AC system is designed with sufficient redundancy such that an EDG may be removed from service for maintenance or testing. The remaining EDGs are capable of carrying sufficient electrical loads to satisfy the UFSAR requirements for accident mitigation or unit safe shutdown.

Increasing the allowable EDG AOT will likely increase EDG unavailability on the average since it expected that the provision would occasionally be used to accommodate unplanned major EDG maintenance. However, a conservative PSA evaluation concluded that the risk contribution of the AOT extension is non-risk significant. For the 12-year EDG PM work activity, it is expected that the proposed TS would actually reduce unavailability since multiple outages would not be necessary to accomplish the maintenance activity.

The proposed change does not impact the redundancy or availability requirements of off-site power supplies or change the ability of the plant to cope with station blackout events. For these reasons, 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 request involves no significant hazards consideration.

Local Public Document Room Location: Athens Public Library, 405 E. South Street, Athens, Alabama.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Drive, ET 10H, Knoxville, Tennessee 37902,

NRC Section Chief: Sheri R. Peterson.

TU Electric Company, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station (CPSES), Units 1 and 2, Somervell County, Texas

Date of amendment request: May 4, 1999, as supplemented by letter dated June 4, 1999.

Brief description of amendments: The proposed license amendments would revise the Technical Specifications for CPSES, Units 1 and 2. Specifically, the changes would revise the surveillance requirements associated with the plant battery and emergency diesel generators, and correct miscellaneous editorial errors that resulted from the issuance of Amendment No. 64. The original application was noticed and published in the **Federal Register** on June 2, 1999 (64 FR 29715). The June 4, 1999, supplement provided proposed additional editorial corrections. The supplemental information is being noticed herein to address the issue of no significant hazards consideration.

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. Do the proposed changes involve a significant increase in the probability or consequence of an accident previously evaluated?

(1) Batteries are used to support mitigation of the consequences of an accident, and are not considered to be an initiator of any previously analyzed accident. The proposed change would not effect the design or performance of the batteries. The allowance to perform the modified performance discharge test in lieu of the service test at any time is permissible since the test's discharge rate envelopes the duty cycle of the service test. Therefore, the allowance for unrestricted substitution of the modified performance discharge test in lieu of the service discharge test does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) The diesel generators are used to support mitigation of the consequences of an accident, and are not considered to be an initiator of any previously analyzed accident. The proposed change does not affect the accident analysis assumption that the DG reaches minimum conditions to accept load within 10 seconds. The ability of the DG to maintain steady state operation within 10 seconds is not an accident analysis assumption and is primarily used to identify degradation of governor and voltage regulator performance. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(3) The editorial changes are non-technical and therefore do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

(1) The allowance for unrestricted substitution of the modified performance discharge test in lieu of the service discharge test does not involve any physical alteration to the plant. No new failure mechanisms will be introduced and the change does not affect the ability of the batteries to fulfill their safety-related function. Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(2) The separation of the DG start surveillance criteria into those criteria required to be met within 10 seconds, and those criteria required to be met following achievement of steady state conditions, does not involve any physical alteration to the plant. No new failure mechanisms will be introduced and the change does not affect the ability of the DGs to fulfill their safety-related function. Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The editorial changes are non-technical and therefore do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

(1) The allowance for unrestricted substitution of the modified performance discharge test in lieu of the service discharge test will not alter any accident analysis assumptions, initial conditions, or results. Consequently, it does not have any effect on the margin of safety. Therefore, this change does not involve a significant reduction in a margin of safety.

(2) The proposed change to delete the requirement to demonstrate that the DG can achieve and maintain steady state operation within 10 seconds is not an accident analysis assumption. The accident analysis assumption that the DG reaches minimum conditions to accept load within 10 seconds is preserved. Consequently, it does not have any effect on the margin of safety. Therefore, this change does not involve a significant reduction in a margin of safety.

(3) The editorial changes are non-technical and therefore 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.

Local Public Document Room location: University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, Texas 76019.

Attorney for licensee: George L. Edgar, Esq., Morgan, Lewis and Bockius, 1800 M Street, NW., Washington, DC 20036.

NRC Section Chief: Robert A. Gramm.

TU Electric Company, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station (CPSES), Units 1 and 2, Somervell County, Texas

Date of amendment request: May 14, 1999.

Brief description of amendments: The proposed license amendments would change the name of the CPSES licensee from "Texas Utilities Electric Company" to "TXU Electric Company" in the Facility Operating Licenses of CPSES, Units 1 and 2.

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 consequence of an accident previously evaluated?

No. This request involves an administrative change only. The Operating Licenses (OLs) are being changed to reference the new corporate name of the licensee. No actual plant equipment or accident analyses will be affected by the proposed change. Therefore, TU [Texas Utilities] Electric concludes that this request will have no impact on the possibility of any type of accident, whether new, different or previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. This request involves an administrative change only. The OLs are being changed to reference the new corporate name of the licensee. No actual plant equipment or accident analyses will be affected by the proposed change and no failure modes not bounded by previously evaluated accidents will be created. Therefore, TU Electric concludes that this request will have no impact on the possibility of any type of accident, whether new, different or previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. Margin of safety is associated with confidence in the ability of the fission product barriers (i.e., fuel and fuel cladding, Reactor Coolant System pressure boundary, and containment structure) to limit the level of radiation dose to the public. This request involves an administrative change only. The OLs are being changed to reference the new corporate name of the licensee. No actual plant equipment or accident analyses will be affected by the proposed change. Additionally, the proposed change will not relax any criteria used to establish safety limits, will not relax any safety systems settings, or will not relax the bases for any limiting conditions of operation. Therefore, this request will not impact 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.

Local Public Document Room location: University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, Texas 76019.

Attorney for licensee: George L. Edgar, Esq., Morgan, Lewis and Bockius, 1800 M Street, NW., Washington, DC 20036.

NRC Section Chief: Robert A. Gramm.

TU Electric Company, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station (CPSES), Units 1 and 2, Somervell County, Texas

Date of amendment request: May 24, 1999.

Brief description of amendments: The proposed license amendments would remove several cycle-specific parameter limits from the Technical Specifications (TSs) and add parameter limits to the Core Operating Limits Report. In addition, the core safety limit curves would be replaced with safety limits more directly applicable to the fuel and fuel cladding fission product barriers. The affected TSs are: (1) TS 2.0, "Safety Limits (SLs)"; (2) TS 3.3.1, "Reactor Trip System Instrumentation Setpoints"; (3) TS 3.4.1, "RCS pressure temperature and flow from Nucleate Boiling (DNB) Limits"; and (4) TS 5.6.5, "Core Operating Limits Report."

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. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed changes remove cycle-specific parameter limits from the Technical Specifications, add them to the list of limits contained in the Core Operating Limits Report (COLR), and revise the Administrative Controls section of the Technical Specifications. The proposed changes also insert the original minimum RCS [reactor coolant system] flow limits into the Technical Specifications. The changes do not, by themselves, alter any of the parameter limits. The changes are administrative in nature and have no adverse effect on the probability of an accident or on the consequences of an accident previously evaluated. The removal of parameter limits from the Technical Specifications does not eliminate the requirement to comply with the parameter limits.

The parameter limits in the COLR may be revised without prior NRC approval. However, [Technical] Specification 5.6.5c continues to ensure that the parameter limits are developed using NRC-approved methodologies and that applicable limits of the safety analyses are met. While future changes to the COLR parameter limits could result in event consequences which are either slightly less or slightly more severe than the consequences for the same event using the present parameter limits, the differences would not be significant and would be bounded by the requirement of specification 5.6.5c to meet the applicable limits of the safety analysis.

Based on the above, addition of the minimum RCS flow limit into the Technical Specifications, removal of the parameter limits from the Technical Specifications and the addition of the described limits in the COLR, thus allowing revision of the parameter limits without prior NRC approval, has no significant effect on the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes add the minimum RCS flow limit into the Technical Specifications, remove certain parameter limits from the Technical Specifications and add these limits to the list of limits in the COLR, thus removing the requirement for prior NRC approval of revisions to those parameters. The changes do not add new hardware or change plant operations and therefore cannot initiate an event nor cause an analyzed event to progress differently. Thus, the possibility of a new or different kind of accident is not created.

3. Do the proposed changes involve a significant reduction in a margin of safety?

The margin of safety is the difference between the acceptance criteria and the associated failure values. The proposed changes do not affect the failure values for any parameter. Through the accident analyses, all applicable limits (i.e., relevant event acceptance criteria as described in the NRC-approved analysis methodologies) are shown to be satisfied; therefore, there is no impact on event acceptance criteria. Because neither the failure values nor the acceptance criteria are affected, the proposed change has no effect on 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.

Local Public Document Room location: University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, Texas 76019.

Attorney for licensee: George L. Edgar, Esq., Morgan, Lewis and Bockius, 1800 M Street, NW., Washington, DC 20036.

NRC Section Chief: Robert A. Gramm.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: May 5, 1999.

Description of amendment request: The proposed change modifies the Technical Specifications (TS) to enhance limiting conditions for operation and surveillance requirements relating to the Standby Liquid Control (SLC) system and incorporates certain provisions of NRC's rule on anticipated transients without scram (ATWS) (10CFR50.62). The change involves the use of enriched boron in the SLC system and improves upon other aspects of the TS for this system.

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 operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment, will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change deletes the requirement for standby liquid control (SLC) system operability during refueling and modifies the conditions for allowing the system to be inoperable when shutdown.

This change also permits changing the reactor mode switch to the "Run" or "Startup/Hot Standby" position to test mode switch interlock functions while the SLC system is inoperable. To allow testing of instrumentation associated with the reactor mode switch interlock functions, compensatory measures are provided for assuring that no core alterations are in progress and that all control rods remain fully inserted in core cells containing one or more fuel assemblies. These compensatory measures ensure that no credible mechanisms for an inadvertent criticality are introduced by administratively controlling the required functions of the reactor mode switch interlocks. Control rods are not required to be inserted in empty core cells (i.e., those containing no fuel) because, with one or more cells in this configuration, the overall shutdown margin is actually greater than when all control rods and all fuel assemblies are inserted.

The SLC system is not assumed in the initiation of any previously evaluated events and therefore the proposed change will not significantly increase the probability or consequences of a previously analyzed accident. The SLC system is not assumed to operate in the mitigation of any previously analyzed accidents which are assumed to occur during shutdown or refueling conditions. This change will not result in operation that will significantly increase the probability of initiating an analyzed event. This change will not alter assumptions relative to mitigation of an accident or alter the operation of process variables, structures, systems, or components as described in the final safety analysis report.

VY has determined that the proposed change to increase the standby liquid control system reactivity control capacity using a borated water solution enriched in the boron-10 isotope effectively increases the rate of injection of neutron absorber and does not alter the function of the system, method of operation or dual train configuration. The system response time to an anticipated transient without scram (ATWS) event has been reduced as the increased boron-10 enrichment of the solution provides faster negative reactivity insertion, thus reducing the consequences of the ATWS event. The SLC system is not credited in any of the design basis accident analyses and, as such, is considered to provide only an additional mitigative feature in the event of an accident. The SLC system sodium pentaborate solution concentration and flow rate required by the ATWS rule (10CFR50.62) for reactivity control independent of the control rods are not reduced from the values previously evaluated and presented in the Vermont Yankee Technical Specifications. The addition of enriched boron provides a shutdown margin greater than the previously calculated shutdown reactivity control capacity, and the change does not affect the probability of an ATWS event.

Therefore, this change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment, will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change modifies the modes of applicability for the SLC system. Included in this change is allowance to permit changing the reactor mode switch to the "Run" or "Startup/Hot Standby" position to test mode switch interlock functions while the SLC system is inoperable. Precautions are taken when manipulating the mode switch to one of these positions to maintain all control rods fully inserted in core cells containing at least one fuel assembly and to not allow any core alterations. These two provisions eliminate the possibility of introducing any credible mechanisms for inadvertent criticality. The proposed change will not involve a physical alteration of the plant (no new or different type of equipment will be installed) or changes in methods governing normal plant operation. The proposed change will not eliminate any valid requirements necessary for safe operation.

VY has determined that the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed change involves a system whose function is to provide an additional (backup) mitigative shutdown capability and no system modifications are made.

The addition of enriched boron does not affect any system or component that could initiate an accident. Thus, no new or different type of accident is created.

3. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

VY has determined that the proposed change does not involve a significant reduction in a margin of safety. The proposed change would remove the backup to the available reactivity control systems when the reactor is in a shutdown or refueling condition. However, this backup is not considered in the margin of safety when determining the required reactivity for shutdown and refueling events. This change will have no impact on any safety analysis assumptions.

Included in this change is allowance to permit changing the reactor mode switch to the "Run" or "Startup/Hot Standby" position to test mode switch interlock functions while the SLC system is inoperable. The margin of safety will not be reduced during such testing of interlock functions with the SLC system inoperable because compensatory measures have been added to ensure that no credible mechanisms for inadvertent criticality exist with the reactor mode switch in other than the "Shutdown" or "Refuel" positions.

The use of enriched boron in the SLC system sodium pentaborate solution actually increases the capability of the SLC system to achieve cold shutdown; thus, no margin of safety is reduced.

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.

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro, VT 05301.

Attorney for licensee: Mr. David R. Lewis, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037–1128.

NRC Section Chief: James W. Clifford.

Washington Public Power Supply System, Docket No. 50–397, Nuclear Project No. 2, Benton County, Washington

Date of amendment request: June 3, 1999.

Description of amendment request: The request is to amend the operating license such that the name of the licensee is changed from Washington Public Power Supply System to Energy Northwest. The name of the facility will be changed from WPPS Nuclear Project No. 2 to WNP–2.

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.

This request involves an administrative change only. The Operating License (OL) is being changed to reference the new name of the licensee. No actual plant equipment or accident analyses will be affected by the proposed change. Therefore, this request will have no impact on the probability or consequence of any type of 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.

This request involves an administrative change only. The OL is being changed to reference the new name of the licensee. No actual plant equipment or accident analyses will be affected by the proposed change and no failure modes not bounded by previously evaluated accidents will be created. Therefore, this request will have no impact on the possibility of any new type of accident: new, different, or previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

Margin of safety is associated with the confidence in the ability of the fission product barriers (i.e., fuel and fuel cladding, Reactor Coolant System pressure boundary, and containment structure) to limit the level of radiation dose to the public. This request involves an administrative change only. The OL is being changed to reference the new name of the licensee.

No actual plant equipment or accident analyses will be affected by the proposed change. Additionally, the proposed change will not relax any criteria used to establish safety limits, will not relax any safety system settings, or will not relax the bases for any limiting conditions of operation. Therefore, this request will not impact 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 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Richland Public Library, 955 Northgate Street, Richland, Washington 99352.

Attorney for licensee: Perry D. Robinson, Esq., Winston & Strawn, 1400 L Street, N.W., Washington, D.C. 20005–3502.

NRC Section Chief: Stephen Dembek.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: June 10, 1999.

Description of amendment request: The amendment would revise Technical Specification Table 3.3–4, Functional Unit 7.b., Automatic Switchover to Containment Sump (Refueling Water Storage Tank Level—Low-Low) to reflect the results of calculations that were performed for the associated instrumentation setpoints to consider the density variations due to temperature and boric acid concentration.

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.

The protection system performance will remain within the bounds of the previously performed accident analysis. The protection systems will continue to function in a manner consistent with the plant design basis. The proposed changes will not affect any of the analysis assumptions for any of the accidents previously evaluated, since the changes are consistent with the setpoint methodology and ensure adequate margin to the Safety Analysis Limit. The proposed changes will not affect any event initiators nor will the proposed changes affect the ability of any safety related equipment to perform its intended function. There will be no degradation in the performance of nor an increase in the number of challenges imposed on safety related equipment assumed to function during an accident situation. There will be no change to normal plant operating parameters or accident mitigation capabilities.

Therefore these changes do 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.

There are no changes in the method by which any safety related plant system performs its safety function. The normal manner of plant operation remains unchanged, and no new equipment is being introduced. The increase in the RWST [refueling water storage tank] Level Low-Low Allowable Value still provides acceptable margin between the nominal Trip Setpoint and Allowable Value while taking into account a temperature and boric acid density correction. The change in Allowable Value does not impact the systems capability to perform an ECCS [emergency core cooling system] switchover from injection to cold leg recirculation since the nominal Trip Setpoint remains the same. The change in Allowable Value also will not affect injection or recirculation of the Containment Spray System.

No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result of the proposed changes. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed changes do not affect the acceptance criteria for any analyzed event nor is there a change in any Safety Analysis Limit. There will be no effect on the manner in which safety limits or Engineered Safety Features Actuation System settings are determined nor will there be any affect on those plant systems necessary to assure the accomplishment of protection functions. Therefore, there will be no impact on any 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.

Local Public Document Room locations: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037.

NRC Section Chief: Stephen Dembek.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: June 11, 1999.

Description of amendment request: The amendment would revise Technical Specification 3.7.1.6, "Steam Generator Atmospheric Relief Valves," and its associated Bases to (1) require four atmospheric relief valves (ARVs) to be operable; (2) eliminate the use of "required" in the action statements; (3) provide action statements to address inoperability of two ARVs and three or more ARVs due to causes other than excessive leakage; and (4) limit the Limiting Condition for Operation (LCO) 3.0.4 exception to one inoperable ARV.

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.

Revising the LCO to require four ARVs to be OPERABLE rather than three; eliminating

"required" from the Actions; adding a new ACTION for three or more ARVs inoperable; and limiting the LCO 3.0.4 exception to one ARV inoperable constitute more restrictive changes from the current Technical Specifications. The proposed changes do not affect initiating mechanisms or mitigation capabilities associated with SGTR [steam generator tube rupture] events analyzed in Chapter 15 of the Updated Safety Analysis Report. The proposed changes impose more stringent requirements to ensure that ARV OPERABILITY is maintained consistent with the safety analysis and licensing basis, and also to address all potential single failure scenarios. Therefore these changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

With two ARVs inoperable, the allowed outage time for restoration of all but one ARV to OPERABLE status is changed from 24 hours to 72 hours. The existing specification allows one valve to be inoperable indefinitely and with one required ARV inoperable, the allowed outage time for restoration is seven days. By modifying the LCO to require four ARVs to be OPERABLE, an allowed outage time of 72 hours is more restrictive than the existing specification. Therefore, revising the allowed outage time from 24 hours to 72 hours is acceptable based on a more restrictive allowed outage time from the existing specification and the low probability of an event requiring decay heat removal occurring during the restoration period that would require the ARVs. With respect to Reactor Coolant System cooldown for SGTR accident mitigation, the increase in time is acceptable based on the low probability of a SGTR event occurring during the restoration period and the low probability of a SGTR event in conjunction with the failure of the turbine bypass system (i.e., loss of offsite power). Therefore, this change in allowed outage time does not result in a significant increase in the probability or consequences of previously analyzed accidents.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

There are no hardware changes nor are there any changes in the method by which any safety related plant system performs its safety function. Revising the LCO to require four ARVs to be OPERABLE rather than three; eliminating "required" from the Actions; adding a new ACTION for three or more ARVs inoperable; and limiting the LCO 3.0.4 exception to one ARV inoperable will not impact the normal method of plant operation. The proposed changes ensure operation of the plant remains consistent with analysis assumptions. No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result of the proposed changes. Based on the above discussion, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed changes do not affect the acceptance criteria for any analyzed event. There will be no effect on the manner in which safety limits or limiting safety system settings are determined nor will there be any affect on those plant systems necessary to assure the accomplishment of protection functions. The proposed changes ensure operation of the plant consistent with the analysis assumptions. Therefore, there will be no impact on any 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.

Local Public Document Room locations: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037.

NRC Section Chief: Stephen Dembek.

Previously Published Notice of Consideration of Issuance of Amendment to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

Florida Power and Light Company, et al., Docket No. 50–389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

Date of amendment request: May 24, 1999.

Description of amendment request: Clarify nonconservative wording of Technical Specification (TS) 3/4,5,1, "Safety Injection Tanks," and revise TS 3/4.5.2, "ECCS Subsystems—Tavg Greater Than or Equal to 325 degrees F," to align their associated surveillance requirements with the intent and design bases requirements intended to be verified.

Date of publication of individual notice in the **Federal Register**: June 10, 1999 (64 FR 31322).

Expiration date of individual notice: June 25, 1999.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954–9003

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms for the particular facilities involved.

Carolina Power & Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of application for amendment: April 12, 1999.

Brief description of amendment: The amendment is a temporary amendment change effective until September 30, 1999, which revises Technical Specification 3.7.8, "Ultimate Heat Sink (UHS)," to permit an 8-hour delay in the UHS temperature restoration period prior to entering the plant shutdown required actions.

Date of issuance: June 4, 1999.

Effective date: June 4, 1999.

Amendment No.: 183.

Facility Operating License No. DPR–23. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register**: May 5, 1999 (64 FR 24193).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 4, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Hartsville Memorial Library, 147 West College Avenue, Hartsville, South Carolina 29550.

Commonwealth Edison Company, Docket No. 50–249, Dresden Nuclear Power Station, Unit 3, Grundy County, Illinois

Date of application for amendment: May 5, 1999.

Brief description of amendment: The amendment removes the safety valve function of the Target Rock safety/relief valve from Technical Specifications (TS) Section 3.6.E and moves the reactor coolant system safety valve lift pressure setpoints from TS Section 3.6.E to TS Section 4.6.E.

Date of issuance: June 4, 1999.

Effective date: As of the date of issuance and shall be effective within 30 days from the date of issuance.

Amendment No.: 168.

Facility Operating License No. DPR–25: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: May 21, 1999 (64 FR 27824).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 4, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Morris Area Public Library District, 604 Liberty Street, Morris, Illinois 60450.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: December 7, 1998, as supplemented May 12, 1999.

Brief description of amendment: The amendment revises Technical Specification 4.13A.2.a. to allow a one-time extension of the steam generator (SG) inspection interval. In addition, the amendment would remove the requirement of receiving NRC concurrence on the proposed SG examination program in TS 4.13C.1.

Date of issuance: June 9, 1999.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 201.

Facility Operating License No. DPR–26: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: February 10, 1999 (64 FR 6694).

The May 12, 1999, supplemental letter provided clarifying information that did not change the initial proposed no significant hazards consideration.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 9, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Entergy Gulf States, Inc., and Entergy Operations, Inc., Docket No. 50–458, River Bend Station, Unit 1, West Feliciana Parish, Louisiana

Date of amendment request: August 29, 1996, as supplemented January 8, 1998.

Brief description of amendment: The proposed changes revise requirements prescribed in Technical Specification Surveillance Requirement 3.3.1.1.8 and allow River Bend to increase the interval between whole core traversing in-core probe to local power range monitor calibrations from 1,000 megawatt days per ton (MWD/T) to 2,000 MWD/T.

Date of issuance: June 11, 1999.

Effective date: As of the date of issuance and shall be implemented 30 days from the date of issuance.

Amendment No.: 107.

Facility Operating License No. NPF–47: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: October 23, 1996 (61 FR 55032).

The January 8, 1998, letter provided additional information that did not change the scope of the original application and the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 11, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803.

Entergy Operations, Inc., Docket No. 50–313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: April 30, 1998.

Brief description of amendment: The amendment revises the definition of quadrant power tilt to clearly allow the use of either the incore detectors or the excore detectors for determining quadrant power tilt.

Date of issuance: June 10, 1999.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No.: 197.

Facility Operating License No. DPR–51: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: February 10, 1999 (64 FR 6694).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 10, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of application for amendment: April 9, 1999.

Brief description of amendment: The proposed amendment modifies the Technical Specifications (TSs) to add Limiting Condition for Operation 3.0.6 and its associated Bases. This change allows equipment that has been removed from service or declared inoperable in compliance with the TS Action statement to be returned to service under administrative controls solely to perform testing required to demonstrate its operability or the operability of other equipment. The proposed change is consistent with TS 3.0.5 as discussed in NUREG–1432, Revision 1, "Standard Technical Specifications for Combustion Engineering Plants." TS 3.0.2 is also modified to reflect that TS 3.0.6 is an exception to TS 3.0.2.

Date of issuance: June 7, 1999.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance: June 7, 1999.

Amendment No.: 207.

Facility Operating License No. NPF–6: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: May 5, 1999 (64 FR 24196).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 7, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Entergy Operations, Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3 (Waterford 3), St. Charles Parish, Louisiana

Date of amendment request: October 1, 1998, as supplemented by letters dated March 25 and May 6, 1999.

Brief description of amendment: The amendment modifies Technical Specification (TS) 3.3.3.7.3 and Surveillance Requirement 4.3.3.7.3 for the broad range gas detection system at Waterford 3. In addition, TS Bases 3/4.3.3.7 has been changed to reflect the new system.

Date of issuance: June 3, 1999.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: 151.

Facility Operating License No. NPF–38: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: November 18, 1998 (63 FR 64114).

The March 25 and May 6, 1999, letters provided clarifying information that did not change the scope of the original application and the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 3, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Entergy Operations, Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: January 25, 1999, as supplemented by letter dated April 16, 1999.

Brief description of amendment: The amendment removes certain administrative controls from the Waterford 3 Technical Specifications and instead relies on the requirements of the new Entergy common Quality Assurance Program Manual and the change controls of Title 10 of the *Code of Federal Regulations*, Section 50.54(a).

Date of issuance: June 16, 1999.

Effective date: As of the date of issuance and shall be implemented 60 days from the date of issuance.

Amendment No.: 152.

Facility Operating License No. NPF–38: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: February 26, 1999 (64 FR 9192).

The April 16, 1999, letter provided clarifying information that did not change the scope of the original application and expand the initial proposed no significant hazards consideration determination as published in the **Federal Register** notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 16, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

FirstEnergy Nuclear Operating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit 1, Ottawa County, Ohio

Date of application for amendment: March 9, 1999.

Brief description of amendment: This amendment modifies the Technical Specifications to increase the inservice inspection interval, and reduces the scope of volumetric and surface examinations for the reactor coolant pump flywheels.

Date of issuance: June 8, 1999.

Effective date: June 8, 1999.

Amendment No.: 232.

Facility Operating License No. NPF–3: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: May 5, 1999 (64 FR 24196).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 8, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of Toledo, William Carlson Library, Government Documents Collection, 2801 West Bancroft Avenue, Toledo, OH 43606.

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: September 30, 1998.

Brief description of amendment: The amendment corrected the description of the reactor coolant system leakage detection capability of the reactor building atmosphere gaseous radioactivity monitor in the Improved Technical Specification Bases and the Final Safety Analysis Report.

Date of issuance: June 14, 1999.

Effective date: June 14, 1999.

Amendment No.: 179.

Facility Operating License No. DPR–31: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: November 18, 1998 (63 FR 64116).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 14, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Coastal Region Library, 8619 W. Crystal River, Florida 34428.

GPU Nuclear, Inc., et al., Docket No. 50–289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of application for amendment: December 3, 1996.

Brief description of amendment: The amendment incorporates certain improvements from the Standard Technical Specifications for Babcock and Wilcox plants (NUREG–1430).

Date of issuance: June 15, 1999.

Effective date: As of the date of issuance to be implemented within 60 days.

Amendment No.: 211.

Facility Operating License No. DPR–50: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: December 18, 1996 (61 FR 66708).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 15, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Law/Government Publications Section, State Library of Pennsylvania, (Regional Depository) Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105.

IES Utilities Inc., Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: January 22, 1999.

Brief description of amendment: Revises Technical Specification (TS) Section 4.3, "Fuel Storage," by updating the criticality requirements (k-infinity and U–235 enrichment limits) for storage of fuel assemblies in the spent fuel racks. This change would allow for storage of nuclear fuel assemblies with new designs, including GE–12 with a 10X10 pin array.

Date of issuance: June 8, 1999.

Effective date: June 8, 1999.

Amendment No.: 226.

Facility Operating License No. DPR–49: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: February 24, 1999 (64 FR 9192).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 8, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, SE., Cedar Rapids, IA 52401.

IES Utilities Inc., Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: October 15, 1998, as supplemented on December 21, 1998.

Brief description of amendment: Revise the Technical Specifications (TS) by adding a new TS 3.7.9, "Control Building/Standby Gas Treatment System Instrument Air System," and revises (TS) 3.6.1.3, "Primary Containment Isolation Valves," Condition E.

Date of issuance: June 9, 1999.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 227.

Facility Operating License No. DPR–49: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: February 24, 1999 (64FR9193).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 9, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, SE., Cedar Rapids, IA 52401.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Units 1 and 2, Berrien County, Michigan

Date of application for amendments: April 19, 1999.

Brief description of amendments: The amendments revise Technical Specification (TS) 3/4.8.1.2, "Electrical Power Systems, Shutdown," and its associated bases to provide a one-time extension of the 18-month surveillance interval for specific surveillance requirements associated with the emergency diesel generators for Units 1 and 2. The surveillances will be performed prior to the first entry into Mode 4 following the current plant shutdown. In addition, for Unit 2 only, a minor administrative change is included to delete a reference to TS 4.0.8, which is no longer applicable. For Unit 1 only, an editorial change is made to add the word "or" to action statement 3.8.1.2.

Date of issuance: June 8, 1999.

Effective date: June 8, 1999, with full implementation within 45 days.

Amendment Nos.: 228 and 211.

Facility Operating License Nos. DPR–58 and DPR–74: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: April 29, 1999 (64 FR 23129).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 8, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, MI 49085.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station Unit No. 1, Oswego County, New York

Date of application for amendment: May 15, 1998, as supplemented by letters dated September 25, October 13, December 9 (two letters), 1998; January 11, April 1, and April 22, 1999.

Brief description of amendment: This amendment changes Technical Specification (TS) 5.5, "Storage of Unirradiated and Spent Fuel," to reflect a planned modification to increase the storage capacity of the spent fuel pool from 2776 to 4086 fuel assemblies. It also deletes an inappropriate statement and reference within TS 5.5.

Date of issuance: June 17, 1999.

Effective date: This license amendment is effective as of the date of its issuance to be implemented before spent fuel is stored within the new high-density spent fuel rack modules authorized for installation and use by this amendment.

Amendment No.: 167.

Facility Operating License No. DPR–63: Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register**: November 24, 1998 (63 FR 64973).

The September 25, October 13, December 9 (two letters) 1998, January 11, April 1, and April 22, 1999, letters provided clarifying information that did not change the initial proposed no significant hazards consideration.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 17, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia.

Date of application for amendments: January 21, 1999, which superseded application dated July 22, 1998.

Brief description of amendments: The amendments revise the Technical Specifications high radiation trip setpoints for the reactor building and the refueling floor ventilation exhaust monitors.

Date of issuance: June 9, 1999.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: Unit 1—216; Unit 2—157.

Facility Operating License Nos. DPR–57 and NPF–5: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: May 5, 1999 (64 FR 24200); this supersedes the original notice dated August 26, 1998 (63 FR 45529).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 9, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: March 30, 1999.

Brief description of amendments: The amendments deleted Technical Specification 3/4.3.3.4, "Meteorological Instrumentation," and its associated Bases. These requirements have already been relocated to the Technical Requirements Manual (TRM). Because the TRM is incorporated within the South Texas Project updated final safety analysis report for the units, changes to the relocated requirements will be controlled by 10 CFR 50.59.

Date of issuance: June 16, 1999.

Effective date: June 16, 1999, to be implemented within 30 days.

Amendment Nos.: Unit 1—111; Unit 2—98.

Facility Operating License Nos. NPF–76 and NPF–80: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: May 5, 1999 (64 FR 24201).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 16, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488.

Virginia Electric and Power Company, et al., Docket Nos. 50–280 and 50–281, Surry Power Station, Units 1 and 2, Surry County, Virginia

Date of application for amendments: February 16, 1999.

Brief Description of amendments: The amendments revise Technical Specifications (TS) Sections 3.6, 3.9, and 3.16 and the associated Bases for those sections for Units 1 and 2. The changes consolidate the auxiliary feedwater cross-connect requirements by relocating the electrical power requirements from Section 3.16 to Section 3.6. The TS are also clarified with regard to permitting simultaneous entry into certain conditions of operation on Units 1 and 2.

Date of issuance: June 7, 1999.

Effective date: June 7, 1999.

Amendment Nos.: 220 and 220.

Facility Operating License Nos. DPR–32 and DPR–37: Amendments change the Technical Specifications.

Date of initial notice in **Federal Register**: May 5, 1999 (64 FR 24203).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 7, 1999.

No significant hazards consideration comments received: No.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Notice of Issuance of Amendment to Facility Operating Licenses and Final Determination of No Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing.

For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. By July 30, 1999, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the

results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

Duke Energy Corporation, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: June 10, 1999.

Brief description of amendments: The amendments revised the Technical Specifications TS 3.7.9, "Control Room Area Ventilation System (CRAVS)," to establish actions to be taken for an inoperable control room ventilation system due to a degraded control room pressure boundary. This revision approves a one-time-only action for two CRAVS trains inoperable due to a degraded control room boundary in Modes 1, 2, 3, and 4, that is to be completed within 24 hours. The applicable TS Bases have been revised to document the TS changes and to provide supporting information.

Date of issuance: June 11, 1999.

Effective date: As of the date of issuance and shall be implemented upon receipt.

Amendment Nos.: Unit 1—185; Unit 2—167.

Facility Operating License Nos. NPF–9 and NPF–17: Amendments revised the Technical Specifications.

The Commission's related evaluation and the amendment, finding of emergency circumstances, consultation with the State of North Carolina, and final no significant hazards consideration determination are contained in a Safety Evaluation dated June 11, 1999.

Attorney for licensee: Mr. Albert Carr, Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina.

Local Public Document Room location: J. Murrey Atkins Library, University of North Carolina at Charlotte, 9201 University City Boulevard, Charlotte, North Carolina.

NRC Section Chief: Richard L. Emch, Jr.

Dated at Rockville, Maryland, this 23rd day of June 1999.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–16489 Filed 6–29–99; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C., Section 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning July 1, 1999, shall be at the rate of 27 cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning July 1, 1999, 35.8 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 64.2 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus 100 percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

By Authority of the Board.

Dated: June 21, 1999.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 99–16569 Filed 6–29–99; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–23883]

Notice of Applications for Deregistration under Section 8(f) of the Investment Company Act of 1940

June 23, 1999.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of June, 1999. A copy of each application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth St., NW, Washington, DC 20549–0102 (tel. 202–942–8090). An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 19, 1999, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary, SEC, 450 Fifth Street, NW, Washington, DC 20549–0609. For Further Information Contact: Diane L. Titus, at (202) 942–0564, SEC, Division of Investment Management, Office of Investment Company Regulation, Mail Stop 0506, 450 Fifth Street, NW, Washington, DC 20549–0506.

Pinnacle Fund [File No. 811–4188]

SUMMARY: Applicant seeks an order declaring that it has ceased to be an investment company. On March 9, 1998, applicant transferred all of its assets to Fountain Square Pinnacle Fund, a series of Fountain Square Funds, in exchange for shares of the acquiring fund based on net asset value. Approximately $46,000 in expenses were incurred in connection with the reorganization and were paid by Fifth Third Bank, investment adviser to certain portfolios of Fountain Square Funds and a control affiliate of applicant's investment adviser.

Filing Dates: The application was filed on February 16, 1999, and amended on June 1, 1999.

Applicant's Address: 36 South Pennsylvania Street, Suite 610, Indianapolis, Indiana 46204.

The Crabbe Huson Funds [File No. 811–7427]

The Crabbe Huson Special Fund, Inc. [File No. 811–5302]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. On October 19, 1998, The Crabbe Huson Funds transferred all of the assets of (a) six of its series, Crabbe Huson Real Estate Investment Fund, Crabbe Huson Oregon Tax-Free Fund, Crabbe Huson Income Fund, Crabbe Huson Equity Fund, Crabbe Huson Small Cap Fund, and Crabbe Huson Asset Allocation Fund to corresponding series of Colonial Trust III based on net asset value; and (b) its two remaining series, Crabbe Huson U.S. Government Income Fund and Crabbe Huson U.S. Government Money Market Fund to corresponding series of Colonial Trust II based on net asset value. On December 22, 1998, The Crabbe Huson Special Fund, Inc. transferred all of its assets to the Crabbe Huson Special Fund series of Colonial Trust III based on net asset value. Expenses of approximately $1,112,235 were incurred in connection with the reorganizations and were paid by Liberty Financial Companies, Inc., the parent company of applicant's investment adviser, or its affiliates.

Filing Date: Each application was filed on May 25, 1999.

Applicants' Address: 121 SW Morrison, Suite 1400, Portland, Oregon 97204.

Templeton American Trust, Inc. [File No. 811–6204]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On April 15, 1999, applicant transferred its assets to the Franklin Equity Fund ("Equity Fund") based on net asset value. Expenses of approximately $60,000 were incurred in connection with the reorganization and were paid equally by the Equity Fund, applicant, and their respective advisers.

Filing Date: The application was filed on May 26, 1999.

Applicant's Address: 500 East Broward Boulevard, Ft. Lauderdale, Florida 33394–3091.

Morgan Stanley Dean Witter Capital Appreciation Fund [File No. 811–7333]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On March 15, 1999, applicant transferred its assets and liabilities to Morgan Stanley Dean Witter American Value Fund based on net asset value. Expenses of approximately $182,000 were incurred in connection with the reorganization and were paid by applicant.

Filing Date: The application was filed on May 25, 1999.

Applicant's Address: Two World Trade Center, New York, New York 10048.

Neuberger & Berman Municipal Securities Trust [File No. 811–5107]
Neuberger & Berman Municipal Money Fund [File No. 811–4102]
Neuberger & Berman Ultra Short Bond Fund [File No. 811–4812]
Neuberger & Berman Limited Maturity Bond Fund [File No. 811–4560]
Neuberger & Berman Cash Reserves [File No. 811–5467]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. On July 2, 1993, applicants transferred all of their assets and liabilities to corresponding series of Neuberger & Berman Income Funds based on net asset value per share. Each applicant bore its expenses related to the reorganization which amounted to approximately $28,000 for Neuberger & Berman Municipal Securities Trust, $30,000 for Neuberger & Berman Municipal Money Fund, $40,000 for Neuberger & Berman Ultra Short Bond Fund and Neuberger & Berman Limited Maturity Bond Fund, respectively, and $50,000 for Neuberger & Berman Cash Reserves.

Filing Dates: The applications were filed on June 19, 1998, and were amended on May 28, 1999.

Applicants' Address: 605 Third Avenue, New York, New York 10158–0180.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–16578 Filed 6–29–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41546; File No. SR–Amex–99–15]

Self-Regulatory Organizations; Order Granting Accelerated Approval to Proposed Rule Change and Amendment Nos. 1 and 2 Thereto, and Notice of Filing of Amendment No. 2, by the American Stock Exchange LLC Relating to the Listing and Trading of Notes and Warrants on the 10 Uncommon Values Index of Lehman Brothers Inc.

June 22, 1999.

I. Introduction

On April 19, 1999, the American Stock Exchange LLC ("Exchange" or

"Amex"), submitted to the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change relating to the listing and trading of notes and warrants on the 10 Uncommon Values Index of Lehman Brothers Inc. ("Lehman"). The Exchange filed Amendment No. 1[3] to the proposed rule change on May 17, 1999. The proposed rule change, as amended, was published for comment in the **Federal Register** on June 1, 1999.[4] The Commission received no comments on the proposal. On June 21, 1999, the Exchange submitted Amendment No. 2 to the proposed rule change.[5] This order approves the proposal, as amended.

II. Description of the Proposal

The Exchange proposes to trade stock index warrants, pursuant to Section 106, and index term notes, pursuant to Section 107, of the *Amex Company Guide* based upon Lehman's 10 Uncommon Values® Index, an index consisting of ten actively traded equity securities ("Index"). The Warrants (as hereinafter defined) and Notes (as hereinafter defined) will be cash-settled. The Index will be equal-dollar weighted with respect to the ten component stocks and, under Amex rules, is considered a narrow-based stock index. The issuer of the Warrants and Notes will be Lehman Brothers Holdings Inc. ("LB Holdings").

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Letter from Scott Van Hatten, Amex to Richard Strasser, Division of Market Regulation ("Division"), Commission, dated May 14, 1999 ("Amendment No. 1"). Amendment No. 1 clarifies that the Notes (as hereinafter defined) will be principal protected if held to maturity or if called by the issuer. Amendment No. 1 also provides three sample calculations of payment amounts that investors holding Notes may receive.

[4] *See* Securities Exchange Act Release No. 41436 (May 21, 1999), 64 FR 29367.

[5] Letter from Scott Van Hatten, Amex to Nancy Sanow, Division, Commission, dated June 21, 1999 ("Amendment No. 2"). Amendment No. 2 clarifies that the Index will be defined as a Stock Index Industry Group, commonly referred to as a narrow-based index, under Amex Rule 900C(b)(1) and that LB Holdings satisfies the net worth and earnings requirements set forth in Sections 106 and 107 of the *Amex Company Guide*. The Exchange also represents that if the Index is comprised of foreign securities or American Depository Receipts ("ADRs"), at any time during the term of the proposed Warrants, that: (i) Are not subject to comprehensive surveillance agreement, and (ii) have less than 50% of their global trading volume in dollar value within the United States, those foreign securities or ADRs will not, in the aggregate, represent more than 20% of the weight of the Index, unless the index is otherwise approved for warrant or option trading. Lastly, Amendment No. 2 clarifies the procedures for valuing foreign securities.

A. Index Design and Stock Selection Criteria

The securities comprising the Index will be selected annually by the Investment Policy Committee ("Committee") of Lehman's Equity Research group, a division of Lehman, and announced on or about July 1 of each year. The Committee will select ten securities that it believes will outperform the stock market during the succeeding twelve months. To determine the ten selections each year, various Lehman's Equity Research analysts appear before the firm's Investment Policy Committee to present their proposed equity selections to be included in the Index for the next twelve months. The Committee analyzes and screens each proposal after which the list of stocks is reviewed to determine those stocks that offer the best potential to outperform the market. The Committee then selects those stocks that it believes will be the best ten stocks for the next twelve months' 10 Uncommon Values Index. Immediately thereafter, on or about July 1 of each year, the ten securities to be included in the Index for a twelve month period are announced. Each subsequent year's 10 Uncommon Value stocks ("New Components") will replace the preceding year's 10 Uncommon Value stocks ("Old Components") in their entirety in the Index.[6] The New Components will be added to the Index on or about July 1 ("Announcement Date") of each year, and the Old Components will be removed from the Index on the last business day immediately preceding the Announcement Date ("Closing Date").

Consistent with other structured products, the Exchange will distribute a circular to its membership, prior to the commencement of trading of the Notes and Warrants, providing guidance on member firm compliance responsibilities, including appropriate suitability criteria and/or guidelines. Lastly, as with other structured products, the Exchange will closely monitor activity in the Notes and Warrants to identify and deter any potential improper trading activity in the Notes and Warrants.

1. Description of the Index Notes

Under Section 107 of the *Amex Company Guide*, the Exchange may approve for listing and trading securities that cannot be readily categorized under the listing criteria for common and preferred stocks, bonds, debentures, or warrants.[7] The Amex now proposes to list for trading under Section 107 of the *Amex Company Guide*, indexed term notes ("Notes") whose value in whole or in part will be based on the Index.

The Notes will be debt securities and will conform to the listing guidelines under Section 107A of the *Amex Company Guide*. Consistent with Section 107A of the *Amex Company Guide*, the Notes will provide for a maturity of not less than one nor more than ten years from the date of issue. LB Holdings anticipates that the Notes will provide for a maturity of five years. The price of each Note may be par or less than par, in which case the Notes will accrue original issue discount. The Notes may or may not provide for periodic coupon payments (at a fixed rate).

Beginning on a specified date ("Conversion Date"), holders have the right to tender the Notes in exchange for the cash equivalent ("Exchange Amount") of the current component securities in the Index in proportion equal to their weighting in the Index, according to the following formula:

$(Par/Strike \times Index_f)$

Where:

$Index_f$: Closing Price of the Index on the earlier of Conversion Date or Maturity

$Index_i$: Initial Index Value (*i.e.*, 100)

Strike: Specified % of $Index_i$ (anticipated by LB Holdings to be 125%)

Investors in the Notes may receive varying payment amounts depending upon whether the notes are held to maturity, called by the issuer prior to maturity, or redeemed by the investor prior to maturity. Below are examples of calculations of payment amounts that investors holding the Notes may receive.[8]

To determine payment amounts given each of the three separate events, a Par Value (Issue Price) of $1000, Strike of 125, and Initial Value of the Index of 100 are assumed. The maturity of the Notes is assumed to be five years and the issuer may not call the Notes prior to three years after their issuance (*i.e.*, the Notes will have a non-call life of three years).

1. The investor holds the Notes until maturity. At maturity, the investor will receive the greater of:

Par ($1000), and

(Par/Strike × Final Index Value)

[6] The Committee may select an Old Component to be a New Component, but the Old Component would be reevaluated and would have to satisfy the eligibility standards for index components outlined *infra* in Section 11.C.

[7] *See* Securities Exchange Act Release No. 27753 (March 1, 1990), 55 FR 8626 (March 8, 1990).

[8] *See* Amendment No. 1, *supra* n. 3.

2. The investor converts the Notes prior to maturity. Investors may convert their Notes at any time after the one-month anniversary of the issue date in exchange for cash. The amount the investor would receive in the event of ealry conversion is determined by the following formula:

(Par/Strike × Current Index Value)

3. The issuer has the right to call the notes at any point beginning three years after the trade date by publishing such call with 30-days notice to investors. If the issuer calls the notes, the investor will receive the greater of Par and the Exchange Amount.

Example 1: Assume an Index value equal to 150 (*i.e.*, greater than the initial Index value of 100). Payment to investors under the above three events would be as follows:

1. Greater of [$1000 and ($1000/125×150)]=$1,200
2. ($1000/125×150)=$1,200
3. ($1,000/125×150)=$1,200

Example 2: Assuming an Index value of 90 (*i.e.*, less than the initial index value of 100). Payment to investors under the above three events would be as follows:

1. Greater of [$1,000 and ($1,000/125×90)]=$1,000
2. ($1,000/125×90)=$720
3. The Note may or may not be called by the issuer in this case. If the Note is called, payment would equal Par ($1,000).

Beginning on a specified date the issuer may or may not have the right to call all of the Notes at a call price equal to the issue prices of the Notes plus accrued original issue discount, if any, to the call date. If the market value of the basket of component securities on the last trading before the issuer sends its call notice is equal to or greater than the call price, the issue will deliver to holders the Exchange Amount instead. If the issuer notifies holders it will be calling the Notes for the Exchange Amount, a holder may still exercise its exchange right on any day prior to the call date. If the Notes have not been exchanged or called prior to maturity, they will be paid in cash at maturity in an amount equal to par plus accrued interest, if any.

LB Holdings, the issuer of the Notes, satisfies the criteria of Section 107 of the *Amex Company Guide*. Specifically, LB Holdings has assets in excess of $100 million and stockholders' equity of at least $10 million and satisfies the earnings criteria set forth in Section 101 of the *Amex Company Guide*. If LB Holdings is unable to satisfy the minimum earnings requirements of Section 101 prior to issuance of the proposed warranties and notes, the Exchange generally will require LB Holdings to have the following: (i) Assets in excess of $200 million and stockholders' equity of at least $10 million; or (ii) assets in excess of $100 million and stockholders' equity of at least $20 million.

2. Exchange Rules Applicable to the Index Notes

Because the Notes are linked to a basket of equity securities, the Amex's existing equity floor trading rules and standard equity trading hours (9:30 a.m. to 4:00 p.m. Eastern Time) will apply to the trading of the Notes. Pursuant to Exchange Rule 411, the Exchange will impose a duty of due diligence on its members and member firms to learn the essential facts relating to every customer prior to effecting a transaction in the Notes. Further, the Notes will be subject to the equity margin rules of the Exchange.[9]

B. Description of Index Warrants

Under Section 106 of the *Amex Company Guide*, the Exchange may approve for listing and trading index warrants. The Amex proposes to list for trading, under Section 106 of the *Amex Company Guide*, index warrants ("Warrants") whose value in whole or in part will be based upon the Index. The Warrants will conform to the listing guidelines under Section 106 of the *Amex Company Guide*. Specifically, the Warrants will have a term of between one and five years from date of issuance (LB Holdings anticipates a term of three years), a minimum public distribution of 1,000,000 Warrants together with a minimum of 400 public Warrantholders, and an aggregate market value of $4,000,000. The Warrant will be cash-settled in U.S. dollars. Further, pursuant to Section 106(e), the Exchange expects that the terms of the Warrants for which 25% or more of the value of the Index is represented by securities that are traded primarily in the United States must provide that opening prices of the stocks traded primarily in the United States which comprise the Index will be used to determine: (i) The final settlement value (*i.e.*, the settlement value for Warrants that are exercised at expiration), and (ii) the settlement value for such Warrants that are exercised on either of the two business days preceding the day on which the final settlement value is to be determined. Under Section 106(f) the Warrants must include in their terms provisions specifying: (i) The time by which all exercise notices must be submitted, and (ii) that all unexercised Warrants that are in the money will be automatically exercised on their expiration date or on or promptly following the date on which such Warrants are delisted by the Exchange (if the Warrant have not been listed on another organized securities market in the United States).

Under Section 106(g), at any time during the term of the Warrants, if the Index is comprised of foreign securities or ADRs that: (i) Are not subject to a comprehensive surveillance agreement, and (ii) have less than 50% of their global trading volume in dollar value within the United States, those foreign securities or ADRs shall not, in the aggregate, represent more than 20% of the weight of the Index, the Index is otherwise approved for warrant or option trading.

Under Section 106(h), the Exchange expects that the issuer of the Warrants either will make arrangements with transfer agents to advise the Exchange immediately of any change in the number of Warrants outstanding due to the early exercise of the Warrants or will provide this information themselves. If 25% or more of the value of the Index is represented by securities traded primarily in the United States, such notice shall be filed with the Member Firm Regulation Division of the Exchange no later than 4:30 p.m. New York City time, on the date when the settlement value for such Warrants is determined. Such notice shall be filed in such form and manner as may be prescribed by the Exchange from time to time.

1. Expiration and Settlement of Index Warrants

The Warrants will be direct obligations of their issuer, LB Holdings, subject to cash-settlement during their term, and either exercisable throughout their life (*i.e.*, American style) or exercisable only on their expiration date (*i.e.*, European style). LB Holdings anticipates that the Warrants will be American style. Upon exercise, or at the Warrant's expiration date (if not exercised prior to such date), the holder of a Warrant structured as a "put" will receive payment in U.S. dollars to the extent that the Index has declined below a pre-stated index level (*i.e.*, the put strike). Conversely, holders of a Warrant structured as a "call" will, upon exercise or at expiration, receive payment in U.S. dollars to the extent that the Index has increased above the pre-stated index level (*i.e.*, the call strike). If "out-of-the-money" at the time of expiration, then the Warrants will expire worthless. In addition, the Amex,

[9] *See* Exchange Rule 462.

prior to the commencement of trading, will distribute a circular to its membership calling attention to the specific risks associated with the Warrants.

2. Exchange Rules Applicable to Index Warrants

The listing and trading of Warrants on the Index will comply in all respects with Exchange Rules 1100 through 1110 for the trading of stock index and currency warrants. These rules cover issues such as exercise and position limits and reporting requirements. Surveillance procedures currently used to monitor trading in each of the Exchange's other index warrants will also be used to monitor trading in the Warrants. The Index will deemed to be a Stock Index Industry Group (defined below) under Exchange Rule 900C(b)(1). The Exchange expects that the review required by Exchange Rule 1107(b)(ii) will result in a position limit of 9,000,000 Warrants.

C. Eligibility Standards for Index Components

Components stocks of the Index will be required to meet the following criteria: (1) A minimum market value of at least $75 million, except that the lowest weighted components security in the Index may have a market value of $50 million; (2) trading volume in each of the last six months of not less than 1,000,000 shares, except that the lowest weighted component security in the Index may have a trading volume of 500,000 shares or more in each of the last six months; (3) 90% of the weight of the Index and at least 80% of the total number of component securities will meet the then current criteria for standardized option trading set forth in Exchange Rule 915; (4) all component stocks will either by listed on the Amex, the New York Stock Exchange ("NYSE"), or traded through the facilities of the Nasdaq Stock Market ("Nasdaq") and reported National Market System securities ("Nasdaq/NMS securities"); and (5) if the Index is comprised of foreign securities or ADRs, at any time during the term of the Warrants, that: (i) Are not subject to a comprehensive surveillance agreement, and (ii) have less than 50% of their global trading volume in dollar value within the United States, those foreign securities or ADRs will not, in the aggregate, represent more than 20% of the weight of the Index, unless such index is otherwise approved for warrant or option trading.

D. Index Calculation

The Index will be calculated using an "equal-dollar weighting" methodology designed to ensure that each of the component securities is represented in an approximately "equal" dollar amount in the Index. To create the Index, a portfolio of equity securities will be established by the LB Holdings representing an investment of $10,000 in each component security (rounded to the nearest whole share). The value of the Index will equal the current market value of the sum of the assigned number of shares of each of the component securities divided by the current Index divisor. The Index divisor will initially be set to provide a benchmark value of 100.00 at the close of trading on the day proceeding the establishment of the Index.

Lehman will serve as calculation agent ("Calculation Agent") for the Notes and Warrants. As Calculation Agent for the Notes, Lehman will determine the amount investors receive at the stated maturity of the Notes or on their earlier redemption of repurchase by LB Holdings. As calculation Agent for the Warrants, Lehman will determine the amount investors receive on exercise of the Warrants by determining the cash settlement amount.

The Exchange will calculate the value of the Index and, similar to other stock index values published by the Exchange, the value of the Index will be calculated continuously and disseminated every 15 seconds over the Consolidated Tape Association's Network B.

The number of shares of each component stock in the Index will remain fixed between Announcement Dates except in the event of certain types of corporate actions such as the payment of a dividend other than an ordinary cash dividend, a stock distribution, stock split, reverse stock split, rights offering, distribution, reorganization, recapitalization, or similar event with respect to the component stocks. The number of shares of each component stock may also be adjusted, if necessary in the event of a merger, consolidation, dissolution or liquidation of an issuer or in certain other events such as the distribution of property by an issuer to shareholders, the expropriation or nationalization of a foreign issuer or the imposition of certain foreign taxes on shareholders of a foreign issuer. Shares of a component stock may be replaced (or supplemented) with other securities under certain circumstances, such as the conversion of a component stock into another class of security, the termination of a depositary receipt program or the spin-off of a subsidiary. If the stock remains in the Index, the number of shares of that security in the portfolio may be adjusted, to the nearest whole share, to maintain the component's relative weight in the Index at the level immediately prior to the corporate action. In all cases, the divisor will be adjusted, if necessary, to ensure Index continuity.

III. Commission Findings and Conclusions

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6(b)(5) of the Act[10] Specifically, the Commission finds that the listing and trading of Warrants and Notes on the Index will promote the public interest and help to remove impediments to a free and open securities market by providing investors with a means to hedge exposure to market risk associated with a portion of the equity markets[11] and promote efficiency, competition and capital formation.[12]

Nevertheless, the trading of Warrants and Notes on the Index raised several concerns related to the design and maintenance of the Index, customer protections, surveillance and market impact. The Commission believes, however, for the reasons discussed below, that the Amex has adequately addressed these concerns.

A. Design and Maintenance of the Index

The Commission finds that it is appropriate and consistent with the Act for the Amex to consider the Index as a stock index industry group ("Stock Index Industry Group") under Rule 900C(b)(1) (*i.e.*, a "narrow-based" stock index) for purposes of margin requirements for the Notes and Warrants as well as for other purposes under the Exchange's rules. The Index will be composed of ten actively traded common stocks that will be listed on the Amex or NYSE or through the facilities

[10] 15 U.S.C. 78f(b)(5).

[11] Pursuant to Section 6(b)(5) of the Act, the Commission must predicate approval of any new securities product upon a finding that the introduction of such product is in the public interest. Such a finding would be difficult for a warrant that served no hedging or other economic function, because any benefits that might be derived by market participants likely would be outweighted by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns.

[12] *See* 15 U.S.C. 78c(f).

of Nasdaq and reported as Nasdaq/NMS securities.

The Commission notes that the Amex has implemented several safeguards in connection with the listing and trading of the Warrants and Notes that will serve to ensure that the Index's component securities are relatively highly capitalized and actively traded. In this regard, the Amex represents that the Index and its component stocks will meet the criteria of Sections 106 and 107 of the *Amex Company Guide* and the generic criteria for the component securities of a Stock Index Industry Group prior to trading.

The Commission further notes that the issuer, LB Holdings, satisfies the net worth and earnings requirements set forth in Sections 106 and 107 of the *Amex Company Guide*. Specifically, for purposes of the proposed Warrants and with respect to Section 106, LB Holdings satisfies subparagraph (a), governing the size and earnings requirements of the Warrant's issuer. Pursuant to paragraph (a) of Section 106, LB Holdings possesses a minimum tangible net worth in excess of $250,000,000, and otherwise substantially exceeds the earnings requirements set forth in Section 101(A) of the *Amex Company Guide*.[13] In the event that the issuer's minimum tangible net worth changes prior to the issuance of the Warrants, or, in the alternative, prior to the Exchange's listing of the Warrants, LB Holdings will be required to have: (i) A minimum tangible net worth of $150,000,000 and to otherwise substantially exceed the earnings requirements set forth in Section 101(A), and (ii) not to have issued warrants where the original issue price of all of its index and currency warrant offerings (combined with index and currency offerings of its affiliates) listed on a national securities exchange or traded through the facilities of Nasdaq exceeds 25% of its net worth.

Moreover, the Commission notes that the Exchange has represented that the Warrants will conform to the listing guidelines under Section 106 of the *Amex Company Guide*. Specifically, the Warrants will have a term of between one and five years from the date of their issuance, a minimum public distribution of 1,000,000 Warrants together with a minimum of 400 public Warrantholders, and an aggregate market value of $4,000,000. The Warrants will be cash-settled in U.S. dollars. Further, pursuant to Section 106(e), the Exchange expects that the terms of the Warrants for which 25% or more of the value of the Index is represented by securities that are traded primarily in the United States must provide that opening prices of the stocks traded primarily in the United States that comprise the Index will be used to determine: (i) The final settlement value (*i.e.*, the settlement value for Warrants that are exercised at expiration), and (ii) the settlement value for such Warrants that are exercised on either of the two business days preceding the day on which the final settlement value is to be determined. Under Section 106(f), all Warrants will be required to include in their terms provisions specifying: (i) The time by which all exercise notices must be submitted, (ii) that all unexercised Warrants that are in the money will be automatically exercised on their expiration date or on or promptly following the date on which such Warrants are delisted by the Exchange (if the Warrants have not been listed on another organized securities market in the United States).

With respect to the listing of the Notes, the Commission also notes that LB Holdings satisfies the requirements of Section 107 of the *Amex Company Guide*. Specifically, LB Holdings has assets in excess of $100 million and stockholders' equity of at least $10 million and satisfies the earnings criteria set forth in Section 101 of the *Amex Company Guide*. Should LB Holdings be unable to satisfy the minimum earnings requirements of Section 101 prior to issuance of the proposed Warrants and Notes, the Exchange generally will require LB Holdings to have the following: (i) Assets in excess of $200 million and stockholders' equity of at least $10 million; or (ii) assets in excess of $100 million and stockholders' equity of at least $20 million.

In addition, the Exchange has indicated that the Index's component stocks must meet the following criteria: (1) A minimum market value of at least $75 million, except that the lowest weighted component security in the Index may have a market value of $50 million; (2) trading volume in each of the last six months of not less than 1,000,000 shares, except that the lowest weighted component security in the Index may have a trading volume of 500,000 shares or more in each of the last six months; (3) 90% of the weight of the Index and at least 80% of the total number of component securities will meet the then current criteria for standardized option trading set forth in Exchange Rule 915; (4) all component stocks will either be listed on the Amex, the New York Stock Exchange NYSE, or traded through the facilities of the Nasdaq and reported as Nasdaq/NMS securities; and (5) if the Index is comprised of foreign securities or ADRs, at any time during the term of the Warrants, that: (i) Are not subject to a comprehensive surveillance agreement, and (ii) have less than 50% of their global trading volume in dollar value within the United States, those foreign securities or ADRs will not, in the aggregate, represent more than 20% of the weight of the index, unless such Index is otherwise approved for Warrant or option trading.

The Commission notes that the Index will be calculated using "equal-dollar" weighting methodology designed to ensure that each component security is represented in an approximately "equal" dollar amount in the Index. Although the Index will not be rebalanced quarterly,[14] the Commission notes that the component securities are replaced entirely each year. In the unusual situation where a component stock is carried over to the following year's Index, that security most again meet the eligibility criteria for component stocks.

B. Customer Protection

The Commission notes that the rules and procedures of the Exchange adequately address the special concerns relating to the trading of Warrants and Notes on the Index. Specifically, the applicable suitability, account approval, disclosure and compliance requirements of the Amex listing standards governing warrants and notes satisfactorily address potential concerns. Moreover, the Amex plans to distribute a circular to its membership calling attention to specific risks associated with Warrants and Notes on the Index. Further, pursuant to sections 106 and 107 of the *Amex Company Guide*, only those issuers capable of meeting the Amex's issuer standards are be eligible to issue Warrants and Notes. These standards, among other things, help to ensure that the issuer is sufficiently creditworthy to be able to meet its obligations at the expiration of the Warrants and Notes.

C. Surveillance

In evaluating new derivative instruments, the Commission, consistent with the protection of investors, considers the degree to which the exchange sponsoring the derivative instrument has the ability to obtain

[13] The earnings requirements set forth in Section 101A of the *Amex Company Guide* require that the issuer have pre-tax income of least $750,000 in its last fiscal year, or in two of its last three fiscal years.

[14] *See* Commentary .02(b) to Amex Rule 901(C), which requires that, for the Amex to list options on Stock Index Industry Groups under Rule 19b–4(e) under the Act, 17 CFR 240.19b–4(e) an equal-dollar weighted index must be rebalanced quarterly.

information necessary to detect and deter market manipulation and other trading abuses. It is for this reason that the Commission requires that there be a comprehensive surveillance agreement in place between an exchange listing or trading a derivative product and the primary exchanges trading the stocks underlying the derivative instrument to enable regulators to monitor and surveil trading in the derivative product and its underlying stocks.[15] Such agreements facilitate the availability of information needed to fully investigate a potential manipulation if it were to occur. In this regard, the Commission notes that the Exchange and the other markets for the stocks underlying the Index—the NYSE and the NASDR (the self-regulatory organization that oversees Nasdaq)—are members of the Intermarket Surveillance Group, which provides for the sharing of all necessary surveillance information among members.

In addition, the Exchange has represented that if any foreign securities or ADRs represented in the Index are not subject to a comprehensive surveillance agreement, those foreign securities or ADRs will not, in the aggregate, represent more than 20% of the weight of the Index.

The Commission notes that certain concerns are raised when a broker-dealer, such as Lehman, is involved in the development, maintenance, and calculation of a stock index that underlies an exchange-traded derivative product. In this case, not only is LB Holdings the issuer of the Notes and Warrants, but also its affiliate, Lehman, will develop the Index, replace component stocks annually, and serve as Calculation Agent. For several reasons, however, the Commission believes that the Exchange has adequately addressed these concerns with respect to Warrants and Notes on the Index.

First, Lehman has established informational barriers around the Lehman personnel who have access to information regarding changes and adjustments to the Index.[16] The Commission believes that these barriers will help prevent the improper use of material non-public information concerning the Index and strengthen the proposal by maintaining the integrity of changes made to the Index. Second, Lehman currently has in place internal review procedures to monitor trading activity in Index component securities, particularly prior to the announcement of New Component Stocks. Finally, the Exchange's existing surveillance procedures will apply to the Warrants and Notes on the Index and should provide the Exchange with adequate information to detect and deter trading abuses.

With respect to Lehman's serving as Calculation Agent, the Commission indicates that the prospectuses for the Notes and Warrants will inform investors of the formulas used to calculate the payout on the conversion, redemption, repurchase, maturity of the Notes, or on the exercise of the Warrants. Moreover, the Exchange has represented that Lehman or the Exchange will, upon request, provide investors with the values used in the formula to determine payout amounts.[17] Finally, the Commission notes that the Exchange is responsible for monitoring and surveilling trading in the Index and component stocks to detect and deter trading abuses, including at the time of the derivative instrument's stated maturity. In sum, the Commission believes that the procedures discussed above will help to ensure that Lehman does not unfairly use any information regarding the Index that it obtained through its role in developing and maintaining the Index or does not unfairly administer calculating the Index.

For the reasons discussed above, the Commission finds good cause to approve the proposed rule change and Amendment Nos. 1 and 2 thereto prior to the thirtieth day after the date of publication of notice of their filing in the **Federal Register**. Specifically, Amendment No. 2 clarifies (i) the method by which foreign components will be valued; (ii) that LB Holdings, the issuer, satisfies all the net worth and earnings requirements set forth in Section 106 and 107 of the *Amex Company Guide;* (iii) that the Warrants will conform to the listing guidelines of Section 106 of the *Amex Company Guide*; and (iv) the procedures by which component securities will be replaced or supplemented in the event of a merger, consolidation, spin-off, termination of an ADR program, or conversion into another class of securities.[18] Amendment No. 2 also states that the Index will not be rebalanced on a quarterly basis. The Commission believes that completely reconstituting the Index each year results in an annual rebalancing and that quarterly rebalancing is not practicable or in the public interest given the nature of the Index. The Commission received no comments on the proposed rule change as originally published and believes that no new regulatory issues are presented in Amendment No. 2.

Accordingly, the Commission believes that it is consistent with Sections 6(b)(5) and 19(b)(2)[19] of the Act, to find good cause exists to approve the proposed rule change and Amendment Nos. 1 and 2 on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 2, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Security, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be

[15] The Commission believes that the ability to obtain relevant surveillance information, including, among other things, the identity of the ultimate purchasers and sellers of securities, is an essential and necessary component of a comprehensive surveillance agreement. A comprehensive surveillance agreement should provide its parties with the ability to obtain information necessary to detect and deter market manipulation and other trading abuses. Consequently, the Commission generally requires that a comprehensive surveillance agreement stipulate that the parties to the agreement provide each other, upon request, information about market trading activity, clearing activity and customer identity. *See* Securities Exchange Act Release No. 31529 (Nov. 27, 1992), 57 FR 57248 (Dec. 3, 1992).

[16] Details of the Lehman informational barriers have been submitted to the Commission under separate cover. *See* Letter from John R. Wickman, Equity Derivatives Managing Director, Lehman, to Nancy J. Sanow, Assistant Director, Division, Commission, dated June 18, 1999.

[17] Telephone conversation between Nancy J. Sanow, Senior Special Counsel, Division, Commission and Scott Van Hatten, Amex, on June 22, 1999.

[18] The Exchange will adhere to the following procedures: (i) In the event of a merger or consolidation (whether between component stocks or between one component stock and one non-component stock), the original component stock will be replaced by the new security; (ii) in the event of a conversion into another class of security, the original component stock will be replaced by the new security; (iii) in the event of a spin-off of a subsidiary, both the subsidiary issue and the original parent security will be included in the Index; and (iv) should a depositary receipt program be terminated, for any reason, after an ADR had already been included in the Index, the underlying foreign stock will be included in the Index No attempt will be made to find a replacement stock or to otherwise compensate for a stock which is extinguished due to a bankruptcy or similar circumstances.

[19] 15 U.S.C. 78s(b)(2).

available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of Amex. All submission should refer to File No. SR–Amex–99–15 and should be submitted by July 21, 1999.

For the foregoing reasons, the Commission finds that the Amex's proposal to list and trade Warrants and Notes on the Index is consistent with the requirements of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR–Amex–99–15), as amended, is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[20]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–16645 Filed 6–29–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41550; File No. SR–MBSCC–99–4]

Self-Regulatory Organizations; MBS Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Modifying MBSCC's Schedule of Charges Relating To the Electronic Pool Notification Service

June 23, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice if hereby given that on April 30, 1999, MBS Clearing Corporation ("MBSCC") 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 primarily by MBSCC. The Commission is publishing this notice to solicit comments from interested persons on the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change modifies the schedule of charges relating to MBSCC's Electronic Pool Notification ("EPN") service.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MBSCC 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. MBSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to add new fees for dial-up circuits and modems relating to MBSCC's EPN service. EPN participants currently are required to own the circuits and modems necessary for dial-up connectivity to EPN. Participant ownership of circuits and modems at EPN data centers makes installation, service, and deinstallation cumbersome because circuit providers and modem vendors typically require the participant to become involved in the process. The proposed rule change will allow MBSCC to own the dial-up circuits and modems at EPN data centers which MBSCC believes will streamline the process of installation, service, and deinstallation.

The new fees will offset the cost of MBSCC ownership of the dial-up circuits and modems. The new dial-up circuit wage fee will be $30.00 per month (per circuit to MetroTech and Water Street) and the new dial-up modem usage fee will be $30.00 per month (per circuit to MetroTech and Water Street) and the new dial-up modem usage fee will be $15.00 per month (per modem at MetroTech and Water Street). These fees are in addition to the existing monthly access fees that cover port charges for dial-up connectivity to the EPN data centers.

EPN participants that currently own dial-up modems and circuits will not be affected by the new fees. Participants with new dial-up connectivity to EPN will not be required to purchase circuits or modems for the EPN data centers but will be charged the new fees.

The proposed rule change also makes a conforming change to the statement in the EPN schedule of charges that "telecommunication circuit charges from Sector (or vendor of choice) will apply." The word "will" is changed to "may" because EPN participants will not receive circuit charges from vendors when MBSCC owns the circuit.

The proposed rule change is consistent with the requirements of Section 17A of the Act[3] and the rules and regulations thereunder because it provides for the equitable allocation of dues, fees, and other charges among MBSCC's participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MBSCC 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 comments on the proposed rule change were solicited or received.

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)[4] of the Act and pursuant to Rule 19b–4(f)(2)[5] promulgated thereunder because the proposal establishes or changes a due, fee, or other charge imposed by MBSCC. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than

[20] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by MBSCC.

[3] 15 U.S.C. 78q–1.

[4] 15 U.S.C. 78s(b)(3)(A)(ii).

[5] 17 CFR 240.19b–4(f)(2).

those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549. copies of such filing also will be available for inspection and copying at the principal office of MBSCC. All submissions should refer to File No. SR–MBSCC–94–4 and should be submitted by July 21, 1999.

For the Commission by the Division of market Regulation, pursuant to delegated authority.[6]

Margaret H. McMcFarland,

Deputy Secretary.

[FR Doc. 99–16577 Filed 6–29–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41549; File No. SR–NYSE–99–21]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto by the New York Stock Exchange, Inc. Relating to the Reimbursement of Member Organizations for Costs Incurred in the Transmission of Proxy and Other Shareholder Communication Material

June 23, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 under the Act,[2] notice is hereby given that on May 17, 1999, the New York Stock Exchange, Inc. ("Exchange" or "NYSE") 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. On June 23, 1999, the Exchange filed with the commission Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to revise Exchange Rule 451, "Transmission of Proxy Material" and Exchange Rule 465, "Transmission of Interim Reports and Other Material" (collectively, the "Rules"), and section 402.10 of the Exchange's Listed Company Manual. In particular, the Exchange seeks to amend the guidelines in the Rules that govern the reimbursement of NYSE member organizations for out-of-pocket expenses incurred in processing and delivering proxy materials (Exchange Rule 451) and other issuer materials (Exchange Rule 465) to security holders whose securities are held in street name.[4] These reimbursement guidelines, which are currently effective through August 31, 1999, comprise the "Pilot Fee Structure."[5] The Exchange also proposes to define the term "nominee" for purposes of determining the nominee coordination fee.

The text of the proposed rule change is available at the Office of the Secretary, the Exchange, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The 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

In its recent order extending the effectiveness of the Pilot Fee Structure, the Commission requested that the Exchange "carefully review the Pilot Fee Structure and make changes where necessary to develop an improved fee structure."[6] Pursuant to the Commission's request, the Exchange now proposes to revise the rates of reimbursement in the Pilot Fee Structure. The Exchange also proposes to extend the effectiveness of the Pilot Fee Structure from August 31, 1999, through August 31, 2001.

Substantively, the proposed rule change would amend the Exchange's Rules regarding reimbursement of NYSE member organizations for the expenses incurred in connection with proxy solicitations and other mailings by:

- Reducing the suggested rate of reimbursement from $0.50 to $0.45 for each set of proxy materials (*i.e.*, proxy statement, form of proxy, and annual report when mailed as a unit).
- Reducing from $20 to $18 the suggested per-nominee compensation of intermediaries that coordinate the proxy and mailing activities of multiple nominees ("nominee coordination fee").
- Limiting the universe of "nominees" in respect of whom the $18 nominee coordination fee is payable to "any entity whose name and participant account number both appear on a listing that accompanies and is referred to in an omnibus proxy that a registered clearing agency supplies to the issuer." This change would exclude from reimbursement "secondary" nominees, that is, nominees in respect of whom issuers have no direct interface.

Each of these proposals is designed to reduce the fees that NYSE member organizations are permitted to recover in connection with the transmission of proxy and other materials to security holders whose securities are held in street name. The Exchange believes that the proposed changes will create substantial savings for NYSE issuers.

The Exchange further believes that a reduction in the level of reimbursed fees is appropriate given the findings of the Exchange-sponsored audit that examined NYSE member firm reimbursements for the 1998 proxy season (1998 Audit"). The results of the 1998 Audit convinced the Exchange that the level of reimbursement has been too

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[6] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 removed from the proposed rule change the provision that would have permitted the householding of proxy and other materials through implied consent. At the request of the Commission, the Exchange will include the householding through implied consent proposal in a separate rule filing. Amendment No. 1 also clarified certain text discussing the proposed definition of nominee. *See* Letter from James E. Buck, Senior Vice President and Secretary, Exchange, to Sharon Lawson, Senior Special Counsel, Division of Market Regulation, Commission, dated June 22, 1999 ("Amendment No. 1").

[4] The ownership of shares in street name means that a shareholder, or "beneficial owner," has purchased shares through a broker-dealer or bank, also known as a "nominee." In contrast to direct ownership, where the shares are directly registered in the name of the shareholder, shares held in street name are registered in the name of the nominee, or in the nominee name of a depository such as The Depository Trust Company.

[5] The Pilot Fee Structure originally was approved by the Commission on March 14, 1997. *See* Securities Exchange Act Release No. 38406 (Mar. 14, 1997), 62 FR 13922 (Mar. 24, 1997). The Exchange has extended the effectiveness of the Pilot Fee Structure on several occasions, most recently through August 31, 1999. *See* Securities Exchange Act Release No. 41177 (Mar. 16, 1999), 64 FR 14294 (Mar. 24, 1999) ("Order Extending Pilot Fee Structure").

[6] *See* Order Extending Pilot Fee Structure, *supra* note 5.

high in recent years. The Exchange shared the results of the 1998 Audit with Commission staff, who expressed similar concerns. The Exchange has represented that the proposed changes are intended to reduce NYSE member firm reimbursements to a more appropriate level.

As for the proposed definition of "nominee," the Exchange believes that it is only nominees that are participants in The Depository Trust Company ("DTC") and that directly interface with issuers that should be counted for purposes of calculating the nominee coordination fee. The Exchange contends that coordination of distributions to second-tier nominees is performed by those participants, rather than by the coordinating intermediary that is known to the issuer. The Exchange reports that issuers have been billed $20 for activities relating to second-tier nominees, without knowing their identity or having the ability to verify their performance of "nominee" functions.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirement under Section 6(b)(5) of the Act [7] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices; promote just and equitable principles of trade; foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities; remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general, protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes 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 proposed changes were developed by the Exchange's Proxy Fee Working Committee, a group that the Exchange selected as representative of the parties interested in the proxy process. The proposal represents a consensus of a majority of that group. The Exchange has not otherwise solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve the 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, as amended, is consistent with the Act. The Commission staff solicits specific comment on whether the Exchange rules should define the term "nominee," and if so, whether the Exchange's proposed definition is appropriate. In this regard, it should be noted that the Commission's shareholder communications rules refer to banks,[8] brokers,[9] and dealers,[10] but do not define the term "nominee." Although the rates of reimbursement included in the Pilot Fee Structure apply only to fees charged by NYSE member organizations, banks customarily charge the same rates.[11] The Exchange's proposed definition of "nominee" likely would have a more significant impact on bank nominees than broker-dealer nominees because it is common for banks that are "top-tier" direct participants in a clearing agency to hold and clear securities for multiple lower-tier "respondent banks" [12] that are not direct participants in a clearing agency. Although the Exchange has represented that it believes that most top-tier banks (*i.e.*, DTC participants) coordinates materials for lower-tier banks, the Commission staff is concerned that some top-tier clearing banks may not coordinate distributions of shareholder materials for lower-tier respondent banks; rather, the respondent banks may communicate directly with issuers about distribution of materials or hire an agent who coordinates material distribution on behalf of many respondent banks.

The Commission's rules clearly state that companies must reimburse not only the top-tier banks but the respondent banks as well for reasonable expenses incurred in mailing materials to beneficial owners.[13] In view of this requirement, should companies be required to pay the nominee coordination fee included in the Pilot Fee Structure for coordination activities relating to lower-tier respondent banks? Additional comment is solicited on whether the Exchange should define the term "coordinate" in its rules providing for a nominee coordination fee. If so, how should the term be defined? If the coordinating activities to be performed by banks and brokers-dealers to qualify for the nominee coordination fee were adequately defined by the NYSE rules, could the terms "bank," "broker," and "dealer," as used in the Commission's rules, replace the term "nominees" in the NYSE rules?

Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submissions, 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 persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–NYSE–99–21 and should be submitted by August 30, 1999.

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[7] 15 U.S.C. 78f(b)(5).

[8] Rule 14b–2(a)(1) under the Act defines the term "bank" as a bank, association, or other entity that exercises fiduciary powers. *See* 17 CFR 240.14b–2(a)(1).

[9] *See* 17 CFR 240.14b–1.

[10] *Id.*

[11] Rule 14b–2(c)(3) under the Act states that reimbursement rates charged by banks that are no greater than those permitted to be charged by brokers or dealers shall be deemed to be reasonable. *See* 17 CFR 240.14b–2(c)(3).

[12] Rule 14a–1(k) under the Act defines "respondent bank" for purposes of the shareholder communications rules as any bank, association or other entity that exercises fiduciary powers which holds securities on behalf of beneficial owners and deposits such securities for safekeeping with another bank, association or other entity that exercises fiduciary powers. *See* 17 CFR 240.14a–1(k).

[13] 17 CFR 240.14a–13(a)(5).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–16644 Filed 6–29–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41548; File No. SR–NYSE–99–28]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the New York Stock Exchange, Inc., to Increase the Examination Development Fee for the General Securities Representative Examination (Series 7)

June 22, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 17, 1999, the New York Stock Exchange, Incorporated ("NYSE" or "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 Exchange. The Exchange has designated this proposal as one establishing or changing a due, fee, or other charge imposed by the NYSE under Section 19(b)(3)(A)(ii) of the Act,[3] which renders the proposal effective upon filing with 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 increase from $40 to $90 the examination development fee for the General Securities Representative Examination ("Series 7 Exam"). The fee will be charged to members and member organizations for each person who applies to take the Series 7 Exam.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The initial exam development fee of $10 was adopted in 1986 and was intended to offset in part the costs of providing qualification examination programs by the Exchange. Prior to 1986 the Exchange received no fees to cover such expenses. In 1990, the fee was increased from $10 to $40.

The Exchange proposes to increase the fee to $90 to offset, in part, the costs of qualification examination and other sales practice related services provided by the Exchange. These costs include industry meetings, manpower, supplies, overhead, and other expenses associated with developing and maintaining the examination as well as costs to maintain the Exchange's Sales Practice Review Program including, but not limited to, field examinations. The development fee increase would also be used for the implementation of enhancements to the Series 7 Exam program which will ensure that the examination continues to reflect sound psychometric principles as well as employs up-to-date technology.

2. Statutory Basis

The statutory basis for the proposed rule change is Section 6(b)(4) of the Act,[4] which requires the rules of an exchange to provide for the equitable allocation of reasonable dues fees, and other charges among the members, issuers and other persons using its services.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believe that the proposed rule change will 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

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[5] and subparagraph (f)(2) of Rule 19b–4 thereunder,[6] because it involves a due, fee, or other charge. 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 furthermore of the purposes of the Act.[7]

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. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to file number SR–NYSE–99–28, and should be submitted by July 21, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–16646 Filed 6–29–99; 8:45 am]

BILLING CODE 8010–01–M

[14] 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] 15 U.S.C. 78f(b)(4).

[5] 15 U.S.C. 78s(b)(3)(A)(ii).

[6] 17 CFR 240.19b–4(f)(2).

[7] In reviewing this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41553; File No. SR–PHLX–98–23]

Self-Regulatory Organizations: Philadelphia Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change and Amendment Nos. 1, 2 and 4 Thereto and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 3 to the Proposed Rule Change Relating to By-Law Article XI, § 11–1—Appeals; Article XII, § 12–4—Application; and Article XV, § 15–3—Disposition of Proceeds of Sale of Membership

June 23, 1999.

I. Introduction

On August 18, 1998, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to permit the Board of Governors ("Board") to review the validity and amount of claims asserted against a membership and to hear appeals from adverse Admissions Committee decisions.[3]

On September 16, 1998, the proposed rule change, which included Amendment No. 1, was published for comment in the **Federal Register.**[4] No comments were received on the proposal. The PHLX submitted Amendment No. 2 to the proposed rule change on October 22, 1998,[5] Amendment No. 3 on May 25, 1999.[6] and Amendment No. 4 on June 22, 1999.[7] This notice and order approves the proposed rule change, as amended, and solicits comments from interested persons on Amendment No. 3.

II. Description of the Proposal

The PHLX has proposed a By-Law amendment to Article XV, § 15–3, Disposition of Proceeds of Sale of Membership, to permit the Board, rather than the Arbitration Committee or a panel thereof, to determine the validity and amount of claims asserted against a membership pursuant to the specified order of claims enumerated in Section 15–3 of the By-Laws. This proposed By-Law amendment, as recommended by the Arbitration and Executive Committees of the Board, seeks to conform the By-Law with procedures adopted by other registered national securities exchanges[8] and provides for Board oversight of seat proceeds disposition.

The Board will make its decision after an advisory committee consisting of three governors, of whom at least two are non-industry governors, examines the claims asserted against the membership and gives an advisory opinion to the Board.[9] The advisory committee will examine the validity of claims based on the written submission of the claimants and respondents.[10] Claimants and respondents may, however, request an oral argument before the advisory committee.[11] The Board will determine the payment of claims based upon the written record before the advisory committee.[12]

Additionally, the Exchange proposes to amend Article XI, § 11–1, Appeals, and Article XII, § 12–4, Application, to provide that an adverse Admissions Committee decision be appealed to the Board. These proposed amendments seek to conform the By-Laws with procedures adopted by other exchanges wherein appeals are taken to the Board or heard by a panel of the Board subject to ratification, such as CBOE Rule 19.5 and American Stock Exchange LLC "AMEX"), Constitution, Article IV, § 1(g). Thus, the proposal creates a right of appeal from Admissions Committee decisions.

III. Discussion

After careful review, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[13] Specifically, the Commission finds that the proposal is consistent with the requirements of Section 6(b)(5) of the Act,[14] because it removes impediments to and perfects the mechanism of a free and open market and a national market system protects investors and the public interest, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers. Because the Board is vested with all of the powers necessary for the management of the business and affairs of the Exchange and the regulation of the business conduct of members of the Exchange,[15] the Commission believes that the Board, rather than the Arbitration Committee or a panel thereof, is the most appropriate venue for making decisions regarding the disposition of seat proceeds. In addition, the Commission notes that the Board's oversight of the disposition of proceeds is similar to the rules adopted by certain other self-regulatory organizations ("SROs").[16]

The Commission also finds that the proposal is consistent with the requirements of Section 6(b)(7)[17] in that the Board's oversight of Admissions Committee decisions provides a fair procedure for appealing decisions denying membership to any person seeking membership therein. By providing the opportunity to appeal adverse decisions, the proposal ensures that applicants have an additional opportunity to be heard. The

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The proposal was originally submitted on June 24, 1998, however, the PHLX failed to include the circulars as required by Form 19b–4. *See* Form 19b–4, 3 Fed. Sec. L. (CCH) ¶ 33,351. The Exchange subsequently submitted Amendment No. 1 that included the circulars and made technical changes to the proposed rule language. Letter from Murray L. Ross, Vice President and Secretary, PHLX, to Michael Walinskas, Deputy Associate Director, Division of Market Regulation ("Division"), Commission, dated August 17, 1998 ("Amendment No. 1"). In addition, the PHLX agreed to additional technical changes to accurately reflect the differences between the proposed rule language and the PHLX's current rule language. Telephone conversation between Murray L. Ross, Vice President and Secretary, PHLX and Karl Varner, Attorney, Division, Commission, on September 1, 1998.

[4] Securities and Exchange Act Release No. 40420 (Sept. 9, 1998), 63 FR 49627.

[5] In Amendment No. 2, the Exchange agreed to additional technical changes to accurately reflect the differences between the proposed rule language and the PHLX's current rule language and to grant an extension of time for Commission action on the proposed rule change. Letters from Murray L. Ross, Vice President and Secretary, PHLX, to Karl Varner, Special Counsel, Division, Commission, dated October 21, 1998 (collectively "Amendment No. 2"). The Act does not require notice and comment for technical amendments.

[6] In Amendment No. 3, the Exchange clarified that an advisory committee of three governors, of whom at least two will be non-industry governors, will examine the validity of claims asserted against the membership and give an advisory opinion to the Board of Governors. Letter from Murray L. Ross, Vice President and Secretary, PHLX, to Karl Varner, Special Counsel, Division, Commission, dated May 24, 1999 ("Amendment No. 3").

[7] In Amendment No. 4, the Exchange agreed to additional technical changes to accurately reflect the differences between the proposed rule language and the PHLX's current rule language. Letter from Murray L. Ross, Vice President and Secretary, PHLX, to Karl Varner, Special Counsel, Division, Commission, dated June 21, 1999 ("Amendment No. 4"). The Act does not require notice and comment for technical amendments.

[8] *See* Chicago Board Options Exchange ("CBOE") Rule 3.15 and New York Stock Exchange, Inc. ("NYSE"), Constitution, Article II, Sec. 11.

[9] *See* Amendment No. 3, *Supra Note* 6.

[10] *Id.*

[11] *Id.*

[12] *Id.*

[13] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[14] 15 U.S.C. 78f(b)(5).

[15] PHLX Article IV, § 4–4(a).

[16] *See* CBOE Rule 3.15 and NYSE, Constitution, Article II, Sec. 11.

[17] 15 U.S.C. 78f(b)(7).

Commission also notes that the Board's oversight of Admissions Committee decisions is similar to the rules adopted by certain other SROs.[18]

The Commission finds Amendment No. 3 consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. Specifically, the Commission finds that the proposal is consistent with the requirements of Section 6(b)(5) of the Act, because it removes impediments to and perfects the mechanism of a free and open market and a national market system. Amendment No. 3 ensures that the advisory committee reviewing the validity of claims and giving an advisory opinion to the Board is balanced with the appointment of two non-industry governors to the committee.

The Commission finds good cause to approve Amendment No. 3 to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing of the amendment in the **Federal Register**. Specifically, Amendment No. 3, merely clarifies the administrative procedures for reviewing the validity of claims asserted against the membership, thus, adding greater transparency to the review process. Accordingly, the Commission believes that there is good cause, consistent with Sections 6(b)(5) and 19(b) of the Act,[19] to approve Amendment No. 3 to the proposal on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 3, including whether Amendment No. 3 is consistent with Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the exchange. All submissions should refer to File No. SR–PHLX–98–23 and should be submitted by July 21, 1999.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[20] that the proposed rule change (SR–PHLX–98–23), as amended, is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[21]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–16643 Filed 6–29–99; 8:45 am]

BILLING CODE 8010–01–M

[18] *See* CBOE Rule 19.5 and AMEX, Constitution, Article IV, § 1(g).

[19] 15 U.S.C. 78(f)(5) and 78s(b).

[20] 15 U.S.C. 78s(b)(2).

[21] 17 CFR 200.30–3 (a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3193]

State of Alabama

Jefferson County and the contiguous counties of Bibb, Blount, Saint Clair, Shelby, Tuscaloosa, and Walker in the State of Alabama constitute a disaster area as a result of damages caused by flash flooding that occurred on June 14, 1999. Applications for loans for physical damages may be filed until the close of business on August 20, 1999 and for economic injury until the close of business on March 21, 2000 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	6.875
Homeowners without credit available elsewhere	3.437
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.000
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The numbers assigned to this disaster are 319306 for physical damage and 9D1200 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 21, 1999.

Aida Alvarez,

Administrator.

[FR Doc. 99–16609 Filed 6–29–99; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3185]

State of Colorado; Amendment #2

In accordance with a notice received from the Federal Emergency Management Agency dated June 17, 1999, the above-numbered Declaration is hereby amended to expand the incident type for this disaster to include landslides and mudslides, in addition to severe storms and flooding, beginning on April 29 and continuing through May 19, 1999.

All other information remains the same, i.e., the deadline for filing applications for physical damage is July 15, 1999, and for economic injury the deadline is February 17, 2000.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 18, 1999.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 99–16610 Filed 6–29–99; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3192]

State of Illinois

Coles County and the contiguous counties of Clark, Cumberland, Douglas, Edgar, Moultrie and Shelby in the State of Illinois constitute a disaster area as a result of damages caused by severe storms and flooding that occurred on June 1, 1999. Applications for loans for physical damages as a result of this disaster may be filed until the close of business on August 16, 1999 and for economic injury until the close of business on March 17, 2000 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	6.875
Homeowners without credit available elsewhere	3.437

	Percent
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.000
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The numbers assigned to this disaster are 319206 for physical damage and 9D1100 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 17, 1999.

Aida Alvarez,

Administrator.

[FR Doc. 99–16611 Filed 6–29–99; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Interest Rates

The Small Business Administration publishes an interest rate called the optional "peg" rate (13 CFR 120.214) on a quarterly basis. This rate is a weighted average cost of money to the government for maturities similar to the average SBA direct loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. This rate will be 5½ percent for the July–September quarter of FY 99.

Arnold S. Rosenthal,

Acting Deputy Associate Administrator for Financial Assistance.

[FR Doc. 99–16606 Filed 6–29–99; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Washington, DC District Advisory Council, Public Meeting

The U.S. Small Business Administration Washington, DC District Advisory Council, located in the metropolitan area of Washington, DC, will hold a public meeting from 9 a.m. to 11 a.m., Wednesday, June 30, 1999, at Creative Associates, Inc., 5301 Wisconsin Avenue, NW, Suite 700, Washington, DC, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Anita L. Irving, Public Information Officer, U.S. Small Business Administration, 1110 Vermont Avenue, N.W., Suite 900 (P.O. Box 34500), Washington, DC 20043–4500; telephone 202–606–4000, ext. 275.

Andrew A. Rivera,

Deputy Director of External Affairs.

[FR Doc. 99–16608 Filed 6–29–99; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Wisconsin State Advisory Council

Public Hearing

The U.S. Small Business Administration Wisconsin State Advisory Council, located in the geographical area of Milwaukee, Wisconsin, will hold a public meeting from 12 p.m. to 1 p.m. July 17, 1999 at Metro Milwaukee Area Chamber (MMAC) Association of Commerce Building; 756 North Milwaukee Street, Fourth Floor, Milwaukee, Wisconsin to discuss such matters as may be presented by members, staff of the U. S. Small Business Administration, or others present.

For further information, write or call Yolanda Lassiter, U.S. Small Business Administration, 310 West Wisconsin Avenue Milwaukee, Wisconsin 53203; Fax (414) 297–3928.

Andrew A. Rivera,

Deputy Director of External Affairs.

[FR Doc. 99–16607 Filed 6–29–99; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request

In compliance with Pub. L. 104–13, the Paperwork Reduction Act of 1995, SSA is providing notice of its information collections that require submission to the Office of Management and Budget (OMB). SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

The information collections listed below will be submitted to OMB within 60 days from the date of this notice. Therefore, comments and recommendations regarding the information collections would be most useful if received by the Agency within 60 days from the date of this publication. Comments should be directed to the SSA Reports Clearance Officer at the address listed at the end of the notices. You can obtain a copy of the collection instruments by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him.

1. Disability Evaluation Study–0960–NEW

The Social Security Administration is sponsoring the Disability Evaluation Study (DES); a national disability study of the civilian non-institutionalized population of working-age adults aged 18–69. The DES will provide a key source of data for disability program and policy goals of critical interest to SSA, Congress, and others. SSA will collect information from individuals, aged 18 to 69 years, and their medical providers. SSA will use the information to:

- Estimate and project the size of the potential pool of eligible persons, that is, severely impaired working age individuals who, but for work or other reasons, meet SSA's definition of disability;
- Determine what enables individuals with severe impairments to work;
- Construct self-reported disability measures to be included on national surveys to monitor future program changes and changes in the pool of eligible persons;
- Examine relationships between disability and retirement for older workers;
- Evaluate ways to improve the current disability decision process, such as use of additional objective performance measures.

Following is a listing of the information that will be collected and the burden imposed on the public:

Title of collection	Number of respondents	Frequency of response	Average burden hours per response	Estimated annual burden hours
Pilot Study				
Focus groups, cognitive laboratory studies, and pretest	100	1	2.00	200
In-person canvassing for area probability sample	11,795	1	0.08	944

Title of collection	Number of respondents	Frequency of response	Average burden hours per response	Estimated annual burden hours
Initial Screening	11,882	1	0.50	5,941
Follow-up Screening, Comprehensive Survey Interview, Forms for obtaining informed consent, release of medical records, and release of SSA records	1,800	1	1.50	2,700
Medical Examination	1,000	1	2.00	2,000
Provide Medical Records	2,000	1	0.50	1,000
Total (Pilot)				12,785
Main Study				
In-person canvassing for area probability sample	55,405	1	0.08	4,432
Initial Screening	56,031	1	0.50	28,016
Follow-up Screening, Comprehensive Survey Interview, Forms for obtaining informed consent, release of medical records, and release of SSA records	10,000	1	1.50	15,000
Medical Examination	5,500	1	2.00	11,000
Provide Medical Records	11,000	1	0.50	5,500
Total (Main)				63,948
Total (Overall)				76,733

2. Application for Supplemental Security Income–0960–0444

The information collected on the SSA–8001 is used by the Social Security Administration to determine whether applicants for SSI benefits meet all statutory and regulatory requirements for eligibility and, if so, the amount of benefits payable. The respondents are applicants for SSI benefits.

Number of Respondents: 1,011,046.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 252,762 hours.

(SSA Address)

Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 6401 Security Blvd., 1–A–21 Operations Bldg., Baltimore, MD 21235.

(OMB Address)

Office of Management and Budget, OIRA, Attn: Lori Schack, New Executive Office Building, Room 10230, 725 17th St., NW, Washington, DC 20503.

Dated: June 24, 1999.

Frederick W. Brickenkamp,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 99–16571 Filed 6–29–99; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF STATE

[Public Notice No. 3067]

United States International Telecommunications Advisory Committee (ITAC) Development Sector (ITAC–D); Notice of Meeting

The Department of State announces meetings under the International Telecommunications Advisory Committee (ITAC), of Study Groups 1 and 2 of the Telecommunications Development Sector (ITAC–D). All meetings will be held at the Department of State, 2201 C Street, NW, Washington, DC 20520.

The meetings will be held on Thursdays during the months of July and August. ITAC–D will meet from 10:00 a.m. to noon on July 8, Room 1207 (short notice is regretted), July 22, Room 5951, July 29, Room 1207 and August 5, 1999, Room 1207. These meetings are to complete preparations for the August 30–September 10, 1999, ITU–D Study Group Meeting.

The purpose of ITAC is to advise the Department on policy, technical and operational matters and to provide strategic planning recommendations, with respect to international telecommunications and information issues. The purpose of this meeting is to develop U.S. positions for the upcoming ITU–D meetings. The meeting agenda will include international telecommunications and information issues. The purpose of this meeting is to develop U.S. positions for the upcoming ITU-D meetings. The meeting agenda will include preparation for planned ITU–D meetings of Study Group 1 (Telecommunications and Development Strategies and Policies) and Study Group 2 (Development, Harmonization, Management and Maintenance of Telecommunication Networks and Services, including Spectrum Management). Questions regarding the agenda or ITAC–D Sector activities in general may be directed to Doreen McGirr, Department of State (202) 647–0201, fax number (202) 647–7407.

Persons intending to attend the meeting should send a fax to (202) 647–7407 not later than 24 hours before the meeting. On this fax, please include the name of the meeting, your name, social security number, date of birth and organization. One of the following photo IDs will be required for admittance: U.S. driver's license with your picture on it, U.S. passport, or a U.S. Government identification (company ID's are no longer accepted by Diplomatic Security). Enter from the "C" Street Main Lobby.

Dated: June 24, 1999.

Doreen F. McGirr,

Director of Development Sector, U.S. Department of State.

[FR Doc. 99–16793 Filed 6–28–99; 2:37 pm]

BILLING CODE 4710–45–P

DEPARTMENT OF STATE

[Public Notice 3078]

Universal Postal Union Congress; Notice of Briefing

AGENCY: Department of State.

ACTION: Notice of Briefing.

The Department of State will host a briefing on July 9, 1999, regarding the next Congress of the Universal Postal Union (UPU). The Congress will convene in Beijing, China, from August 23 through September 16, 1999.

The briefing will be held on Friday, July 9, 1999, from 2:00 p.m. until approximately 4:00 p.m., in Room 1912 of the Department of State, 2201 "C" Street, NW, Washington, DC. The briefing will be open to the public up to the capacity of the meeting room.

The briefing will provide information on major issues to be considered at the forthcoming UPU Congress and on significant policies and positions that the U.S. delegation expects to support. The briefing will be chaired by Ambassador E. Michael Southwick of the Department of State.

Entry to the Department of State building is controlled and will be facilitated by advance arrangements. In order to arrange admittance, persons desiring to attend the briefing should, no later than noon on July 7, 1999, notify the Office of Technical Specialized Agencies, Bureau of International Organization Affairs, Department of State, preferably by fax, providing the name of the meeting and the individual's name, Social Security number, date of birth, professional affiliation, address and telephone number. The fax number to use is (202) 647–8902. Voice telephone is (202) 647–1044. This request applies to both government and non-government individuals.

All attendees must use the Department of State "diplomatic" entrance at 22nd and "C" Streets, N.W. One of the following means of identification will be required for admittance: any U.S. driver's license with photo, a passport, or any U.S. Government agency identification card.

Questions concerning the briefing may be directed to Ms. Tina Wilson at (202) 647–1526.

Dated: June 24, 1999.

S. Ahmed Meer,

Director, Office of Technical Specialized Agencies, Bureau of International Organization Affairs, Department of State.

[FR Doc. 99–16655 Filed 6–29–99; 8:45 am]

BILLING CODE 4710–19–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Office of Transportation Policy and Federal Aviation Administration, Civil Aero Medical Institute; Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Office of the Secretary, DOT and Federal Aviation Administration.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended) this notice announces the Department of Transportation, DOT, intentions to request an extension for and revision to a currently approved information collection.

DATES: Comments on this notice must be received by no later than August 30, 1999.

ADDRESSES: Four (4) copies of any comments should be sent to the Safety and Health Division (P–140), Office of Transportation Policy, Office of the Secretary, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Clarke, Office of the Secretary, Office of Transportation Policy Development (P–100), Department of Transportation, at the address above. Telephone: (202) 366–2916.

SUPPLEMENTARY INFORMATION:

Title: Infant Travel Survey.

OMB Control Number: 2105–0536.

Expiration Date: June 30, 1999.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: Children 2 years of age and younger are exempt from the FAA requirement that they be restrained in a seat during transport airplane takeoffs and landings. In February 1997, the White House Commission on Aviation Safety and Security recommended that this exemption be eliminated, requiring instead that those children be placed in a separate aircraft seat equipped with an approved Child Restraint System (CRS). In May 1995, in response to Section 522 of the Federal Aviation Administration Authorization Act of 1994, Pub. L. 103–305, the FAA published a report on CRS use in transport category aircraft. A subsequent reanalysis of this issue conducted by staff in the OST Policy Office has yielded different conclusions, because certain of the assumptions used in the FAA study were deemed untenable.

FAA issued an ANPRM in April 2, 1998 (the comment period closed June 28), seeking technical comments about what types of CRS could/should be used in transport category aircraft. Responses to those questions provide needed technical information relative to implementation of CRS aboard transport airplanes, but economic questions related to the issue were not included in that Notice. This deficiency resulted in little information, on which to assess the validity of the assumptions used in its analysis, being received from the traveling public by the FAA. Accordingly, there is a need to gauge the impact that requiring use of CRS would have on travelers accompanied by infants and small children, 2 years of age and less. Information needs to be obtained about the types of trips (length, purpose, mode of travel) on which such children accompany adults; the prevalence of actual CRS use, relative to air travel by infants and small children; the factors that determine whether CRS are being used for such children; and what types of changes to these travel events would result from requiring the use of CRS.

Respondents: This is a relatively small-scale, one-time survey that is not conducive to electronic collection techniques. Face-to-face interviews, conducted in the departure waiting lounges at hub airports, will be obtained with randomly-selected adults accompanied by infants and small children in actual air-travel status. The interview will conform to a scripted set of questions prepared for the interviewer, and the answer form will be partially machine-coded for ease of data reduction by the research team. This survey will target individual or paired adults (typically parents) travelling with infants and small children.

Average Annual Burden per Respondent: 5 minutes.

Estimated Total Annual Burden on Respondents: 74.7 hours.

The information collection is available for inspection at the Safety and Health Division (P–140), Room 10309, Office of Transportation Policy, DOT.

Comments are invited on: (a) 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; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be

collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on June 25, 1999.

Robert M. Clarke,

Safety and Health Team Leader, Office of Transportation Policy Development.

[FR Doc. 99–16624 Filed 6–29–99; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 1999–5220]

Information Collection by Agency Under Review by the Office of Management and Budget (OMB)

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the Coast Guard has forwarded the information Collection Reports (ICRs) abstracted below to OMB for review and comments. Our ICRs describe the information that we seek to collect from the public. Review and comment by OMB ensure that we impose on the public the lightest burden of paperwork compatible with our performance of duties.

DATES: Please submit comments on or before July 30, 1999.

ADDRESSES: Please send comment to both (1) the Docket Management Facility (DMS) of the U.S. Department of Transportation (DOT), room PL–401, 400 Seventh Streets S.W., Washington, DC 20590–0001, and (2) the Office of Information and Regulatory Affairs (OIRA) of OMB, 725 17th Street NW., Washington, DC 20503, to the attention of the Desk Officer of the USCG.

Copies of the complete ICRs are available for inspection and copying in public docket USCG–1999–5220 of the DMS between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays; for inspection and printing on the internet at *http://dms.dot.gov;* and for inspection from the Commandant (G–SII–2). Headquarters of the U.S. Coast Guard , room 6106, 2100 Second Street SW, Washington, DC, also between 10 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For questions on this document, call Barbara Davis, Office of Information Management of the Coast Guard at 202–267–2326. For questions on this docket, call Dorothy Walker, Chief of Dockets of the DMS, at 202–366–9329.

SUPPLEMENTARY INFORMATION:

Regulatory History

This request constitutes the 30-day notice required by OMB. The Coast Guard has already published [64 FR 13463 (March 18, 1999)] the 60-day notice required by OMB. The request elicited no comments.

Request for Comments

The Coast Guard invites comments on the proposed collections of information to determine whether the collections are necessary for the proper performance of the functions of the Department. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the collections; (2) the accuracy of the Department's estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of the collections; and (4) ways to minimize the burden of the collections on respondents, including the use of automated collection techniques or other forms of information technology.

Comments, whether to DMS or to OIRA, must contain the OMB Control Numbers of all ICRs addressed by the comments. Comments to DMS must contain the docket-number of the request, USCG 1999–5220. Comments to OIRA are best assured of having there full effect if OIRA receives them 30 or fewer days after the publication of this request.

Information Collection Request

Title: Firefighing Equipment, Structural Fire Protection Materials, Lifesaving Equipment, and Marine Sanitation Devices.

OMB Control Number: 2115–0141.

Type of Request: Extension of currently approved collection.

Affected Public: Manufacturers of safety equipment and material.

Forms(s): N/A.

Abstract: The information in this report is necessary to ensure compliance with our rules governing specific types of safety equipment and materials installed on commercial vessels and pleasure craft. Manufactures must submit drawings, specifications, and laboratory test reports to the Coast Guard before it gives any approval.

Annual Estimated Burden Hours: The estimated burden is 7,220 hours annually.

Title: Plan Review for Facilities with Vapor Control System (VCSs).

OMB Control Number: 2115–0581.

Type of Request: Extension of currently approved collection.

Affected Public: Marine facilities with VCSs and VCS-certifying entities.

Form(s): N/A.

Abstract: The information in this report is necessary to ensure compliance with our rules for the design of a facility's VCS. It is also necessary so we can determine the qualifications of a certifying entity.

Annual Estimated Burden Hours: The estimated burden is 1,390 hours annually.

Title: Electrical Engineering Regulations—46 CFR Subchapter J.

OMB Control Number: 2115–0115.

Type of Request: Extension of currently approved collection.

Affected Public: Owners and operators of vessels, and shipbuilders.

Form(s): N/A.

Abstract: The information in this report is necessary to ensure compliance with our electrical-engineering rules for the design and construction of U.S.-flag commercial vessels.

Annual Estimated Burden Hours: The estimated burden is 478 hours annually.

Title: Application and Permit to Handle Hazardous Materials.

OMB Control Number: 2115–0013

Type of Request: Extension of currently approved collection.

Affected Public: Shipping agents, and operators of terminals that handle hazardous materials.

Form(s): CG–4260.

Abstract: The information in this form CG–4260 allows the U.S. Coast Guard to determine whether the applicant is following safe practices for the stowage and handling of explosives and hazardous materials.

Annual Estimated Burden Hours: The estimated burden is 395 hours annually.

Title: Application Manual and Amendments for Facilities Transferring Oil and Hazardous Materials in Bulk.

OMB Control Number: 2115–0078.

Type of Request: Extension of currently approved collection.

Affected Public: Owners and operators of facilities.

Form(s): N/A.

Abstract: The information in this report is necessary to ensure compliance with our rules for facilities transferring oil and hazardous materials in bulk.

Annual Estimated Burden Hours: The estimated burden is 22,632 hours annually.

Title: Operational Measures to Reduce Oil Spills from Existing Tank Vessels Without Double Hulls.

OMB Control Number: 2115–0629.

Type of Request: Extension of currently approved collection.

Affected Public: Owners and operators of tank vessels.

Form(s): N/A.

Annual Estimated Burden Hours: The estimated burden is 24,355 hours annually.

Issued in Washington, D.C., on June 15, 1999.

S.A. Richardson,

Acting Director of Information and Technology.

[FR Doc. 99–16664 Filed 6–29–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review, Tulsa International Airport, Tulsa, OK

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announced its determination that the noise exposure maps submitted by the Tulsa Airports Improvement Trust for Tulsa International Airport under the provisions of Title 49 U.S.C., Chapter 475 (hereinafter referred to as "Title 49") and 14 CFR Part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for Tulsa International Airport under Part 150 in conjunction with the noise exposure maps and that this program will be approved or disapproved on or before December 13, 1999.

EFFECTIVE DATES: The effective date of the FAA's determination on the noise exposure maps and the start of its review of the associated noise compatibility program is June 16, 1999. The public comment period ends August 16, 1999.

FOR FURTHER INFORMATION CONTACT: Tim Tandy, Department of Transportation, Federal Aviation Administration, Fort Worth, Texas 76193–0630, (817) 222–5635. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Tulsa International Airport are in compliance with applicable requirements of Part 150, effective June 16, 1999. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before December 13, 1999. This notice also announces the availability of this program for public review and comment.

Under Title 49, an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. Title 49 requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by the FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to Title 49, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The Tulsa Airports Improvement Trust submitted to the FAA on May 26, 1999 noise exposure maps, descriptions and other documentation which were produced during Tulsa International Airport FAR Part 150 Study, May 26, 1999. It was requested that the FAA review this material as the noise exposure maps, as described in Title 49, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under Title 49.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the Tulsa Airports Improvement Trust. The specific maps under consideration are Figure G1, Future Noise Exposure Map, 2002 with Existing Land Use, Page G.5 and Figure G2, Existing Noise Exposure Map, 1995 with Existing Land Use, Page G.6 in the submission.

The FAA has determined that these maps for Tulsa International Airport are in compliance with applicable requirements. This determination is effective on June 16, 1999. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information, or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of Title 49. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under Title 49. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for Tulsa International Airport, also effective on June 16, 1999. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further view will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before December 13, 1999.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing non compatible land uses and preventing the introduction of additional non compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the

extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise capability program are available for examination at the following locations:

Federal Aviation Administration, Airports Division, 2601 Meacham Boulevard, Fort Worth, Texas 76137

Tulsa Airport Authority Tulsa International Airport Terminal, 7777 E. Apache, Room A–217; Tulsa, Oklahoma 74158.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Fort Worth, Texas, June 16, 1999.

Naomi L. Saunders,

Manager, Airports Division.

[FR Doc. 99–16661 Filed 6–29–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Sullivan County, New York

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Sullivan County, New York.

FOR FURTHER INFORMATION CONTACT:

John Brizzell, Regional Director, 44 Hawley Street, Binghamton, NY 13901, Telephone: (607) 721–8116;

or

Harold J. Brown, Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 9th Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone: (518)431–4127.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New York State Department of Transportation (NYSDOT) will prepare an environmental impact statement (EIS) on a proposal to improve NYS Route 17 in Sullivan County, New York. The proposed improvement would involve the construction of a new controlled access freeway in the Town of Liberty near the hamlet of Parksville for a distance of about 4.6 kilometers. The project objective is to reduce accident potential by constructing a controlled access freeway, built to interstate standards, with a full interchange serving the community of Parksville.

Alternatives under consideration include: 1. Do Nothing and 2. Controlled access freeway, built to interstate standards, with a full interchange serving the community of Parksville. Three different alignments, 2A, 2B and 2D, are being considered for further study under the controlled access freeway alternative. Alternative 2A constructs a new freeway on an alignment south of the existing NYS Route 17. Alternative 2B constructs a new freeway generally following the alignment of existing NYS Route 17. Alternative 2D constructs a new freeway on a split alignment, i.e. westbound freeway lanes on existing NYS Route 17 alignment and eastbound freeway lanes on new alignment to the south. For each of the controlled access freeway alternatives there are five options for the full interchange serving the community of Parksville. Option 1, Split interchange: A "half-diamond" ramp would be at each end of the project. The east end of the project would have a westbound ramp and an eastbound on ramp. The west end of the project would have a eastbound off ramp and a westbound on ramp. Option 2, Direct-connector ramps at each end of the project: This option allows the same vehicle movements as option 1 but without impeded traffic flows. Option 3, Full interchange (full-diamond) at east end of project: This option permits all four vehicle movements at one location in the east end of the project. Option 4, Full interchange (full-diamond) at west end of project: This option permits all four vehicle movements at one location in the west end of the project. Option 5, Full interchange (full-diamond) near the midpoint of the project: This option permits all four vehicle movements at the location near the midpoint of the project. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. Public informational meetings were held on June 26, 1998, September 3, 1998 and December 16, 1998 in the Town of Liberty. After the September meeting a steering committee was formed to address and resolve community issues that could influence development of the project. The committee, which consists of 27 members, met on November 16, 1998 and December 16, 1998. Additional public informational and steering committee meetings are planned and will continue as needed. In addition, a public hearing will be held. Public notice will be given of the time and place of meetings and hearings. The draft EIS will be available for public and agency review and comment. No formal NEPA scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestion are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the NYSDOT or FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.295, Highway May 21, 1999 Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Authority: 23 U.S.C. 315; 23 CFR 771.123.

Issued on: June 21, 1999.

Douglas P. Conlan,

District Engineer, Federal Highway Administration, Albany, New York.

[FR Doc. 99–16614 Filed 6–29–99; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Federal Highway Administration

[Docket No. RSPA–98–3579 (PDA–20(RF))]

Application by Association of Waste Hazardous Materials Transporters for a Preemption Determination as to Cleveland, Ohio Requirements for Transportation of Hazardous Materials

AGENCY: Research and Special Programs Administration (RSPA) and Federal Highway Administration (FHWA), DOT.

ACTION: Public notice reopening comment period.

SUMMARY: RSPA and FHWA are reopening the comment period on the application by the Association of Waste Hazardous Materials Transporters (AWHMT) for an administrative determination whether Federal hazardous materials transportation law preempts certain requirements of the City of Cleveland, Ohio, concerning the transportation of explosives and other hazardous materials within the City. AWHMT has asked RSPA and FHWA to defer consideration of several of the requirements challenged in AWHMT's original application because the City is

considering amending those requirements. In addition, AWHMT wishes RSPA and FHWA to consider requirements not challenged in its original application concerning the minimum distances that must be maintained between vehicles transporting explosives or other hazardous materials. Interested parties may comment on all the City's requirements for which AWHMT seeks a preemption determination, including the City's separation distance requirements.

DATES: Further comments received on or before August 16, 1999, and rebuttal comments received on or before September 28, 1999, will be considered before an administrative ruling is issued jointly by RSPA's Associate Administrator for Hazardous Materials Safety and FHWA's Administrator. Rebuttal comments may discuss only those issues raised by comments received during the reopened initial comment period and may not discuss new issues.

ADDRESSES: AWHMT's original application, its request to modify and amend that application, and all comments and other documents submitted in this proceeding may be reviewed in the Dockets Office, U.S. Department of Transportation, Room PL–401, 400 Seventh Street, SW, Washington, DC 20590–0001. All documents filed in this proceeding are also available on-line through the home page of DOT's Docket Management System at <http://dms.dot.gov>.

Comments should be submitted to the Dockets Office at the above address. Three copies of each written comment should be submitted. You may also submit comments electronically. To do so, long on to the Dockets Management System at <http://dms.dot.gov>. Click on "Help & Information" to obtain instructions for filing a comment electronically.

Each comment should refer to the Docket Number set forth above. A copy of each comment must also be sent to (1) Mr. Michael Carney, Chairman, Association of Waste Hazardous Materials Transporters, 2200 Mill Road, Alexandria, VA 22314, and (2) Mr. Cornell P. Carter, Director of Law, City of Cleveland, City Hall—Room 106, 601 Lakeside Avenue, Cleveland, OH 44114–1077. A certification that a copy has been sent to these persons must also be included with the comment. (The following format is suggested: "I certify that copies of this comment have been sent to Messrs. Carney and Carter at the addresses specified in the **Federal Register**.")

A list and subject matter index of hazardous materials preemption cases, including all inconsistency rulings and preemption determinations issued by DOT, are available through the home page of RSPA's Office of the Chief Counsel, at <http://rspa-atty.dot.gov>. A paper copy of this list and index will be provided at no cost upon request to Mr. Hilder, at the address and telephone number in **FOR FURTHER INFORMATION CONTACT** below.

FOR FURTHER INFORMATION CONTACT: Frazer C. Hilder, Office of the Chief Counsel, Research and Special Programs Administration (Tel. No. 202–366–4400), or Judith A. Rutledge, Office of the Chief Counsel, Federal Highway Administration (Tel. No. 202–366–0864), U.S. Department of Transportation, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

I. Background

AWHMT has applied for a determination that Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.*, preempts certain requirements of the City of Cleveland (City) applicable to the transportation of explosives and other hazardous materials in and through the City. In its application, AWHMT challenged requirements of the City concerning the transportation of:

—Hazardous materials in an amount for which a placard is required by the HMR, in Chapter 394 of the City's Consolidated Ordinances (City Code) for a permit, permit fees, proof of insurance, and routing and time restrictions.

—Explosives in any amount, in Chapter 387 of the City Code for a permit, permit fees, proof of insurance, routing and prenotification of shipments, vehicle inspections, the number of fire extinguishers, and the City's unmodified requirement for a police escort to accompany shipments of more than 250 lbs. of explosives.

The text of AWHMT's application was published in the **Federal Register** on September 17, 1998, and interested parties were invited to submit comments. 63 FR 49804. After RSPA and FHWA initially denied requests by the Public Utilities Commission of Ohio (PUCO) and the City for a 60-day extension of the time to submit comments, comments were submitted by the City, AWHMT, PUCO and the following additional parties: Association of American Railroads, Hazardous Materials Advisory Council, Institute of Makers of Explosives, National Paint & Coatings Association, Ohio Environmental Service Industries, and Roadway Express.

Following receipt of these comments, RSPA and FHWA realized that the two periods for submitting comments had been inadvertently shortened, from 45 days to 30 days, in the notice published in the **Federal Register**. (In the text of the notice submitted to the **Federal Register**, RSPA and FHWA had specified 45 days for the initial and rebuttal comment periods.) Based on that error and the City's statements of its attempts to resolve many of the issues informally with AWHMT, RSPA and FHWA held a telephone conference with representatives of AWHMT and the City on December 14, 1998. In a December 28, 1998 letter, RSPA confirmed that, over the next two months, AWHMT and the City would explore informal resolution of the issues raised in AWHMT's application and advise RSPA and FHWA of the results of these efforts.

II. Request To Modify Application

In further correspondence and a conference telephone call on April 8, 1999, AWHMT and the City advised RSPA and FHWA that the City's Law Department was proposing changes to the City Code that would resolve many of the issues raised in AWHMT's application. In its April 15, 1999 letter (set forth in Appendix A), AWHMT asked to modify and amend its application. It asked RSPA and FHWA to consider at this time only the requirements on which AWHMT had not been able to reach an understanding with the City, including requirements not challenged in its original application concerning the minimum distances that must be maintained between vehicles transporting explosives or other hazardous materials. AWHMT also asked RSPA and FHWA to defer consideration of sections in the City Code that the City is proposing to amend. AWHMT's request and the City's response in an April 30, 1999 letter to RSPA and FHWA (set forth in Appendix B) are summarized below.

A. Requirements To Be Addressed by RSPA and FHWA

In its letter, AWHMT requested that RSPA and FHWA determine whether Federal hazardous materials transportation law preempts the following requirements:

—City Code § 394.06(b) prohibiting the transportation of hazardous materials in the "downtown area" of the City between 7 a.m. and 6 p.m. except Saturdays and Sundays, unless the Fire Chief grants an exception pursuant to § 394.08(e) on a showing

that "delivery or pickup of the hazardous material * * * can be practicably made only during [the prohibited] time period" and transportation of this material is in "the public interest";

—City Code § 387.07(d) and the provision in the Application for the Transportation of Explosives (Application) requiring the carrier to specify the route to be taken within the City and providing that the Director of Public Safety (or his representative) shall designate the route to be taken within the City;

—the Application's provision that the carrier must notify the Fire Department "24 hours in advance of all deliveries" of explosives within the City;

—the Application's provision that a police escort is required if more than 250 lbs. of explosives are transported within the City; and

—City Code §§ 387.08(b) and 394.07(b) requiring a vehicle transporting explosives or other hazardous materials to maintain a certain distance from any other vehicle transporting explosives or other hazardous materials, *i.e.*, 500 feet between vehicles transporting explosives and 300 feet between vehicles transporting other hazardous materials.

AWHMT acknowledged that it had not challenged §§ 387.08(b) and 394.07(b) in its original application and asked permission to amend its application to include these requirements. AWHMT contends that these separation distance requirements "hinder the safe operation of vehicles, are impossible to comply with at the distances required, and are a misuse of federal placarding requirements." AWHMT stated that it would submit a new, separate application for a preemption determination with respect to the City's separation distance requirements if the City objected to consideration of these requirements in this proceeding.

In response, the City stated that it is willing to continue to discuss with AWHMT the first four requirements summarized above, but a resolution is not likely. The City objected to DOT's consideration of the separation distance requirements in City Code §§ 387.08(b) and 394.07(b) on the grounds that (1) AWHMT has not shown that it, or its members, are "directly affected" by these requirements, as specified in 49 U.S.C. 5125(d)(1); (2) AWHMT waived its right to challenge these requirements by failing to include them in its original application; and (3) all issues in AWHMT's amended application should be "the subject of a notice in the **Federal Register**"and "subject to comments by interested parties."

Inasmuch as the discussions between AWHMT and the City have better focused the issues to be addressed in this proceeding, RSPA and FHWA believe it is appropriate to allow interested parties the opportunity to submit additional comments on all the requirements challenged in AWHMT's original application that are currently at issues between AWHMT and the City. Because it is appropriate to reopen the comment period with respect to all issues relating to four requirements challenged in AWHMT's original application, it is logical to allow interested parties to also submit comments in this proceeding on the City's separation distance requirements in City Code §§ 387.08(b) and 394.07(b)—rather than consider these requirements in a separate proceeding. The City's separation distance requirements appear to apply to the driver of any vehicle transporting explosives or other hazardous materials within the City of Cleveland, including drivers employed by the companies whose affidavits were submitted with AWHMT's original application. Each of these companies stated that their vehicles pick up, deliver, or otherwise transport hazardous materials within the City.

B. Requirements To Be Deferred

In their letters, AWHMT and the City agree that RSPA and FHWA should defer consideration of the following sections in the City Code which AWHMT had challenged in its original application, but which the City is proposing to amend:

—394.08, 387.02(g), 387.04, and 387.07 concerning annual permits;

—394.16 and 387.04(b) concerning fees for permits;

—394.08 and 387.09 concerning proof of insurance;

—387.08(a) concerning vehicle inspections; and

—387.08(a) concerning fire extinguishers.

The City stated that, pending action on the proposals to amend the City Code, the City's Division of Fire will continue to refrain from enforcing "the hazardous materials and explosive transportation permit and fee requirements under Sections 394.08, 394.16, 387.04 and 387.07," but that it would not agree to

withhold enforcement of the other provisions of the City's Codified Ordinances that are listed on page two of [AWHMT's] April 15, 1999 correspondence, namely, permit and insurance requirements for the use and storage of explosives, vehicle inspections (except for annual inspections which the City does not conduct), and the maintenance of at least one fire extinguisher in good working condition.

RSPA and FHWA agree with AWHMT and the City that it is preferable to defer consideration of requirements that are being proposed to be revised, when those revisions (if adopted) may resolve the concerns raised in AWHMT's application. Accordingly, RSPA and FHWA are not inviting further comments on the requirements listed above, which will not be addressed further in this proceeding unless and until AWHMT or the City advises that they have been unable to resolve these parts of AWHMT's original application.

C. Effect of Revision of Routing Requirements

Finally, AWHMT asked FHWA for an opinion with respect to the requirements in City Code § 394.06(a) and (d) providing that hazardous materials may be transported on "City streets [only by] the safest and most direct route and the shortest distance from an interstate highway to the point of origin or destination, *as determined by the Fire Chief or his designee.*" AWHMT noted that this restriction was created prior to November 14, 1994 and, therefore, is not subject to the condition in 49 U.S.C. 5125(c)(1) that a highway routing designation or limitation must comply with FHWA's regulations in 49 CFR 397.71. RSPA and FHWA understand that the City will consider deleting from §§ 394.06(a) and (d) the language underlined above, but that, according to AWHMT, "The City is not willing to make any change to its routing requirements if the change would subject the City to the requirements of 49 CFR 397.71."

The City's letter did not address AWHMT's request FHWA's opinion as to whether the deletion of the phrase "as determined by the Fire Chief or his designee" from §§ 387.08(b) and 394.07(b) would constitute the establishment of a highway routing designation, limitation, or requirement after November 14, 1994. FHWA intends to respond to AWHMT's request separately from this preemption proceeding.

III. Reopening of Comment Period

For the reasons stated above, the period for public comments on AWHMT's application, as amended by its April 15, 1999 letter, is being reopened. Comments may be submitted through August 16, 1999 and may

discuss all issues relating to the City's requirements referred to in Part II.A., above, currently challenged by AWHMT, including issues raised in comments previously submitted. Rebuttal comments may be submitted through September 28, 1999 and may discuss only those issues raised in comments submitted during the reopened initial comment period; rebuttal comments may not raise new issues.

All comments should be limited to whether 49 U.S.C. 5125 preempts the City's requirements referred to in Part II.A., above. Comments should set forth in detail the manner in which these requirements are applied and enforced, and should specifically address the preemption criteria discussed in Part II of the September 17, 1998 public notice.

Persons intending to comment should review the standards and procedures governing consideration of applications for preemption determinations, set forth at 49 CFR 107.211–107.211 and 397.201–397.211.

Issued in Washington, DC, on June 17, 1999.

Kenneth R. Wykle,

Administrotor, Federal Highwoy Administrotion.

Alan I. Roberts,

Associote Administrotor for Hozardous Materials Safety, Reseorch ond Speciol Progroms Administrotion.

Appendix A

April 15, 1999.

Kenneth R. Wykle,
Administrotor, Federol Highway Administrotion, HOA–1, 400 Seventh St., SW., Woshington, DC 20590.

Mr. Alan I. Roberts,
Associote Administrotor, DHM–1, Reseorch ond Speciol Progroms Administrotion, 400 Seventh St., SW., Woshington, DC 20590.

Re: PDA–20 (RF)

Dear Messrs. Wykle and Roberts: On behalf of the Association of Waste Hazardous Materials Transporters (AWHMT), I am writing to modify and amend the Association's request that certain requirements imposed by the City of Cleveland, OH (City) on motor carriers engaged in the transportation of hazardous materials be preempted.

The AWHMT represents companies that transport, by truck and rail, waste hazardous materials, including industrial, radioactive and hazardous wastes, in North America. The Association is a not-for-profit organization that promotes professionalism and performance standards that minimize risks to the environment, public health and safety; develops educational programs to expand public awareness about the industry; and contributes to the development of effective laws and regulations governing the industry.

Background

Under the auspices of RSPA's and FHWA's Office of General Counsel (OGC) and with agreement of the City's Department of Law (Department) and the AWHMT, discussions were initiated in the fall of 1998 to voluntarily resolve issues in dispute in the matter of PDA–20(RF) short of a determination of preemption. These discussions have been productive in a number of areas. They have also helped to clarify areas where the parties have agreed that no acceptable compromise is likely. While we do not want at this time to cut off discussions in areas where progress appears to be forthcoming, we are no longer willing to delay RSPA's consideration of issues we have mutually agreed will not be resolved short of a preemption determination. Consequently, we are requesting that certain provisions challenged in our petition be held in abeyance, that the remaining provisions be addressed forthwith, and that our petition be amended to address another critical issue that regrettably was not identified in our original petition.

Provisions To Be Held in Abeyance

The Department has offered to recommend to the Mayor and the City Council that the City voluntarily amend its Code to address several of the provisions challenged in our petition in a manner that is consistent with Federal hazardous materials transportation law (FHMTL). The Department has also agreed to withhold enforcement of these provisions pending final action to amend the Code. Despite the good faith efforts of the Department to reach a voluntary settlement of these matters, the Department cannot bind the Mayor or the City Council to any agreements reached. Consequently, at this time, we are requesting that the following provisions challenged in our application of preemption be held in abeyance:

- Code § 394.16 and § 387.04(b) concerning fees
- Code § 394.08 and § 387.09 concerning proof of insurance
- Code § 387.08(a) concerning vehicle inspections
- Code § 387.08(a) concerning fire extinguishers
- Code § 394.08, § 387.02(g), § 387.04 and § 387.07 concerning annual permits

Following final action by the City and review by AWHMT of its amended Code, we will notify the Department and your offices of our intent to withdraw our objection or to ask that DOT reinstitute its preemption review of any remaining challenged provisions.

Provisions To Be Resolved Through Preemption Determinotion

The AWHMT and the Department have been unable to reach a common understanding about the preemptive affect of FHMTL on the following provisions and requirements:

- Code § 394.06(b) concerning the time-of-day and day-of-week restrictions on the transportation by motor carrier of placarded hazardous materials within the "downtown area" of the City.
- Code § 387.07(d) and Application for the Transportation of Explosives concerning the requirement that no explosive, as defined by the City, be transported within the City without the carrier prefiling a route and unless the route is approved by the City.
- Application for the Transportation of Explosives concerning 24-hour prenotification of all explosives deliveries.
- Application for the Transportation of Explosives concerning police escort for every shipment of more than 250 pounds of any explosive(s) if transported on City streets.

We continue to believe that these provisions and requirements will impermissibly delay the transportation of hazardous materials and are thus inconsistent and preempted by FHMTL. We ask that DOT refer to all prior filings for our justification as to why these provisions should be determined to be preempted.

We are mindful of DOT's statutory obligation to issue determinations of preemption within six months. AWHMT's application was filed and accepted by DOT in March 1998, but not even published in the **Federal Register** for six months. While we agreed to temporarily halt review during the last four months, we are anxious that a speedy determination of preemption be reached insasmuch as the City has not and will not suspend enforcement of these challenged provisions.

Petition To Amend AWHMT's Applicotion for o Determinotion of Preemption

We regret that in our March 2, 1998 filing we did not ask DOT to review Code § 394.07(b) and § 387.08(b) concerning separation distance requirements between vehicles transporting hazardous materials.[1] We request permission to amend our application for a determination of preemption in the matter of PDA–20(RF) to incorporate review of these requirements. We understand that the City may object to this request. If such objection is made, we intend to submit a new application for a determination of preemption.

Code § 394.07(B) provides that vehicles transporting placarded hazardous materials must maintain a separation distance for all other placarded vehicles of at least 300 feet, and Code 387.08(b) provides that if the vehicle is transporting explosives, the separation distance from any other vehicle transporting explosives must be 500 feet. This explosives separation requirements is not even conditioned on a requirement that the vehicle be placarded. Some exceptions are provided for the Code § 394.07(b) requirement, but none are provided under Code § 387.08(b). We believe these requirements hinder the safe operation of vehicles, are impossible to comply with at the distances required, and are a misuse of federal placarding requirements.

Placarded vehicles have little control over traffic conditions they encounter. There is no federal requirement that standardizes the placement of placards on vehicles. The

[1] City of Cleveland Code requirements are attached.

placards can be anywhere on the sides and ends of vehicles. There is no federal minimum distance visibility standard. However at 300 feet the visual signature of a placard, if it can be seen given intervening traffic, would be minuscule. The visibility problem is exacerbated at 500 feet where the distances is larger and the driver is supposed to be able to discern no only that a placard exists but that it is specific placard.[2] It goes without saying that the duty to identify vehicles containing explosive materials for which a placard is not required is impossible. The purpose of a placard is to communicate risk in the event of an incident. It is not intended for traffic control as envisioned by the City's Code. We believe this requirement will divide the attending of the very drivers the City should want to stay focused on the road. Instead, these drivers are going to be tasked to scan vehicles in all directions of travel,/3/ including around corners, within the City—an area already, by the city definition, congested—at all times of day, in all weather, to determine if placards exist. For these reasons, we do not believe these requirements can or should be complied with, or that they can be enforced in other than an arbitrary and capricious way.[4]

If these requirements are allowed to stand, they present a training nightmare. Assuring that all motor carriers of hazardous materials that entertain any possibility of engaging in transportation in Cleveland will have knowledge of these requirements, which is dubious, that motor carrier will have to modify its training programs to include information about the City's separation requirements. Then the motor carrier will have to hope that the driver remains aware of these requirements. Then the motor carrier will have to hope that the driver remains aware of these requirements during any forthcoming trip within the City, which given the uniqueness of the requirements is unlikely, especially for the occasional driver to the City. It almost begs for the carrier to provide a separate refresher training notice to the driver each time a shipment may go in the vicinity of the City. It cannot be the intent of Congress that the training requirements of drivers operating in interstate commerce be dictated by the whims of local jurisdictions.

The City has, during the course of our discussions, made clear it intents to enforce these requirements. However, it has not explained what special circumstances exist in the City to justify this extraordinary requirement, nor has it disclosed the scientific analysis that underpins the 300 feet/500 feet separation instead of for example some other distance requirement. The burden of asserting and demonstrating a supportable safety justification for these requirements should be placed squarely on the City.

The issue of separation distances has been considered in other preemption proceedings. Irrespective of DOT's interpretations in these prior proceedings, the type of separation requirement at issue here can be distinguished from these other proceedings.

- First, the City's requirements is not a following distance requirement. It contemplates a duty on drivers of vehicles transporting placarded hazardous materials in addition to maintain adequate following distance from the vehicles ahead, to be aware of the respective distances of other such hazmat vehicles within a circumference of hundreds of feet. Only once, in 1981, did DOT deal with a separation distance requirements similar to that contemplated by the City Code.[5]
- Second, the preemption provisions of the FHMTL have been amended twice by Congress since DOT last considered the issue of non-federal separation or following distance requirements. Both times, the preemption provisions of the FHMTL were strengthened. Not only did the Congress reaffirm its intent "to preclude a multiplicity of * * * local regulations and the potential for varying * * * regulations in the areas of hazardous materials transportation", but declared that "greater uniformity" was "necessary and desirable" in order to "promote * * * safety" in commerce.[6]
- Third, the FHMTL charges DOT, not localities, with duty to "prescribe regulations for the safe transportation of hazardous materials in intrastate, interstate, and foreign commerce."[7] DOT has accomplished this objective through the hazardous materials regulations (HMR). Recently, FHWA recognized the fundamental importance of the HMR when it proposed to update the term "compatible/compatibility", as a condition to qualify states to receive motor carrier safety assistance, to reflect RSPA's new requirement that transporters of hazardous materials comply with the HMR during all intrastate operations.[8] With this mandate, RSPA has "questioned 'the advisability of encouraging a driver to constantly direct his attention away from the proximity of his vehicle' and how * * * distance requirements promote [ ] safety."[9] Given its mandate, it would be absurd for DOT to sanction a non-federal requirement it admits compromises safety.
- Fourth, § 397.3 cannot save the City's requirements. Section 397.3 existed before the above referenced amendments were made to the FHMTL during this decade. This section of regulation simply has not kept pace with congressional intent, and it cannot take precedence over federal law and the congressional mandate to achieve safety through greater uniformity.[10]

Section 397.3 is so dated that it does not even demand that the non-federal operating rules have a safety nexus. Since the purpose of the HMR is to ensure the safe transportation of hazardous material, or in the case of the federal motor carrier safety regulations (FMCSR), the safe operation of commercial motor vehicles, it is little wonder that any number of non-safety-based local requirements that could interfere or unreasonably burden hazardous materials transportation would not be at "variance with specific regulations of [DOT]".[11] However, in fact DOT has considered and has issued a hazardous materials vehicle separation requirement. Section 397.9 provides that vehicles transporting division 1.1, 1.2, or 1.3 materials must not be parked within 300 feet of certain structures or activities, and exceptions are provided. The Code § 387.08(b) requirement for a 500-foot separation distance for vehicles transporting explosives applies while the vehicle is moving and while the vehicle is parked. As noted above, no exceptions are provided for the City's rule. Using the logic employed by the Ninth Circuit in the matter of *Chlorine Institute, Inc.* v. *Califor. Hwy. Patrol* concerning state-imposed escort requirements, we assert that DOT's determination to regulate only the distance between parked vehicles transporting specified types of explosives shows that DOT has demonstrated its intent not to require such separation distances for vehicles transporting other hazardous materials. The court went on to preempt this state requirement as interfering with Federal uniformity in an unsafe and burdensome manner.[12] If a court is willing to apply this principle to a state requirement, there can be no doubt of its applicability to a local requirement. Any non-federal requirement that uniquely applies to the transportation of hazardous materials and applies differently or in addition to the FHMTL or HMR or applicable FMCSR must be subject to scrutiny under DOT's preemption standards and not be protected under the guise of local vehicle operating requirements.

- Fifth, absent some compelling local circumstance that we are unaware of, DOT would set an untenable precedent if it allow these requirements to stand after acknowledging that safety is compromised. Such a determination would allow for the possibility that the Nation's other 30,000 jurisdictions would impose unique separation distance requirements without restraint.

We recommend that DOT find the City's separation requirements be preempted under the "dual compliance" standard as they conflict with federal requirements as outlined in the attached affidavit or with 49

[2] See attached affidavit of Karla Moore, Tri-State Motor Transit, Co., Inc., page 2.

[3] Drivers could only hope to make this identification through rear view mirrors for vehicles to the rear. These mirrors are not intended or adjusted to identify vehicles 300 feet/500 feet to the rear.

[4] See affidavit of Karla Moore that explains for detail the consequences of such separation distance requirements.

[5] IR–3, 46 *FR* 18923 (March 26, 1981).

[6] S. Rept. 1192, 93rd Cong. 2d Sess., 1974, page 37; and P.L. 101–615, Section 2(5).

[7] 49 U.S.C. 5103(b).

[8] 64 *FR* 11414 (March 9, 1999). In receiving grant assistance under this program, states are required to certify that any local requirements affecting the transportation of hazardous materials by motor carrier are also consistent with the HMR.

[9] 55 *FR* 39744, citing IR–3, *FR* 18918 (March 26, 1981).

[10] Speed limits, detours and other traffic management requirements that apply to all trucks are not in dispute.

[11] *Ibid.*

[12] *Chlorine institute, Inc.* v. *Calif. Hwy. Patrol*, Civ. S–92–396 (E.D. Cal., September 16, 1992), aff'd. 29 F.3d 495 (9th Cir. 1994).

CFR 397.9 as noted above.[13] If DOT concludes that these provisions do not rise to the level of a conflict, we request that DOT find these requirements preempted under its authority to preempt non-federal requirements that pose "an obstacle to accomplishing and carrying out" the law.[14]

Request for Technical Assistance

With no prejudice to all parties, we request an opinion from FHWA as to whether the City's routing designations and restrictions will be compromised if the City either strikes the phrase "as determined by the Fire Chief, or his designee" currently appearing in Code § 394.06(a) and (d) of if the City otherwise clarifies that this phrase does not require some type of route prenotification.[15] We understand that the City's intra-city route designations and restrictions were in place prior to November 14, 1994, and as such are grandfathered from the requirement to be consistent with the federal highway routing standards set forth at 49 CFR 397.71. The City is not willing to make any change to its routing requirements if the change would subject the City to the requirements of 49 CFR 397.71.

Conclusion

We are willing to hold in abeyance certain issues raised in our petition for a determination of preemption pending the outcome of efforts by the City to reform its Code in a manner consistent with the FHMTL. At the same time, we are asking for expeditious review of matters the City and we acknowledge will not be resolved by further discussion. Finally, we request that our petition for preemption be amended to include a review of requirements for vehicle separation distances.

Certification

I certify that a copy of this comment has been sent to Mr. Sylvester Summers at the address specified in the **Federal Register**.

Respectfully Submitted,

Cynthia Hilton,

Executive Director.

Attachments

1. Cleveland Code § 387.08(b).
2. Cleveland Code § 394.07(b).
3. Affidavit of Tri-State Motor Transit.

[Attachments not reproduced, available from RSPA]

Appendix B

April 30, 1999.

Kenneth R. Wykle,

Administrator, Federal Highway Administration, HOA–1, 400 Seventh St., SW, Washington, DC 20590.

Alan I. Roberts,

Associate Administrator, DHM–1, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590.

Re: *City of Cleveland's Response to the Association of Waste Hazardous Materials Transporter's (AWHMT) Request to Amend Petition No. PDA–20 (RF) and to Hold Certain Provisions in Petition in Abeyance*

Dear Messrs. Wykle and Roberts: The City of Cleveland hereby submits this response to AWHMT's letter dated April 15, 1999, requesting permission to amend petition no. PDA–20(RF) and to hold certain provisions in abeyance pending the outcome of negotiations between the parties.

A. Background/Provisions To Be Resolved Through Preemption Determination

The City agrees with AWHMT's characterization of the discussions which have taken place between the parties, and the progress which has been made with regard to settling certain provisions of PDA–20(RF). The City intends to continue discussions with AWHMT regarding those issues which AWHMT has requested be held in abeyance.

Moreover, the City understands that AWHMT has requested that the Department of Transportation and the Federal Highway Administration move forward to decide the four (4) provisions of the City of Cleveland's Codified Ordinances and the current Explosives Permit application listed on page two of the April 15, 1999 letter, to wit, Section 394.06(b) time-of-day and day-of-week restrictions, Section 387.07(d) prenotification and approval of route for explosives transportation, and the explosives transportation application requirements for 24 hour prenotification and police escort. To the extent practical, the City is willing to continue to discuss these issues with AWHMT, but is doubtful resolution is likely.

B. Provisions To Be Held in Abeyance

For the record, the City would like to clarify a representation that AWHMT makes concerning the City's agreement to withhold enforcement of certain provisions of its Codified Ordinances which AWHMT has challenged but has asked RSPA hold in abeyance. In our discussions with AWHMT, the City has acknowledged that the Division of Fire, since the filing of PDA–20(RF), has refrained from enforcing the hazardous materials and explosives transportation permit and fee requirements under Sections 394.08, 394.16, 387.04 and 387.07, and the Division of Fire has indicated it will continue to withhold enforcement of these provisions even though it is not required by law to do so.

The City, however, did not represent to AWHMT that it would also withhold enforcement of the other provisions of the City's Codified Ordinances that are listed on page two of the April 15, 1999 correspondence, namely, permit and insurance requirements for the use and storage of explosives, vehicle inspections (except for annual inspections which the City does not conduct), and the maintenance of at least one fire extinguisher in good working condition. I have brought this to the attention of Cynthia Hilton and explained that I would clarify the City's position in this letter, and I believe she is in agreement with the above explanation.

C. Petition To Amend AWHMT's Application for Determination of Preemption

The City objects to AWHMT request for permission to amend its application for a determination of preemption to include a challenge to City of Cleveland Codified Ordinances 394.07(b) and 387.08(b), which require vehicles transporting hazardous materials to maintain a 300 or 500 foot separation distance from other vehicles containing hazardous materials. The basis for the City's objections are set forth below:

(1) *AWHMT Has Not Established That It Is Directly Affected by the City's Requirement.*

Federal law provides that a person "directly affected" by a requirement of a political subdivision, may apply for a preemption determination under 49 U.S.C. 5125 (49 USCA 5125(d)(1); 49 CFR 107.201(a)(1)). The City maintains that AWHMT has not established in its filing of April 15, 1999, that it is directly affected by the City's minimum distance requirement. Therefore, it does not have standing to request a preemption determination on the minimum distance requirement.

AWHMT has attached the affidavit of a representative of TriState Motor Transit Co. (hereinafter referred to as "Affiant") ostensibly to establish standing to amend PDA–20 (RF) to include the challenge to the City's minimum distance requirement. This affidavit includes numerous hypothetical situations which might occur in the worst case scenario if the City were to enforce the minimum distance provision in an unreasonable and arbitrary fashion. The affidavit, however, contains no *factual* evidence which supports a determination that the Affiant is directly affected. Affiant states, in fact, that TriState provides virtually no service to the City of Cleveland, and further admits that "TSMT has never been cited for violating these separation requirements". AWHMT attached no other evidence that its members have been directly affected by the City's minimum distance requirement. Therefore, AWHMT has failed to establish that it has standing to bring this request for a preemption determination, and its request should be denied.

(2) *AWHMT Has Waived Its Right To Include a Challenge to the City's Minimum Distance Requirement.*

AWHMT has waived its right to challenge the City's minimum distance requirement for the reason that it neglected to include this issue in its original petition. Support for this proposition can be found at 49 CFR 107.23 which establishes the requirements for an application for a preemption determination. The regulations implicitly contemplate that preemption applications must be comprehensive and complete when filed (see 107.203(b) (2) and (3). The regulations make no provision for amending or revising the preemption petition after it is filed. From a policy perspective, amending a petition to allow amendments while a proceeding is pending discourages a political subdivision from engaging in negotiations since the issues in controversy are constantly subject to change. For these reasons, AWHMT's request to amend the petition should be denied.

(3) *The Entire Amended Petition Should Be Subject to the Publication and Commentary*

[13] 49 U.S.C. 5125(a)(1)

[14] 49 U.S.C. 5125(a)(2).

[15] This issue is separate and apart from the prenotification of explosive routes currently required by Code § 387.387.07(d).

Requirements of 40 CFR 107.203(d) and 107.205.

Without waiving its objection to AWHMT's request to amend its petition, the City requests that in the event RSPA grants AWHMT's request to amend, the entire amended petition, including the new challenge to the minimum distance requirement as well as the challenges to the other provisions of the City's ordinances contained in the original petition filed in March of 1998, be the subject of a notice in the **Federal Register** and the subject to comments by interested parties, including the City of Cleveland, pursuant to 49 CFR 107.205. Opening up the entire petition to comments would allow a newly interested party to comment to all issues, not just the minimum distance requirement. Moreover, it would allow the City of Cleveland the opportunity to supplement its comments already submitted with affidavits, which it was not able to do previously because of time constraints.

This concludes the City of Cleveland's response to AWHMT's submission dated April 15, 1999. We appreciate this opportunity to comment. I hereby certify that a copy of this letter was sent to Cynthia Hilton, on behalf of the Applicant, the Association of Waste Hazardous Materials Transporters.

Very truly yours,

Joyce M. Dodrill,

Assistant Director of Law.

[FR Doc. 99–16623 Filed 6–29–99; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Discretionary Cooperative Agreements To Support Innovative Programs To Increase Booster Seat and Seat Belt Use Among Children

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of availability—discretionary cooperative agreements.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) announces a discretionary cooperative agreement program to demonstrate and evaluate innovative programs designed to increase booster seat use among children, ages 4 to 8, who have outgrown their child safety seats but do not fit into adult seat belts, and to increase seat belt use among older children, ages 8 through 15.

DATES: Applications must be received at the office designated below before 2:00 p.m. (EST), on August 30, 1999.

ADDRESSES: Applications must be submitted to the DOT/National Highway Traffic Safety Administration, Office of Contracts and Procurement (NAD–30), ATTN: Debra J. Crites, 400 7th Street S.W., Room 5301, Washington, D.C., 20590. All applications submitted must include a reference to NHTSA Cooperative Agreement Program Number DTNH22–99–H–05138.

FOR FURTHER INFORMATION CONTACT: General administrative questions may be directed to Debra J. Crites, Office of Contracts and Procurement at (202) 366–9547, or by e-mail at *dcrites@nhtsa.dot.gov*. Programmatic questions relating to this cooperative agreement program should be directed to Lori A. Miller, Contracting Officer's Technical Representative (COTR), Occupant Protection Division (NTS–12), NHTSA, 400 7th Street, S.W., Washington, D.C., 20590, by e-mail at *lmiller@nhtsa.dot.gov*, or by phone at (202) 366–9835. Interested applicants are advised that no separate application package exists beyond the content of this announcement.

SUPPLEMENTARY INFORMATION:

Background

Traffic crashes are the leading cause of death to American children of every age from 5 through15 years old. Restraint use and proper restraint use decreases as children get older. While restraint use for infants is 85 percent, restraint use for children ages 5 through 15 decreases to 64 percent. NHTSA's 1997 Fatal Analysis Reporting System shows that 52.6 percent of fatally injured 4 through 7 year-old passenger vehicle occupants were totally unrestrained and 65.7 percent of fatally injured 8 through 15 year-olds were unrestrained.

Studies also reveal that of the 4 to 8 year-olds who are restrained, most are in safety belts, not booster seats. In addition, a NHTSA observational study showed that, of the children who had outgrown their child seat, at about age 4 and 40 pounds, only 6 percent were in booster seats. Because of their size, children do not fit properly into adult seat belts until they are approximately eight years old and between 60 and 80 pounds. Booster seats help prevent injuries by helping to position lap and shoulder belts properly across the pelvis and shoulder. Booster seats also may help make safety belts more comfortable for children, decreasing the likelihood that children will place the shoulder belt under their arm, put it behind their back, or remove the safety belt altogether.

Despite targeted program and marketing efforts, many parents and caregivers of 4 through 15 year-olds continue to let children ride unrestrained or in inappropriate restraints or seating positions. Research studies, focus group testing, and low usage rates suggest that many parents, even those who have secured younger children in child safety seats, do not know what a booster seat is. Therefore, parents move their children, when they have outgrown their child safety seat, into safety belts or leave them totally unrestrained. Many 8 to 12 year-olds continue to ride unrestrained and in the front seat, even in airbag-equipped vehicles.

Low usage rates and lack of booster seat use may in part be attributed to gaps in child passenger safety laws and seat belt laws which often leave children ages 4 through 15 unprotected. Under most states' provisions, a 10 year-old can ride legally in the back seat unrestrained because laws only apply to front seat occupants. Many states fail to address the issue of children as passengers in the cargo area of pickup trucks. Other gaps, such as exemptions for out-of-state vehicles and overcrowded vehicles (car pooling from school) and exemptions if the driver is not the child's legal guardian, make it even more difficult to reduce injuries.

Programs Addressing Older Child Passengers

The Standardized Child Passenger Safety Training Program, developed by NHTSA in 1997, a program aimed at increasing booster seat and seat belt use among children, is currently being delivered nationwide. This technical training program provides child passenger safety professionals essential information and skills necessary to educate the public and to participate in child safety seat clinics. The program includes hands-on installations and educational information regarding all child restraints, including booster seats and seat belts. To date, over 2,500 technicians across the country have been certified. New classes are available on a regular basis.

The National SAFE KIDS Campaign, in partnership with NHTSA, developed and implemented a grassroots program known as Give Kids a Boost. This program offers educational information regarding booster seats, and in some cases, issues booster seats to parents with age-appropriate children. The delivery system was coordinated through health clinics. When families visit the clinics to receive immunizations and booster shots for their children, parents are provided with the information or the booster seats necessary to protect the children as passengers in a motor vehicle.

Programs addressing the older child passenger have been developed by

national and local organizations across the country. For example, the National Peer Helpers Association (NPHA) and the National Federation of State High School Associations (NFHS), with assistance from NHTSA, successfully piloted a cross-age mentoring program in four states. Research has shown that peer education is a particularly effective tool for communicating traffic safety messages to youth. In this nontraditional program, high school student leaders send prevention messages to junior high school and middle high school students, as well as their own peers. The prevention messages include: avoiding alcohol, tobacco and other drugs; not riding with a driver who has been drinking alcohol, or using other drugs; and always wearing safety belts.

Many other new and innovative approaches exist to increase booster seat use and seat belt use among children. To make an impact on the occupant protection problem, it is necessary to identify both innovative and effective strategies and make this information available to those interested in increasing the use of and the proper use of child restraints and/or seat belts.

Purpose and Objectives

The purpose of this cooperative agreement program is to support the development, implementation, and evaluation of up to six (6) projects designed to reduce injuries and fatalities among children ages 4 though 15, due to failure to use booster seats or seat belts. Projects may include increasing booster seat use among children, ages 4 to 8, who have outgrown their child safety seat but do not yet fit into an adult seat belt, and/or innovative approaches to increase seat belt use among older children, ages 8 through 15.

Specific objectives for this cooperative agreement program are as follows:

1. Identify communities that demonstrate the potential for successful implementation and evaluation of innovative approaches to increase booster seat use among children, ages 4 to 8, who have outgrown their child safety seat but do not yet fit into an adult seat belt, and/or innovative approaches to increase seat belt use among older children, ages 8 through 15.

2. Use community data to define the problem, as appropriate. These data are to extend beyond police crash reports, to the extent possible.

3. Actively engage the community to define the problem and potential solutions to the problem. The community may include, but should not be limited to, parents, caregivers, children, law enforcement officials, legislators, traffic safety officials, and health care and injury prevention professionals. The grantee shall develop strategies for ensuring community involvement in the process.

4. Implement a program to increase the use of booster seats among children ages 4 to 8 and/or seat belts among children ages 8 through 15. The intervention should be creative, based on data and citizen input, and comprehensive in nature. The intervention should be designed to allow for easy implementation and replication.

5. Evaluate the effectiveness of the intervention. The evaluation plan should include process and outcome measures. The evaluation may include, but should not be limited to, the following: what works, what does not work, how to engage partners, methods of overcoming barriers or challenges, and ways to turn challenges into opportunities.

NHTSA Involvement

NHTSA will be involved in all activities undertaken as part of the cooperative agreement program and will:

1. Provide a Contracting Officer's Technical Representative (COTR) to participate in the planning and management of the cooperative agreement and to coordinate activities between the Grantee and NHTSA.

2. Provide information and technical assistance from government sources within available resources and as determined appropriate by the COTR.

3. Serve as a liaison between NHTSA Headquarters, Regional Offices, and others (Federal, state and local) interested in increasing restraint use and the activities of the grantee.

4. Review and provide comments on program content, materials, and evaluation activities.

5. Stimulate the transfer of information among grant recipients and others engaged in child and youth occupant protection activities.

Period of Support

Up to six (6) cooperative agreements will be awarded for an initial project period of twelve (12) months. Contingent on the availability of funds and satisfactory performance, each cooperative agreement may be extended for an additional twelve (12) months. A total of approximately $500,000 is available for all awarded cooperative agreements for up to a two (2) year period. It is anticipated that individual award amounts, based on demonstrated need, may range between $50,000 and $100,000. Given the amount of funds available for this effort, applicants are strongly encouraged to seek other funding opportunities to supplement the Federal funds. Preference may be given to applicants with cost sharing proposals. At the discretion of the government, funds may be obligated fully at the time of award of the cooperative agreement or incrementally over the period of the cooperative agreement.

Eligibility Requirements

Applications may be submitted by public and private, nonprofit and not-for-profit organizations, and governments and their agencies or a consortium of the above. Thus, universities, colleges, research institutions, hospitals, other public and private (non- or not-for-profit) organizations, and State and local governments are eligible to apply. Interested applicants are advised that no fee or profit will be allowed under this cooperative agreement program. Preference may be given to applicants that have proposed cost-sharing strategies and/or other proposed funding sources in addition to those in this announcement.

Application Procedure

Each applicant must submit one (1) original and two (2) copies of the application package to: NHTSA, Office of Contracts and Procurement (NAD–30), ATTN: Debra J. Crites, 400 7th Street S.W., Room 5301, Washington, D.C. 20590. Applications must include a completed Application for Federal Assistance (Standard Form 424—Revised 4/88). An additional three (3) copies will facilitate the review process, but are not required.

Only complete packages postmarked on or before 2:00 p.m. (EST) on August 30, 1999, will be considered. No facsimile transmissions will be accepted. Applications must be typed on one side of the page only and a reference to NHTSA Cooperative Agreement Number DTNH22–99–H–05138 must be included. Unnecessarily elaborate applications beyond what is sufficient to present a complete and effective response to this invitation are not desired. Please direct questions regarding the application process to Debra J. Crites, at (202) 366–9547, or by e-mail *dcrites@nhtsa.dot.gov*. Programmatic questions should be directed to Lori A. Miller, by e-mail at *lmiller@nhtsa.dot.gov* or by phone at (202) 366–9835.

Application Contents

1. The application package must be submitted with OMB Standard Form 424, (REV. 4–88, including 424A and 424B), Application for Federal Assistance. with the required information filled in and the assurances signed (SF 424B). The OMB Standard Forms (SF) 424, SF 424 A, and SF 424 B may be downloaded directly from the OMB Internet web site *www.whitehouse.gov/WH/EOP/OMB/grants/*. While the Form 424–A deals with budget information, and Section B identifies Budget Categories, the available space does not permit a level of detail which is sufficient to provide for a meaningful evaluation of the proposed total costs. A supplemental sheet shall be provided which presents a detailed breakdown of the proposed costs (detail labor, including labor categories, level of effort, and rate; direct materials, including itemized equipment; travel and transportation, including projected trips and number of people traveling; subcontractors/subgrants, with similar detail, if known; and overhead), as well as any costs the applicant proposes to contribute or obtain from other sources in support of the projects in the innovative project plan. The estimated budget should be separated and proposed on the basis of a twelve (12) month effort with submission of a second twelve (12) month effort to cover the possible continuation for an additional year.

2. Funding sources other than the funds being provided through this cooperative agreement are encouraged. Since activities may be performed with a variety of financial resources, applicants need to fully identify all project costs and their funding sources in the proposed budget. The proposed budget must identify all funding sources in sufficient detail to demonstrate that the overall objectives of the project will be met.

3. Program Narrative Statement: In no more than 20 pages, the program narrative statement must fully describe the scope of the project, detailing the activities and costs for which funding is being requested. Also, applications for this program must include the following information in the program narrative statement:

a. A table of contents including page number references.

b. A description of the community in which the grantee proposes to implement a program to increase booster seat use among children ages 4 to 8 and/or to increase seat belt use for children in the age group 8 through 15. For the purpose of this program, a community includes a city, town or county, small metropolitan area or a group of cities, towns or counties in a particular region. It should be large enough so that the program can have a demonstrable effect on booster seat and/or seat belt usage among the applicable age group. The description of the community should include, at a minimum, community demographics including population of children and youth, the community's child and/or youth restraint use problem, data sources available, existing traffic safety programs, occupant protection programs and community resources.

c. A description of the program's goals and how the grantee plans to establish a booster seat and/or youth occupant protection program in the proposed site. How will the grantee solicit the assistance of and seek partnerships with local organizations, such as law enforcement agencies and other safety and health groups? How will children, parents and/or youth become part of the process of problem identification and proposed solutions?

d. An implementation plan including a description of the interventions or specific activities proposed to achieve the objectives of the program. What actions will be undertaken to increase booster seat use and/or seat belt use? How will parents, children, youth, teachers, etc., be involved with these activities? What groups are needed to ensure program success? To what degree has the buy-in of these groups been secured? How will the interventions be delivered? How will delivery be monitored? What are the expected results of the intervention?

e. A description of the process and outcome evaluation plan including the types of data that will be collected and all data collection procedures. A description of the data analysis procedures that will be conducted should be included.

f. A staffing plan that describes how the project will be managed, both at the grantee-level and at the community level. The application shall identify the proposed project manager and other personnel considered critical to the successful accomplishment of this project, including a brief description of their qualifications and respective organizational responsibilities. The roles and responsibilities of the grantee, the community and any others included in the application package shall be specified. The proposed level of effort in performing the various activities shall also be identified.

g. A detailed explanation of time schedules, milestones, and product deliverables, including quarterly reports and draft and final reports. (See Terms and Conditions of Award section of this announcement.)

4. Commitment and Support: A complete set of letters (form letters are not acceptable) from major partners, organizations, and groups proposed for involvement with this project shall detail what each partner is willing to do over the course of the project period. A written endorsement/support for the project from the State Highway Safety Agency shall also be included.

Evaluation Criteria and Review Process

1. Each application package will be reviewed initially to confirm that the applicant is an eligible recipient, and has complied with the Application Procedures section of this announcement. Each complete application from an eligible recipient will then be evaluated by an Evaluation Committee. The applications will be evaluated using the following criteria:

a. *Program Concept and Innovation* (30 percent).

The extent to which the applicant is knowledgeable about child passenger safety and/or youth occupant protection programs. The extent to which the applicant clearly identifies and explains creative approaches to address booster seat use and/or youth occupant protection. If building on an existing approach or program, what are the innovative, new, or creative features that make this project different from what has been tried in the past?

Has the applicant identified potential barriers associated with developing and implementing the new, creative approach? Has the applicant offered solutions for addressing the barriers? Has the applicant involved child and/or youth organizations, traditional traffic safety partners, and new non-traditional highway safety partners in the project? Has the applicant involved media outreach efforts? Has the applicant demonstrated how the project is adaptable to other jurisdictions at a reasonable cost? Has the applicant obtained written endorsement/support from the State Highway Safety Agency to insure coordination with the State's overall Highway Safety Plan?

b. *Goals, Objectives, and Work Plan* (30 percent).

The extent to which the applicant's goals are clearly articulated and the objectives are time-phased, specific, action-oriented, measurable, and achievable. The extent to which the work plan will achieve an outcome-oriented result that will increase booster seat use among 4 to 8 year-olds and/or seat belt use among the 8 through 15 year old age group. The work plan must

address what the applicant proposes to develop and implement; how this will be accomplished; and must include the major tasks/milestones necessary to complete the project. This involves identification of, and solutions to, potential technical problems and critical issues related to successful completion of the project. This also involves the extent to which the applicant has demonstrated an understanding of the proposed community, including the community's demographics, traffic safety problem, and resources (including data). Data sources must include local data sets and should (to the degree possible) extend beyond police crash reports to include booster seat and seat belt use, non-use, and injury data. The work plan will be evaluated with respect to its feasibility, realism, and ability to achieve desired outcomes.

c. *Project Management and Staffing* (20 percent).

The extent to which the proposed staff are clearly described, appropriately assigned, and have adequate skills and experience. The extent to which the applicant has the capacity and facilities to design, implement, and evaluate the proposed project. The extent to which the applicant has provided details regarding the level of effort and allocation of time for each staff position. The applicant must furnish an organizational chart and resume of each proposed staff member. Is the applicant's staffing plan reasonable for accomplishing the objectives of the project within the time frame set forth in the announcement? Has the applicant's financial budget provided sufficient detail to allow NHTSA to determine that the estimated costs are reasonable and necessary to perform the proposed effort? Has financial or in-kind commitment of resources by the applicant's organization or other supporting organizations to support the project been clearly identified?

d. *Evaluation Plan* (20 percent).

The extent to which the evaluation plan clearly articulates the project's potential to make a significant impact on increasing booster seat use among 4 to 8 year-olds and/or seat belt use among older children, and on decreasing motor vehicle fatalities and injuries. The extent to which the evaluation plan will measure the effectiveness of the innovative, creative project. The extent to which the evaluation plan will synthesize, summarize, and report results which are useable and decision-oriented. Has the applicant described the proposed evaluation design and the methods for measuring the outcomes of the proposed interventions (countermeasures)? Are there sufficient data sources and is access ensured from appropriate owners or collectors of data to collect and appropriately analyze quantitative and qualitative data to measure the effectiveness of the innovative project?

2. Depending upon the results of the evaluation process, NHTSA may suggest revisions to applications as a condition of further consideration to ensure the most efficient and effective performance consistent with the objectives of increased booster seat use, and increased seat belt use among older children.

Special Award Selection Factors

While not a requirement of this announcement, applicants are strongly urged to seek funds from other Federal, state, local, and private sources to augment those available under this announcement. For those applications that are evaluated as meritorious for consideration for award, preference may be given to those that have proposed cost-sharing strategies and/or other proposed funding sources in addition to those in this announcement.

Terms and Conditions of Award

1. Prior to award, each grantee must comply with the certification requirements of 49 CFR part 20, Department of Transportation New Restrictions on Lobbying, and 49 CFR part 29, Department of Transportation government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirement for Drug Free Work Place (Grants).

2. Reporting Requirements and Deliverables:

a. Quarterly Progress Reports must include a summary of the previous quarter's activities and accomplishments, as well as the proposed activities for the upcoming quarter. Any decisions and actions required in the upcoming quarter shall be included in the report. Any problems and issues that may arise and need the attention of the Contracting Officer's Technical Representative (COTR) or Contracting Officer (CO) shall be clearly identified in the quarterly report in a specific, identified section. The grantee shall supply the progress report to the COTR every ninety (90) days, following date of award.

b. Initial and Subsequent Meetings with COTR: The grantee shall meet with the COTR and appropriate NHTSA staff in Washington, D.C. at NHTSA's offices or as part of a COTR site visit to discuss and refine the development, implementation, and evaluation of the project. The grantee will prepare a 20 to 30 minute presentation describing the project and must be prepared to answer questions from the COTR and others present at the briefing. After this initial meeting with the COTR, the grantee shall meet at least once a year with the COTR in Washington, D.C. at NHTSA's offices to discuss the project's progress and results. These meetings will be a minimum of 4 hours in length.

c. Revised Implementation and Evaluation Plan: The grantee will submit a revised program implementation and evaluation plan incorporating verbal and written comments from the COTR. This revised plan is due no more than one (1) month from date of the initial meeting with the COTR.

d. Draft Final Report: The grantee will prepare a Draft Final Report that includes a description of the innovative project, intervention strategies, program implementation, evaluation methodology, and findings from the program evaluation. With regard to technology transfer, it is important to know what worked and what did not work, under what circumstances, and what can be done to enhance replication in similar communities and what can be done to avoid potential problems for future replication of the project. The grantee will submit Draft Final Report to the COTR 60 days prior to the end of the performance period. The COTR will review the draft report and provide comments to the grantee within 30 days of receipt of the document.

e. Final Report: The grantee will revise the Draft Final Report to reflect the COTR's comments. The revised final report will be delivered to the COTR along with the following:

The print materials shall be provided to NHTSA in both camera ready and appropriate media formats (disk, CD-rom) with graphics and printing specifications to guide NHTSA's printing office and any outside organization implementing the program. Printing Specifications follow:

- Digital artwork for printing shall be provided to NHTSA on diskette (100MG Zip disk or 1GB Jaz disk). Files should be in current desktop design and publication programs, for example, Adobe Illustrator, Adobe Photoshop, Adobe Pagemaker, Macromedia Freehand, QuarkXPress. The grantee shall provide all supporting files and fonts (both screen and printers) needed for successful output, black and white laser separations of all pages, disk directory(s) with printing specifications provided to the Government Printing Office (GPO) on GPO Form 952 to guide NHTSA's printing office, GPO, and any outside organizations assisting with

program production. The grantee shall confer with the COTR to verify all media format and language.

• Additionally, the program materials shall be submitted in the following format for placement on NHTSA's website on the world wide web;

—Cooperative agreement number
—Original application format, for example, *pm5; *.doc; *.ppt; etc
—HTML level 3.2 or later
—A PDF file for viewing with Adobe Acrobat

All HTML deliverables must be delivered on either a standard 3.5" floppy disk or on a Windows 95 compatible formatted Iomega zip disk and labeled with the following information:

—Cooperative Agreement Number
—Grantee's name and phone number
—Names of relevant files
—Application program and version used to create the file(s).

If the files exceed the capacity of a high density floppy, a Windows 95 compatible formatted Iomega zip disk is acceptable.

Graphics must be saved in Graphic Interchange Format (GIF) or Joint Photographic Expert Group (JPEG). Graphics should be prepared in the smallest size possible, without reducing the usefulness or the readability of the figure on the screen. Use GIF for solid color or black and white images, such as bar charts, maps, or diagrams. Use JPEG (highest resolution and lowest compression) for photographic images having a wider range of color or grey-scale tones. When in doubt, try both formats and use the one that gives the best image quality for the smallest file size. Graphic files can be embedded in the body of the text or linked form the body text in their own files: the latter is preferable when a figure needs to be viewed full screen (640 X 480 pixels) to be readable.

Tabular data must be displayed in HTML table format.

List data must be displayed in HTML list format.

Pre-formatted text is not acceptable.

Currently, frames are not acceptable.

JAVA, if used, must not affect the readability or usefulness of the document, only enhance it.

Table background colors may be used, but must not be relied upon (for example, a white document background with a table with colored background may look nice with white text, but the colored background doesn't show up on the user's browser the text shall be white against white and unreadable.)

All HTML documents must be saved in PC format and tested on a PC before delivery.

f. Final project briefing to NHTSA and a presentation to a national meeting: The grantee will deliver a briefing in Washington, D.C. at NHTSA's offices to the COTR and appropriate NHTSA staff to review the project implementation, evaluation, and results. This presentation shall last no less than 30 minutes and the grantee shall be prepared to answer questions from the briefing's attendees.

In consultation with the COTR, the grantee will select a national meeting to deliver a presentation of the project and it effectiveness.

g. An electronic Microsoft PowerPoint (97) presentation that NHTSA staff shall be able to use to brief senior staff or traffic safety partners at various meetings and conference.

3. During the effective performance period of the cooperative agreements awarded as a result of this announcement, the agreement as applicable to the grantee, shall be subject to the NHTSA's General Provisions for Assistance Agreement, dated July 1995.

Issued on: June 22, 1999.

R.E. Engle,

Acting Associate Administrator for Traffic Safety Programs.

[FR Doc. 99–16356 Filed 6–29–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33754]

Michigan Southern Railroad Company, Inc.—Acquisition Exemption—Branch & St. Joseph Counties Rail Users Association, Inc.

Michigan Southern Railroad Company, Inc. (MSRR), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire (by purchase) 24.34 miles of rail line owned by the Branch & St. Joseph Counties Rail Users Association, Inc. (RUA), between milepost 382.5 at or near Coldwater, MI, and milepost 406.84 at or near Sturgis, MI. Wabash & Western Railway Co., an affiliate of MSRR, will continue to operate the line of railroad under the name Michigan Southern Railroad.[1]

The transaction is scheduled to be consummated on or before July 20, 1999.[2]

If this notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33754, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on John D. Heffner, Esq., REA, CROSS & AUCHINCLOSS, Suite 570, 1707 L Street, NW, Washington, DC 20036, and Daniel A. LaKemper, Esq., General Counsel, Pioneer RailCorp, 1318 South Johanson Road, Peoria, IL 61607–1130.

Board decisions and notices are available on our website at WWW.STB.DOT.GOV."

By the Board, David M. Konschnik, Director, Office of Proceedings.

Decided: June 24, 1999.

Vernon A. Williams,

Secretary.

[FR Doc. 99–16652 Filed 6–29–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33766]

The Burlington Northern and Santa Fe Railway Company—Trackage Rights Exemption—Illinois Central Railroad Company

Illinois Central Railroad Company (IC) has agreed to grant limited overhead trackage rights to The Burlington Northern and Santa Fe Railway Company (BNSF) over IC's rail line

[1] *See Southwestern Michigan Railroad Company, Inc.—Acquisition and Operation Exemption—Branch & St. Joseph Counties Rail Users Association, Inc.*, Finance Docket No. 31525 (ICC served Dec. 14, 1990); *Michigan Southern Railroad Company, Inc.—Operation Exemption—Branch & St. Joseph Counties Rail Users Association, Inc.*, Finance Docket No. 31779 (ICC served Dec 14, 1990); and *Wabash & Western Railway Co.—Lease and Operation Exemption—Morris Leasing Co., Ltd., and Michigan Southern Railroad, Inc.*, STB Finance Docket No. 33306 (STB served (Dec. 24, 1996).

MSRR certifies that its annual revenue will not exceed those that would qualify it as a Class III rail carrier and that its annual revenues are not projected to exceed $5 million.

[2] In a filing in a separate proceeding (STB Finance Docket No. 33760), MSRR reported that it was attempting to purchase the line between Coldwater and Sturgis through exercise of an option it asserts it has. In that proceeding, RUA disputes MSRR's right to exercise an option to purchase this line and observes that any authority MSRR obtains in this proceeding (STB Finance Docket No. 33754) under 49 CFR 1150.41 is permissive only. RUA is correct that the exemption in this proceeding is permissive only and does not give MSRR the legal right to purchase the line in the absence of an agreement between the parties or a court order to that effect.

between a point near milepost AO 37.5 near Joliet, IL, and a point near milepost AO 10.7 at Glenn Yard in Chicago, IL, a distance of approximately 26.8 miles.

The transaction was scheduled to be consummated on or soon after June 18, 1999.

The purpose of the trackage rights is to permit BNSF to interchange cars with IC and Canadian National Railway Company.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33766, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Michael E. Roper, 3017 Lou Menk Drive, P.O. Box 961039, Fort Worth, TX 76161–0039.

Board decisions and notices are available on our website at WWW.STB.DOT.GOV."

Decided: June 23, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99–16654 Filed 6–29–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33760]

The Indiana Northeastern Railroad Company—Operation Exemption—Branch and St. Joseph Counties Rail Users Association, Inc., in Branch County, MI

The Indiana Northeastern Railroad Company (INR), a Class III rail carrier, and the Branch and St. Joseph Counties Rail Users Association, Inc. (RUA) have filed a notice of exemption under 49 CFR 1150.41 for INR to operate approximately 10.4 miles of rail line owned by the RUA, from milepost 376.56 east of Quincy, MI, to milepost 386.96 west of Coldwater, in Branch County, MI. INR states that its annual revenue will not exceed those that would qualify it as a Class III rail carrier.

The transaction was scheduled to be consummated on June 8, 1999, the effective date of the exemption.[1]

If this notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. FD 33760, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Carl M. Miller, MILLER LAW OFFICE, 618 Professional Park Drive, P.O. Box 332, New Haven, IN 46774 [Attorney for INR], and Andrew J. Van Doren, BIRINGER, HUTCHINSON, VAN DOREN, LILLIS & BAPPERT, P.C., Century Bank and Trust Bldg., 100 West Chicago Street, Coldwater, MI 49036–1897 [Attorney for RUA].

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: June 24, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99–16653 Filed 6–29–99; 8:45 am]

BILLING CODE 4915–00–P

[1] On June 8, 1999, Michigan Southern Railroad Company and Michigan Southern Railroad Company, Inc. filed a petition to reject, stay, and/or revoke the exemption. The request for stay was received too late to be considered before the exemption went into effect. While the proposed transaction does not appear to fit the "change of operator" category, it nonetheless qualifies for filing as an "operation exemption." The petition for rejection and/or revocation will be considered by the Board in a separate decision.

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 17, 1999.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before July 30, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1032.

Form Number: IRS Form 8689.

Type of Review: Extension.

Title: Allocation of Individual Income Tax to the Virgin Islands.

Description: Form 8689 is used by U.S. citizens or residents as an attachment to Form 1040 when they have Virgin Islands source income. The data is used by IRS to verify the amount claimed on Form 1040 for taxes paid to the Virgin Islands.

Respondents: Individuals or households.

Estimated Number of Respondents/Recordkeepers: 800.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping: 2 hr., 44 min.
Learning about the law or the form: 19 min.
Preparing the form: 1 hr., 1 min.
Copying, assembling, and sending the form to the IRS: 20 min.

Frequency of Response: On occasion, Annually.

Estimated Total Reporting/Recordkeeping Burden: 3,512 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 99–16563 Filed 6–29–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 19, 1999.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Copies of the submission(s)

may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before July 30, 1999 to be assured of consideration.

Bureau of Alcohol, Tobacco and Firearms (BATF)

OMB Number: 1512–0163.
Form Number: ATF F 5210.5 (3068).
Type of Review: Extension.
Title: Manufacturer of Tobacco Products Monthly Report.
Description: ATF F 5210.5 (3068) documents a tobacco products manufacturer's accounting of cigars and cigarettes. The form describes the tobacco products manufactured, articles produced, received, disposed of an statistical classes of large cigars. ATF examines and verifies entries on these reports so as to identify unusual activities, errors and omissions.
Respondents: Business or other for-profit.
Estimated Number of Recordkeepers: 108.
Estimated Burden Hours Per Recordkeeper: 1 hour.
Frequency of Response: Monthly.
Estimated Total Recordkeeping Burden: 1,296 hours.

OMB Number: 1512–0200.
Form Number: ATF F 5110.31.
Type of Review: Extension.
Title: Application and Permit To Ship Puerto Rican Spirits to the United States Without Payment of Tax.
Description: ATF F 5119.31 is used to allow a person to ship spirits in bulk into the U.S. The form identifies the person in Puerto Rico from where shipments are to be made, the person in the U.S. receiving the spirits, amounts of spirits to be shipped, and the bond of the U.S. person to cover taxes on such spirits.
Respondent: Business or other for-profit.
Estimated Number of Respondents: 20.
Estimated Burden Hours Per Respondent: 45 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 450 hours.

OMB Number: 1512–0372.
Recordkeeping Requirement ID Number: ATF F REC 5400/2.
Type of Review: Extension.
Title: RECORDS AND SUPPORTING DATA: Daily Summaries, Records of Production, Storage, and Disposition, and Supporting Data by Licensed Explosives Manufacturers, and Manufacturers.
Description: These records, prepared by explosives manufacturers and explosive manufacturers (Limited) provide ATF with the ability to trace explosives used in crime.
Respondent: Business or other for-profit.
Estimated Number of Recordkeepers: 1,053.
Estimated Burden Hours Per Recordkeeper: 45 minutes.
Frequency of Response: Weekly.
Estimated Total Recordkeeping Burden: 68,835 hours.

OMB Number: 1512–0467.
Form Number: ATF F 5000.24.
Type of Review: Extension.
Title: Excise Tax Return—Alcohol and Tobacco.
Description: Businesses report their Federal excise tax liability on distilled spirits, wine, beer, tobacco products, cigarette papers and tubes on ATF F 5000.24. ATF needs this form to identify the taxpayer and to determine the amount and type of taxes due the amount of payments made.
Respondent: Business or other for-profit.
Estimated Number of Respondents: 2,800.
Estimated Burden Hours Per Respondent: 15 minutes.
Frequency of Response: Other (semi-monthly).
Estimated Total Reporting Burden: 35,280 hours.

OMB Number: 1512–0497.
Form Number: ATF F 5000.25.
Type of Review: Extension.
Title: Excise Tax Return—Alcohol and Tobacco (Puerto Rico).
Description: Businesses in Puerto Rico report their Federal excise tax liability on distilled spirits, wine, beer, tobacco products, cigarette papers and tubes on ATF Form 5000.25. ATF needs this form to identify the taxpayer and to determine the amount and type of taxes due and paid.
Respondents: Business or other for-profit.
Estimated Number of Respondents: 30.
Estimated Burden Hours Per Respondent: 15 minutes.
Frequency of Response: Other (semi-monthly).
Estimated Total Reporting Burden: 130 hours.
Clearance Officer: Robert N. Hogarth (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue, N.W., Washington, DC 20226.
OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports Management Officer.
[FR Doc. 99–16564 Filed 6–29–99; 8:45 am]
BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 21, 1999.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before July 30, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0795.
Form Number: IRS Form 8233.
Type of Review: Revision.
Title: Exemption From Withholding on Compensation for Independent (and Certain Dependent) Personal Services of a Nonresident Alien Individual.
Description: Compensation paid to a nonresident alien (NRA) individual for independent personal services (self-employment) is generally subject to 30% withholding or graduated rates. However, compensation may be exempt from withholding because of a U.S. tax treaty or personal exemption amount. Form.
Respondents: Individuals or households.
Estimated Number of Respondents/Recordkeepers: 480,000.
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping: 59 min.
Learning about the law or the form: 28 min.
Preparing and sending the form to the IRS: 1 hr., 11 min.
Frequency of Response: Annually.
Estimated Total Reporting/Recordkeeping Burden: 1,257,600 hours.
Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5571,

1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 99–16565 Filed 6–29–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 21, 1999.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before July 30, 1999 to be assured of consideration.

U.S. Customs Service (CUS)

OMB Number: 1515–0060.

Form Number: Customs Form 1300.

Type of Review: Extension.

Title: Masters Oath on Entry of Vessel in Foreign Trade.

Description: This form is submitted by Masters of vessels upon arriving into the United States. Customs needs this information to record information pertaining to payment of tonnage fees and to obligate the Master to the truth of the manifest.

Respondents: Not-for-profit institutions.

Estimated Number of Respondents: 12,000.

Estimated Burden Hours Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 21,991 hours.

OMB Number: 1515–0071.

Form Number: Customs Form 26.

Type of Review: Extension.

Title: Report of Diversion.

Description: Customs uses CF 26 to track vessels traveling coastwise from U.S. ports to other U.S. ports when a change occurs in scheduled itineraries. This is required for enforcement of the Jones Act (46 U.S.C. App. 883) and for continuity of vessel manifest information and permits to proceed actions.

Respondents: Business or other for-profit, Not-for-profit institutions, Federal Government.

Estimated Number of Respondents: 1,400.

Estimated Burden Hours Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 233 hours.

OMB Number: 1515–0138.

Form Number: None.

Type of Review: Extension.

Title: Permit to Transfer Containers to a Container Station.

Description: This information collection is needed in order for a container station operator to receive a permit to transfer a container or containers to a container station, he/she must furnish a list of names, addresses, etc., of the persons employed by them upon demand by Customs.

Respondents: Business or other for-profit.

Estimated Number of Recordkeepers: 60.

Estimated Burden Hours Per Recordkeeper: 20 minutes.

Frequency of Response: On occasion.

Estimated Total Recordkeeping Burden: 400 hours.

OMB Number: 1515–0181.

Form Number: None.

Type of Review: Extension.

Title: Line Release Regulations.

Description: Line release was developed to release and track high volume and repetitive shipments using bar code technology and PCS. An application is submitted to Customs by the filer and a common commodity classification code (C4) is assigned to the application.

Respondents: Not-for-profit institutions, Business or other for-profit, Individuals or households.

Estimated Number of Respondents: 257.

Estimated Burden Hours Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 6,425 hours.

OMB Number: 1515–0186.

Form Number: None.

Type of Review: Extension.

Title: Air Waybill.

Description: An Air Waybill is used in lieu of a Customs form to report arrival of freight and transportation in-bond of freight to the port of destination.

Respondents: Business or other for-profit.

Estimated Number of Recordkeepers: 60.

Estimated Burden Hours Per Recordkeeper: 2 minutes.

Frequency of Response: On occasion.

Estimated Total Recordkeeping Burden: 1,030 hours.

Clearance Officer: J. Edgar Nichols (202) 927–1426, U.S. Customs Service, Printing and Records Management Branch, Ronald Reagan Building, 1300 Pennsylvania Avenue, N.W., Room 3.2.C, Washington, DC 20229.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 99–16566 Filed 6–29–99; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Departmental Offices; Renewal of the Treasury Borrowing Committee of the Bond Market Association

ACTION: Notice of renewal.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended Pub. L. 92–463; 5 U.S.C. App. 2), with the concurrence of the General Services Administration, the Secretary of the Treasury has determined that renewal of the Treasury Borrowing Advisory Committee of The Bond Market Association (the "Committee") is necessary and in the public interest in connection with the performance of duties imposed on the Department of the Treasury by law.

EFFECTIVE DATE: July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Paul Malvey, Associated Director, Office of Market Finance (202) 622–2630.

SUPPLEMENTARY INFORMATION: The purpose of the Committee is to provide informed advice as representatives of the financial community to the Secretary of the Treasury and Treasury staff, upon the Secretary of the Treasury's request, in carrying out Treasury responsibilities for federal financing and public debt management.

The Committee meets to consider special items on which its advice is sought pertaining to immediate Treasury funding requirements and pertaining to longer term approaches to manage the national debt in a cost-effective manner. The Committee usually meets immediately before the Treasury announces each mid-calendar quarter funding operation, although special meetings also may be held.

Membership consists of 20–25 individuals who are experts in the government securities market and who are involved in senior positions in debt markets as institutional investors, investment advisors, or as dealers in government securities.

The Designated Federal Official for the Advisory Committee is the Director of the Office of Market Finance, reporting through the Under Secretary for Domestic Finance. The Treasury Department will file copies of the Committee's renewal charter with appropriate committees in Congress.

Dated: 6/23/99.

Gary Gensler,

Under Secretary for Domestic Finance.

[FR Doc. 99–16678 Filed 6–29–99; 8:45 am]

BILLING CODE 4810–25–M

UNITED STATES INFORMATION AGENCY

Treasures of the Last Empire; Importation for Exhibition

AGENCY: United States Information Agency.

SUBJECT: Culturally significant objects imported for exhibition determinations.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 F.R. 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 F.R. 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit "Treasures of the Last Empire," imported from abroad for temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lender. I also determine that the exhibition or display of the listed exhibit objects on board the Queen Mary, Long Beach, California, from on or about July 25, 1999, to on or about April 25, 2000, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Lorie J. Nierenberg, Assistant General Counsel, 202/619–6084, and the address is Room 700, U.S. Information Agency, 301 4th Street, SW, Washington, DC 20547–0001.

Dated: June 25, 1999.

Les Jin,

General Counsel.

[FR Doc. 99–16720 Filed 6–29–99; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0003]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement for a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine eligibility for burial benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 30, 1999.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to "OMB Control No. 2900–0003" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Burial Benefits, VA Form 21–530.

OMB Control Number: 2900–0003.

Type of Review: Reinstatement, without change, for a previously approved collection for which approval has expired.

Abstract: The form is used to apply for burial benefits, including transportation expenses. The information is used by VBA to determine if the deceased veteran had appropriate service and/or disability and that the applicant has made payment for burial or has contracted to make appropriate payment.

Affected Public: Individuals or households and Business or other for-profit.

Estimated Annual Burden: 100,000 hours.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: One time for most beneficiaries.

Estimated Number of Respondents: 300,000.

By direction of the Secretary.

Dated: January 19, 1999.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 99–16647 Filed 6–29–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0055]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of

1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information to determine an unremarried surviving spouse of a veteran eligibility for VA home loan benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 30, 1999.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to "OMB Control No. 2900–0055" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Request for Determination of Loan Guaranty Eligibility—Unremarried Surviving Spouses, VA Form 26–1817.

OMB Control Number: 2900–0055.

Type of Review: Extension of a currently approved collection.

Abstract: A completed VA Form 26–1817 constitutes a formal request by an unremarried surviving spouse of a veteran for a certificate of eligibility for home loan benefits. The information is used to determine the applicant's basic eligibility for the benefit.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 1,000 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: Generally one time.

Estimated Number of Respondents: 3,000.

By direction of the Secretary.

Dated: January 17, 1999.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 99–16648 Filed 6–29–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0216]

Agency Information Collection 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 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), 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 July 30, 1999.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Ron Taylor, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8015 or FAX (202) 273–5981. Please refer to "OMB Control No. 2900–0216."

SUPPLEMENTARY INFORMATION:

Title: Application for Reimbursement from Accrued Amounts Due a Deceased Beneficiary, VA Form 21–601.

OMB Control Number: 2900–0216.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: The form is used to file a claim for accrued benefits available at the time of a veteran's death. The information is used by VA to determine the appropriate claimant eligible for accrued benefits. Without the information provided on VA Form 21–601, it would not be possible for VA to obtain the information needed to make a determination and reimburse a claimant.

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 November 6, 1998 at page 60047.

Affected Public: Individuals or households—Business or other for-profit.

Estimated Annual Burden: 1,875 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: One time for most beneficiaries.

Estimated Number of Respondents: 3,750.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Please refer to "OMB Control No. 2900–0216" in any correspondence.

By direction of the Secretary.

Dated: February 3, 1999.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 99–16649 Filed 6–29–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0427]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 30, 1999.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Ron Taylor, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8015 or FAX (202) 273–5981. Please refer to "OMB Control No. 2900–0427."

SUPPLEMENTARY INFORMATION:

Title and Form Number: Former POW Medical History, VA Form 10–0048.

OMB Control Number: 2900–0427.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: The information is obtained from former POWs to assess the medical care needs of these veterans. The information will be used to determine the present and future needs of POWs in the areas of disability compensation, health care and rehabilitation.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on October 22, 1998 at page 56702.

Affected Public: Individuals or households.

Estimated Total Annual Burden: 50 hours.

Estimated Average Burden Per Respondent: 1 hour.

Frequency of Response: On occasion.

Estimated Number of Respondents: 50.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Please refer to "OMB Control No. 2900–0427" in any correspondence.

By direction of the Secretary.

Dated: February 3, 1999.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 99–16650 Filed 6–29–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Notice of Charter Renewals

This gives notice under the Federal Advisory Committee Act (Public Law 92–463) of October 6, 1972, that the Department of Veterans Affairs has renewed the following four charters:

Medical Research Service Merit Review Committee

Research and Development Cooperative Studies Evaluation Committee

Rehabilitation Research and Development Service Scientific Merit Review Board

Scientific Review and Evaluation Board for Health Services Research and Development Service

The charters have been renewed for a 2-year period beginning June 7, 1999, through June 7, 2001.

By direction of the Secretary.

Dated: June 15, 1999.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 99–16651 Filed 6–29–99; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register
Vol. 64, No. 125
Wednesday, June 30, 1999

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 90

[FRL 6308-6]

RIN 2060-AE29

Phase 2 Emission Standards for New Nonroad Spark-Ignition Nonhandheld Engines At or Below 19 Kilowatts

Correction

In rule document 99–6175, beginning on page 15208, in the issue of Tuesday, March 30, 1999, make the following correction:

§ 90.706 [Corrected]

On page 15247, in the second column, in § 90.706 (b)(7), the equation is corrected to read as set forth below:

$$N = \left[\frac{(t_{95} * \sigma)}{(x - FEL)} \right]^2 + 1$$

[FR Doc. C9–6175 Filed 6–29–99; 8:45 am]
BILLING CODE 1505–01–D

FEDERAL TRADE COMMISSION

16 CFR Part 4

Miscellaneous Rules: Disclosure Requests

Correction

In rule document 99–15187 beginning on page 32179 in the issue of Wednesday, June 16, 1999, make the following correction(s):

§ 4.11 [Corrected]

On page 32180, in the first column, in § 4.11(e)(1), in the ninth line from the end, "more" should read "made".

[FR Doc. C9–15187 Filed 6–29–99; 8:45 am]
BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99-AGL-22]

Modification of Class E Airspace; Juneau, WI

Correction

In rule document 99–15850, appearing on page 33192, in the issue of Tuesday, June 22, 1999, make the following correction:

§ 71.1 [Corrected]

On page 33192, in the third column, under the heading **AGL WI E5 Juneau, WI [Revised]**, in the second line, "long. 88°42′N12″ W.)" should read "long. 88°42′12″ W.)".

[FR Doc. C9–15850 Filed 6–29–99; 8:45 am]
BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99-AGL-34]

Proposed Modification of Class E Airspace; Escanaba, MI

Correction

In proposed rule document 99–14855, beginning on page 31526, in the issue of Friday, June 11, 1999, make the following correction:

§ 71.1 [Corrected]

On page 31527, in the first column, under the heading **AGL MI E2 Escanaba, MI [Revised]**, remove lines three and four.

[FR Doc. C9–14855 Filed 6–29–99; 8:45 am]
BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Butte and Yuba Counties, California

Correction

In notice document 99–15201, beginning on page 32298, in the issue of Wednesday, June 16, 1999, make the following correction:

On page 32298, in the third column, in the **SUPPLEMENTARY INFORMATION:** section, in the tenth line, after"70" add "south of Marysville, located in Yuba County, to the existing freeway on State Route 70".

[FR Doc. C9–15201 Filed 06–29–99; 8:45 am]
BILLING CODE 1505–01–D

federal register

Wednesday
June 30, 1999

Part II

Department of Health and Human Services

Health Care Financing Administration

Office of Inspector General

42 CFR Part 409 et al.

Medicare Program; Prospective Payment System for Hospital Outpatient Services; Correction; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Office of Inspector General

42 CFR Parts 409, 410, 411, 412, 413, 419, 489, 498, and 1003

[HCFA–1005–CN]

RIN 0938–A156

Medicare Program; Prospective Payment System for Hospital Outpatient Services; Correction

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects technical and typographic errors that appeared in the proposed rule published in the **Federal Register** on September 8, 1998 entitled "Medicare Program; Prospective Payment System for Hospital Outpatient Services.

FOR FURTHER INFORMATION CONTACT:

Janet Wellham, (410) 786–4510 (for general information).

Kitty Ahern, (410) 786–4515 (for information related to the classification of services into ambulatory payment classification (APC) groups).

Suzanne Letsch (410) 786–4558 (for information related to volume control measures and updates).

Janet Samen (410) 789–9161 (for information on the application of APCs to community health centers).

SUPPLEMENTARY INFORMATION:

Background

In FR Doc. 98–23383 of September 8, 1998 (63 FR 47551), we published a proposed rule that reflected a number of technical errors, resulting in inconsistencies between the proposed policies and the associated numerical values. Specifically, the numerical values in the proposed rule reflected incorrect data and data programming. This document sets forth corrected numerical values.

The problems in the data and data programming are a direct result of the frequent modifications to our databases during the initial development of the model prospective payment system and the changes we made during the development of the proposed rule to reflect the final legislative provision enacted on August 5, 1997 in the Balanced Budget Act of 1997 (BBA 1997), Public Law 105–33. We have corrected our databases and our data programming, and this document corrects the numerical values published in the September 8, 1998 proposed rule. Correcting the data errors does not mean that the proposed policies themselves need to be revised. Correcting the data changes the impacts of the proposed policies to a very limited extent, but this document does not revise any of the policies reflected in the September 8, 1998 proposed rule.

Accordingly, we have recalculated the current payment, total services (total units) and corrected relative weights, proposed payment rates, national unadjusted coinsurance, minimum unadjusted coinsurance, and service-mix index that were published on September 8, 1998.

The service-mix indices previously published in the proposed rule are significantly different from the service-mix index published in this correction notice (in Addendum I) because the ambulatory payment classification (APC) relative weights used to calculate the service mix published in the proposed rule were scaled using a factor "for a high-level clinic visit for cardiovascular services (that is, APC 91356) rather than a mid-level clinic visit for cardiovascular services, identified as APC 91336." In addition, the service-mix index published in this correction notice incorporates the discount policy applied to multiple surgeries. However, the relative differences among hospitals did not change substantially between the proposed and corrected service-mix indices.

These data corrections required that we also correct our simulations of current payment, costs, and total units, leading to slight differences from the September 8, 1998 published version. Fully modeling proposed payment after accounting for data corrections, we calculated a new calendar year (CY) 1996 conversion factor of $46.87, which is slightly higher than the published CY 1996 conversion factor of $46.32. In addition to the data corrections mentioned above, we also made a correction in the computation of the conversion factor to appropriately account for wage index adjustments in proposed payments. The adjusted CY 1999 conversion factor is $51.42.

Corrected simulations of costs and total units impacted the results of the regression analyses that we use in conjunction with payment simulations to determine whether the payment system should include adjustments for specific classes of hospitals. However, the results do not change our conclusion hat no adjustments be proposed at this time.

These corrections require revisions to the impact tables and they also affect entries contained in Addendum A, Addendum B, Addendum C, Addendum D, and Addendum G. Addendum J, Addendum K, and Addendum L are revised to reflect the correct version of the wage index. Because of the many corrections to these "materials, we are reprinting portions of the impact analysis and the entire impact tables and agenda, below, in this notice.

The September 8, 1998 proposed rule also contained other technical and typographic errors. Errors related to the incorrect assignment of status indicators to certain CPT codes listed in Addendum B are corrected and reflected in the revised Addendum B printed in full below.

In FR Doc. 98–23383 of September 8, 1998, make the following corrections to the preamble, regulations text and addenda:

Correction of Errors in the Preamble

1. On pages 47564 through 47565, the table titled "Packaged Services by Revenue Center" is corrected to read as follows:

PACKAGED SERVICES BY REVENUE CENTER

	SURGERY
250	PHARMACY
251	GENERIC
252	NONGENERIC
257	NONPRESCRIPTION DRUGS
258	IV SOLUTIONS
259	OTHER PHARMACY
270	M&S SUPPLIES
271	NONSTERILE SUPPLIES
272	STERILE SUPPLIES
276	INTRAOCULAR LENS
279	OTHER M&S SUPPLIES
370	ANESTHESIA
379	OTHER ANESTHESIA
380	BLOOD, GENERAL CLASS
381	PACKED RED CELLS
382	WHOLE BLOOD
383	PLASMA
384	PLATELETS
385	LEUCOCYTES
386	OTHER COMPONENTS
387	OTHER DERIVATIVES
389	OTHER BLOOD
390	BLOOD STORAGE AND PROCESSING
391	BLOOD ADMINISTRATION
399	OTHER BLOOD PROC/STORAGE
700	CAST ROOM
709	OTHER CAST ROOM
710	RECOVERY ROOM
719	OTHER RECOVERY ROOM
720	LABOR ROOM
721	LABOR
723	CIRCUMCISION
762	OBSERVATION ROOM
810	ORGAN ACQUISITION

PACKAGED SERVICES BY REVENUE CENTER—Continued

819	OTHER ORGAN ACQUISITION
890	OTHER DONOR BANK
891	BONE
892	ORGAN
893	SKIN
899	OTHER DONOR BANK, OTHER

MEDICAL VISIT

250	PHARMACY
251	GENERIC
252	NONGENERIC
257	NONPRESCRIPTION DRUGS
258	IV SOLUTIONS
259	OTHER PHARMACY
270	M&S SUPPLIES
271	NONSTERILE SUPPLIES
272	STERILE SUPPLIES
279	OTHER M&S SUPPLIES
380	BLOOD, GENERAL CLASS
381	PACKED RED CELLS
382	WHOLE BLOOD
383	PLASMA
384	PLATELETS
385	LEUCOCYTES
386	OTHER COMPONENTS
387	OTHER DERIVATIVES
389	OTHER BLOOD
390	BLOOD STORAGE AND PROCESSING
391	BLOOD ADMINISTRATION
399	OTHER BLOOD PROC/STORAGE
700	CAST ROOM
709	OTHER CAST ROOM
762	OBSERVATION ROOM

OTHER DIAGNOSTIC (BLENDED SERVICES)

254	PHARMACY INCIDENT TO OTHER DIAGNOSTIC
372	ANESTHESIA INCIDENT TO OTHER DIAGNOSTIC
380	BLOOD, GENERAL CLASS
381	PACKED RED CELLS
382	WHOLE BLOOD
383	PLASMA
384	PLATELETS
385	LEUCOCYTES
386	OTHER COMPONENTS
397	OTHER DERIVATIVES
389	OTHER BLOOD
390	BLOOD STORAGE AND PROCESSING
391	BLOOD ADMINISTRATION
399	OTHER BLOOD PROC/STORAGE
622	SUPPLIES INCIDENT TO OTHER DIAGNOSTIC
710	RECOVERY ROOM
719	OTHER RECOVERY ROOM
762	OBSERVATION ROOM

RADIOLOGY

255	PHARMACY INCIDENT TO RADIOLOGY
371	ANESTHESIA INCIDENT TO RADIOLOGY
380	BLOOD, GENERAL CLASS
381	PACKED RED CELLS
382	WHOLE BLOOD

PACKAGED SERVICES BY REVENUE CENTER—Continued

383	PLASMA
384	PLATELETS
385	LEUCOCYTES
386	OTHER COMPONENTS
387	OTHER DERIVATIVES
389	OTHER BLOOD
390	BLOOD STORAGE AND PROCESSING
391	BLOOD ADMINISTRATION
399	OTHER BLOOD PROC/STORAGE
621	SUPPLIES INCIDENT TO RADIOLOGY
710	RECOVERY ROOM
719	OTHER RECOVERY ROOM
762	OBSERVATION ROOM

ALL OTHER APC GROUPS

250	PHARMACY
251	GENERIC
252	NONGENERIC
257	NONPRESCRIPTION DRUGS
258	IV SOLUTIONS
259	OTHER PHARMACY
270	M&S SUPPLIES
271	NONSTERILE SUPPLIES
272	STERILE SUPPLIES
279	OTHER M&S SUPPLIES
380	BLOOD, GENERAL CLASS
381	PACKED RED CELLS
382	WHOLE BLOOD
383	PLASMA
384	PLATELETS
385	LEUCOCYTES
386	OTHER COMPONENTS
387	OTHER DERIVATIVES
389	OTHER BLOOD
390	BLOOD STORAGE AND PROCESSING
391	BLOOD ADMINISTRATION
399	OTHER BLOOD PROC/STORAGE
762	OBSERVATION ROOM

2. On page 47568, column two, line 16, the figure "$208.25" is corrected to read "$206.71".

3. On page 47572, column one, last paragraph, the date and **Federal Register** citation are corrected to read as follows: August 29, 1997 (62 FR 45984).

4. On page 47573, column three, line nine, "$46.32" is corrected to read "$46.87".

5. On page 47573, column three, line 12, "1.0939" is corrected to read "1.097".

6. On page 47573, column three, line 24, the text beginning with the sentence "In estimating the update factor, HCFA's Office of the Actuary assumed * * *" through the phrase ending "Medicare absorbing this impact" in line 44 is removed.

7. On page 47573, column three, line 46, "$50.67" is corrected to read "$51.42".

8. On page 47574, column two, in section 2(a)(ii), line four, "29.2" is corrected to read "13.0".

9. On page 47576, column two, line 26, "1999" is corrected to read "1998".

10. On page 47576, column two, line 28, the **Federal Register** title, date, and citation are corrected to read as follows: "Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 1998 Rates (BPD–878–FC) published in the **Federal Register** on August 29, 1997 (62 FR 45995)".

11. On page 47577, column one, paragraph two, line 39, "1996" is corrected to read "1998".

12. On page 47577, column two, last paragraph, line nine, "$105" is corrected to read "$120".

13. On page 47578, column two, second full paragraph, line four, the following new sentence is added to read as follows: "The edits referred to in this section were not used in the development of the weights or the impact analysis described in this proposed rule."

14. On page 47580, column one, First line, the words "level 1" are added after the words "hospitals with" and before the word "trauma".

15. On page 47580, column one, line two, the sentence beginning "These costs were * * *" is removed and is replaced with the following: "These costs were 200 percent or more higher than the average cost per unit for all hospitals."

16. On page 47580, column one, last paragraph, line one, "83" is corrected to read "96".

17. On page 47580, column one, last paragraph, line three, "51" is corrected to read "46".

18. On page 47580, column one, last paragraph, line six, "32" is corrected to read "50".

19. On page 47580, column two, line five, "5,419" is corrected to read "5,335".

20. On page 47580, column two, second full paragraph, line 14, the words "level 1" are added before the words "trauma unit".

21. On page 47580, column two, last paragraph, line four, the sentence beginning "We also calculated * * *" is removed and is replaced with the following: "This service mix is "discounted" to reflect the reduced weight for additional surgical procedures performed at the same time, which is consistent with the proposed payment system."

22. On page 47580, column two, last paragraph, line 10, the sentence beginning "The national average * * *" is removed and is replaced with the following: "The national average service mix discounted for multiple procedures is 2.05."

23. On page 47580, column two, last paragraph, last line, remove text from the sentence beginning "The differences between * * *" through line seven in column three.

24. On page 47580, column three, first full paragraph, line 13, "0.68" is corrected to read "0.76".

25. On page 47580, column three, first full paragraph, line 17, "6.8 percent" is corrected to read "7.6 percent".

26. On page 47580, column three, paragraph two, line 25, "7.5 percent" is corrected to read "8.9 percent".

27. On page 47580, column three, the third full paragraph through page 47581, column one, line 10, is removed and is replaced with the following: "While the regression analysis shows less than a proportional relationship between the service mix and the cost per unit, the difference is relatively small. The coefficient of service mix ranged from 0.76 to 0.92 over the regression models we examined. We will continue to monitor the method of basing payments on median APC costs to ascertain whether it is representative of both high-weighted and low-weighted procedures."

28. On page 47581, column one, first full paragraph, line nine, "0.51 to 0.68" is corrected to read "0.40 to 0.58."

29. On page 47581, column one, first full paragraph, lines 10 to 11, "50 and 70 percent." is corrected to read "40 and 60 percent."

30. On page 47581, column one, first full paragraph, line 29, the sentence beginning "The explanatory regression * * *" is removed.

31. On page 47581, column two, first full paragraph, line 10, the word "not" is added before "significant".

32. On page 47581, column two, first full paragraph, line 13, "4.5 percent [calculated ($e^{DSHP*0.11} - 1)*100$]" is corrected read "1.6 percent [calculated ($e^{DSHP*0.04} - 1)*100$]".

33. On page 47581, column two, first full paragraph, line 16, the text beginning with "Teaching intensity * * *" through line 21 ending with "services." is removed and is replaced with the following: "The extremely small percentage difference in costs reflects the lack of significance observed for the disproportionate share variable. In most regression specifications, the teaching intensity variables were positive, significant ($p<0.05$), but small in magnitude."

34. On page 47581, column two, last paragraph, line five, the text beginning with "We determined * * *" through line 23 in column three, is removed and is replaced with the following: "The results of our threshold analysis of disproportionate share percentage reflected the lack of significance observed above. We could not identify a threshold at which hospitals with a disproportionate share of low-income patients evidenced higher standardized costs. The connection between disproportionate share and volume warrants further analysis. However, at this time, we cannot identify a threshold and, therefore, did not calculate a new disproportionate share variable. Positive and significant effects for the teaching variable do not occur for hospitals whose ratio of residents to inpatient and outpatient days is less than 0.28. We used these results to estimate a new ratio of residents to inpatient and outpatient "days" based on a 0.28 threshold. We subtracted this threshold from the original variable to create a new teaching variable. Subtracting The threshold removes the effect of values that are not significantly related to cost per unit and eliminates the sudden increase (notch effect) in the teaching variable at the threshold level. The new variable suggests that a hospital with a ratio of residents to inpatient and outpatient utilization 0.07 higher than the 0.28 threshold is approximately 1 percent more costly [calculated ($((1+IME)^{0.14} - 1)*100$]."

35. On page 47581, column three, first full paragraph, line eight, "8 percent" is corrected to read "12 percent".

36. On page 47581, column three, first full paragraph, line nine, "other" is added before "urban".

37. On page 47581, column three, second full paragraph, line two, "(long-term care, children's, and psychiatric)" is corrected to read "(long-term care and children's)".

38. On page 47581, column three, second full paragraph, line six, "Cancer, children's and long-term care" is removed and is replaced with "These".

39. On pages 47581 through 47582 and continued on page 47585, through line five of the first full paragraph in column two, the text in the section titled "Estimated Payments" is removed and is replaced with the following:

The appropriateness of potential payment adjustments must be based on both cost effects estimated by regression analysis and other factors including simulated payment impacts. We simulated the impact of the proposed system on hospitals by calculating the percentage difference between payments made under current law and payments under the proposed system (column 3). Section X. contains a more complete table that considers the impact of proposed payments on additional classes of hospitals, including TEFRA and cancer hospitals. Although Column 3 represents the net effect of the new PPS on hospitals, we though it was necessary to show the impacts on hospitals of simply changing the payment system without including the effects of the overall reduced payment to hospitals because the PPS system is not budget neutral to current payment. To reiterate, the conversion factor is set by summing Medicare payments under the current system and beneficiary copayment under the new system and dividing by the sum of the relative weights. Beneficiary copayments under the new system will reduce overall payments to most hospitals because 20 percent of the median group charges is less than 20 percent of actual charges. Therefore, we simulated the impacts as though the conversion factor were set as if the system were to be budget neutral. Column 4 demonstrates the distributional impacts resulting from implementing the new system after eliminating the overall reduction in payment most hospitals will experience due to the effect of the methodology used to set the conversion factor. We believe the column 4 percentage differences are what we should examine since any adjustment we would consider should correct for inequities caused by moving to a PPS (not the legislated reduction in total payment). Therefore, we based our decision about adjustments on these percentage differences rather than percentages combining the PPS and the overall reduction in coinsurance amounts required by law. We also estimated payment-to-cost ratios associated with the new payment methods and the percent change in total Medicare payments. All simulations used a labor share of 60 percent. The table below shows the results of two simulations. The first contains only the wage index adjustment to the APC rates. The second also includes the threshold adjustment for teaching intensity discussed above.

Based on our analyses, we are not proposing to make adjustments to the outpatient payment rates for disproportionate share patient percentage and teaching intensity and rural location for the following reasons.

1. Estimated effects of disproportionate share patient percentage on costs were small and most often not statistically significant.

2. After removing the copay effect, most teaching hospitals gain under the proposed system payments relative to current law. Although teaching hospitals with a large number of residents relative to outpatient and inpatient utilization demonstrate slightly higher costs, targeting these hospitals with a small adjustment does not greatly improve their payment

impacts. These impacts should also be evaluated in terms of the overall effect on Medicare payments because on average, outpatient services account for 10 percent of hospitals' Medicare payments. For example, the associated reduction of total Medicare payments for major teaching hospitals would be about 1 percent.

3. With the teaching adjustment we considered, estimated overall payment reductions for rural hospitals would be 7.9 percent under the proposed system, rather than 7.4 percent. These hospitals also receive a greater percent of their Medicare income (14.7 percent) from providing outpatient services. Similarly, payment reductions for low-volume rural hospitals would be 17.8 percent of current payments, rather than 17.4 percent, and these hospitals also earn a greater percentage of their Medicare income (18.4 percent) from providing outpatient services. Because of these potential shifts in payments, any adjustment should be based on stronger analytic results then those found with the current data.

4. We also believe the issue of payment adjustments should be reexamined using data from initial years of the implemented system because current cost calculations and relationships among key factors and costs probably are affected by variation in coding patterns.

5. HCFA is working towards standardizing payment across all sites of service. Fewer adjustments to the outpatient PPS would allow HCFA to move ahead more quickly with this approach.

6. We believe that we should monitor the impact of basing APC weight calculations on the median rather than the geometric mean because better correlation between costs and service mix would impact the size of adjustments.

Although the payment simulations show potentially large percentage losses and low payment-to-cost ratios for low-volume hospitals, we are not proposing an adjustment for volume. The low-volume hospitals get a much greater percent of their Medicare income from the provision of outpatient services than the average, and total Medicare payments would drop by 3.2 percent for rural low-volume hospitals and 1.7 percent for urban low-volume hospitals. Low-volume hospitals have higher than average standardized unit costs, which may be attributable to economies of scale, undercoding, or cost allocations to the outpatient departments that are not volume related. However, an adjustment to the rates based on volume alone might reward inefficiency and create adverse incentives such as a reduction in services in order to increase payment rates.

We are particularly concerned about the potential impact of the outpatient PPS on low-volume rural hospitals that are sole community hospitals or Medicare-dependent hospitals.

39a. On page 47585, column two, first full paragraph, line six, the sentence beginning "Approximately 60 percent * * * is removed.

39b. On page 47585, the text in column three, first full paragraph, through the third full paragraph is removed and replaced with the following:

We also are not proposing adjustments for cancer or TEFRA hospitals at this time. We believe that claims from cancer and TEFRA hospitals have been undercoded, due to the lack of payment incentives for proper coding of these services under the current system. Further analysis will be conducted to determine if current coding practices explain the negative impact. If we determine that cancer hospitals would be unduly harmed because of the new outpatient PPS, we will consider whether an adjustment or perhaps a transition period is needed to moderate the impact. By statute, any adjustment would have to be budget neutral.

We do not believe that this action will restrict beneficiary access because other hospitals provide many of the same services provided at TEFRA hospitals. In addition, rehabilitation and long-term care hospitals are less dependent than other hospitals on Medicare outpatient revenues.

We are not proposing adjustments for any eye and ear hospitals because payment simulations demonstrated an increase in payments under the proposed PPS. We also are not proposing an adjustment for trauma hospitals because these hospitals did not demonstrate significantly higher costs and only lose a modest percentage of their total Medicare payments, 0.8 percent, compared to all hospitals. We will assess the need for additional adjustments and make any appropriate changes as data become available under the new system."

40. On pages 47583 through 47584, the table "Changes for 1999 Outpatient Prospective Payment System" is retitled "Changes for Outpatient Prospective Payment Systems" and is corrected to read as follows:

CHANGES FOR OUTPATIENT PROSPECTIVE PAYMENT SYSTEM

			No teaching adjustment				Teaching adjustment			
	Number of hospitals	Outpatient percent	Percent change in Medicare outpatient payments	Copay Effect removed	Standardized payment to cost ratio	Percent change is total Medicare payments	Percent change in Medicare outpatient payments	Copay Effect removed	Standardized payment to cost ratio	Percent change in total Medicare payments
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
ALL HOSPITALS	5,335	9.9	−5.7	0.0	1.0000	−0.6	−5.7	0.0	1.0000	−0.6
NON-TEFRA HOSPITALS	4,818	10.0	−5.7	0.0	1.0001	−0.6	−5.7	0.0	1.0001	−0.6
NON-TEFRA HOSPITALS										
GEOGRAPHIC LOCATION:										
URBAN HOSPITALS	2,643	9.3	−5.3	0.4	1.0053	−0.5	−5.2	0.5	1.0065	−0.5
LARGE URBAN AREAS	1,492	9.1	−6.6	−0.9	0.9890	−0.6	−6.3	−0.6	0.9928	−0.6
OTHER URBAN AREAS	1,151	9.6	−3.5	2.4	1.0287	−0.3	−3.7	2.1	1.0262	−0.4
RURAL HOSPITALS	2,173	14.7	−7.4	−1.8	0.9784	−1.1	−7.9	−2.3	0.9734	−1.2
VOLUME (URBAN):										
0–4,999 UNITS	357	12.2	−13.6	−8.3	0.8493	−1.7	−13.9	−8.7	0.8458	−1.7
5,000–10, 999 UNITS	502	9.6	−6.6	−0.9	0.9577	−0.6	−7.0	−1.3	0.9535	−0.7
11,000–20,999 UNITS	597	9.0	−5.7	0.0	0.9839	−0.5	−6.1	−0.4	0.9802	−0.5
21,000–42,999 UNITS	756	8.8	−4.2	1.6	1.0202	−0.4	−4.4	1.4	1.0180	−0.4
43,000 OR MORE UNITS	431	9.7	−5.7	0.0	1.0133	−0.6	−5.1	0.7	1.0201	−0.5

CHANGES FOR OUTPATIENT PROSPECTIVE PAYMENT SYSTEM—Continued

			No teaching adjustment				Teaching adjustment			
	Number of hospitals	Outpatient percent	Percent change in Medicare outpatient payments	Copay Effect removed	Standardized payment to cost ratio	Percent change is total Medicare payments	Percent change in Medicare outpatient payments	Copay Effect removed	Standardized payment to cost ratio	Percent change in total Medicare payments
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
VOLUME (RURAL):										
0–4,999 UNITS	1,047	18.4	−17.4	−12.4	0.8216	−3.2	−17.8	−12.8	0.8170	−3.3
5,000–10,999 UNITS	601	15.3	−10.1	−4.6	0.9384	−1.5	−10.6	−5.2	0.9332	−1.6
11.000– 20,999 UNITS	333	13.7	−6.5	−0.8	0.9962	−0.9	−7.0	−1.4	0.9910	−1.0
21,000– 42,999 UNITS	170	13.5	−3.2	2.7	1.0435	−0.4	−3.7	2.2	1.0376	−0.5
43,000 OR MORE UNITS	22	13.3	−2.6	+3.3	1.0674	−0.3	−2.6	3.3	1.0677	−0.3
TEACHING STATUS:										
NON-TEACHING	3,814	11.2	−5.1	0.7	1.0029	−0.6	−5.6	0.1	0.9973	−0.6
FEWER THAN 100 RES:DENTS	758	9.1	−4.4	1.4	1.0256	−0.4	−4.9	0.9	1.0204	−0.4
100 OR MORE RESIDENTS	245	9.2	−10.6	−5.2	0.9414	−1.0	−7.9	−2.3	0.9697	−0.7
DISPROPORTIONATE SHARE PATIENT RATIO:										
0	17	20.3	−20.0	−15.1	0.7376	−4.1	−20.0	−15.1	0.7377	−4.1
0.001–0.099	904	10.3	−6.6	−0.9	0.9860	−0.7	−6.9	−1.2	0.9825	−0.7
0.100–0.159	1,008	10.9	−3.7	2.2	1.0307	−0.4	−4.1	1.7	1.0261	−0.4
0.160–0.229	971	10.2	−4.8	1.0	1.0143	−0.5	−4.9	0.9	1.0132	−0.5
0.230–0.349	956	9.6	−6.2	−0.5	0.9977	−0.6	−6.0	−0.3	1.0001	−0.6
0.350 AND GREATER	962	9.2	−8.4	−2.9	0.9579	−0.8	−7.5	−1.9	0.9675	−0.7

Note: Urban and rural breakouts in this table are based on MSA status/location only.

41. On page 47596, in the table titled "Estimated Annual Burden", column one, line two, "419.42(b) and (d)" is corrected to read "419.42(b) and (c)".

42. On page 47596, in the table titled "Estimated Annual Burden", column one, line three, "419.42(f)" is corrected to read "419.42(e)".

42a. On page 47597, column one, first full paragraph, line 14, "$300" is corrected to read "$600".

42b. On page 47597, column two, the table is corrected to read as follows:

Fiscal year	Impact ($ millions)
1998	−940
1999	−1640
2000	−1320
2001	−1070
2002	−990
2003	−700

42c. On page 47597, column two, line five of text, "6.9" is corrected to read "10.9".

43. On pages 47597 through 47598, entire section F. is removed and replaced with the following:

F. Quantitative Impact Analysis of the Proposed Policy Changes Under the Prospective Payment System for Operating Costs and Capital Costs

Basis and Methodology of Estimates

The data used in developing quantitative analyses presented below are taken from the CY 1996 cost and charge data and the most current provider-specific file that is used for payment purposes. Our analysis has several qualifications. First, we draw upon various sources for the data used to categorize hospitals in the tables. In some cases, there is a fair degree of variation in the data from different sources. We have attempted to construct these variables with the best available source overall. For individual hospitals, however, some miscategorizations are possible.

Using CY 1996 cost and charge data, we simulated payments using the current and proposed payment methodologies. We used both single and multiple bills to calculate current and proposed Medicare and beneficiary hospital outpatient payment amounts. Both current and proposed payment estimates include operating and capital costs. We excluded Kaiser, New York Health and Hospital Corporation, and all-inclusive providers because reported charges on their cost reports are not actual charges. Cost-to-charge ratios for these hospitals are not comparable to all other hospitals. The exempted Maryland hospitals were also excluded from the simulations; however, we included the 10 cancer hospitals that will be paid under the proposed system.

We also trimmed outlier hospitals from the impact analysis because we had indications that hospitals with extreme unit costs would not allow us to access the impacts among the various classes of hospitals accurately. First, we identified all the outlier hospitals by using an edit of three standard deviations from the mean of the logged unit costs. Trimming the data in this manner ensures that only the hospitals with extremely high and low costs are eliminated from the impacts. In doing this, we removed 96 hospitals of which 50 hospitals had extremely low unit costs and 46 hospitals had extremely high unit costs. We conducted a thorough analysis of these hospitals to ensure that we did not remove any particular type of hospital (for example, teaching hospitals) that would further harm the integrity of the data. We speculate many of these hospitals are not coding accurately, and we will continue to perform further analysis in this area after implementation of the new APC system.

After removing the 54 exempted Maryland hospitals, the all-inclusive rate hospitals, the outlier hospitals, and hospitals for which we could not identify payment variables, we included 5,335 hospitals in our analysis. The impact analysis focuses on this set of hospitals. The table below demonstrates the results of our analysis. The table categorizes hospitals by various geographic and special payment consideration groups to illustrate the varying impacts on different types of hospitals. The first column represents the number of hospitals in each category. The second column is the hospitals' Medicate outpatient payments as a percentage of the hospitals' total Medicare payment. The third column shows the percentage change in Medicare outpatient payments comparing the current and proposed payment systems. The fourth column shows the change in *total* Medicare

payments, resulting from implementing the PPS for outpatient services.

The top row of the table shows the overall impact on the 5,335 hospitals included in the analysis. We included as much of the data as possible to the extent that we were able to capture all the provider information necessary to determine payment. Further, our estimates include the same set of services for both current and proposed APC payments so that we could determine the impact as accurately as possible. Since payment under the proposed APC system can only be determined if bills are accurately coded, the data upon which the impacts were developed do not reflect all CY 1996 hospital outpatient services, but only those that were coded using valid HCPCS.

The second row identifies the hospitals in our analysis with the exception of psychiatric, long-term care, children, and rehabilitation hospitals, which account for 4,818 hospitals.

The next four rows of the table contain hospitals categorized according to their geographic location (all urban, which is further divided into large urban and other urban, or rural). There are 2,643 hospitals located in urban areas (MSAs or NECMAs) included in our analysis. Among these, there are 1,492 hospitals located in large urban areas (populations over 1 million), and 1,151 hospitals in other urban areas (populations of 1 million or fewer). In addition, there are 2,173 hospitals in rural areas. The next two groupings are by bed-size categories, shown separately for urban and rural hospitals. The next category includes the volume of outpatient services, also shown separately for urban and rural hospitals. The final groupings by geographic location are by census divisions, also shown separately for urban and rural hospitals.

The next three groupings examine the impacts of the proposed changes on hospitals grouped by whether or not they have residency programs (teaching hospitals that receive an indirect medical education (IME) adjustment), receive disproportionate share hospital (DSH) payments, or some combination of these two adjustments. There are 3,814 non-teaching hospitals in our analysis, 758 teaching hospitals with fewer than 100 residents, and 245 teaching hospitals with 100 or more residents.

In the DSH categories, hospitals are grouped according to their DSH payment status. The next category groups hospitals considered urban after geographic reclassification, in terms of whether they receive the IME adjustment, the DSH adjustment, both, or neither. The next five rows examine the impacts of the proposed changes on rural hospitals by special payment groups (rural referral centers (RRCs), sole community hospitals/essential access community hospitals (SCHs/EACHs), Medicare dependent hospitals (MDHs), and SCHs and RRCs), as well as rural hospitals not receiving a special payment designation. The RRCs (168), SCH/EACHs (626), MDHs (365), and SCH and RRCs (55) shown here were not reclassified for purposes of the standardized amount.

The next grouping is based on type of ownership. These data are taken primarily from the FY 1995 Medicare cost report files, if available (otherwise, FY 1994 data are used).

The next groupings are the specialty hospitals. The first set includes the categorizations of eye and ear hospitals and trauma hospitals (hospitals having a level one trauma center) and cancer hospitals. The final groupings are the TEFRA hospitals, specifically rehabilitation, psychiatric, long-term care, and children hospitals.

43a. On page 47598, the text in section G. Beginning in column two, first full paragraph, through page 47599, column three, line 16, is removed and replaced with the following:

G. Estimated Impact of the New APC System

Column 3 compares our estimate of payments, incorporating statutory and policy changes reflected in this proposed rule for CY 1996, to our estimate of payments in CY 1996 under the current payment system. Percent differences between current and proposed payment reflect the combined impact of a proportionally equal reduction in payments due to the calculation of the conversion factor and distributional differences attributable to variation in cost and charge structures among hospitals. The methodology described in section 1833(t)(3)(C) of the Act outlining the calculation of the conversion factor reduces payment to hospitals overall by 5.7 percent relative to current law. As noted, section 1833(t)(3)(C) of the Act requires us to set the conversion factor so that total 1999 payments to hospitals under the proposed PPS system equal Medicare payment amounts as calculated under the current payment system plus beneficiary copayments as calculated under the proposed system (20 percent of the APC median charge or, at minimum, 20 percent of the APC rate). The 5.7 percent loss implies that the difference between the median and charges higher than the median was proportionally larger than the difference between the median and charges lower than the median. Because this reduction is incorporated into the conversion factor, the 5.7 percent is distributed among hospitals proportional to their total payments. After removing the effect of the conversion factor calculation on total payments, the remaining percent differences demonstrate the redistribution of payments among hospitals and can be attributed to variation in both costs and charge structures. Variation in costs among hospitals results in differences between current and proposed Medicare payments, and variation in charge structures results in differences between current and proposed beneficiary copayment.

Redistributions may also occur as a result of current payment methods. Total Medicare outpatient payments are less than reported total costs because (in addition to the 5.8 and 10 percent reductions for operating and capital costs) the blended payment methods applicable to many surgical and diagnostic services often result in payments that are less than reported costs. Other services such as medical visits, chemotherapy services, and non-ASC approved surgeries are paid based on hospital costs. The new system redistributes the current total Medicare payments, based in part on cost-based payments and in part on blended payment amounts, across all services. Hospitals, in the aggregate, will receive proportionately less for services that are currently paid based on costs and more for services that had been paid under blended payment methods.

The impact on TEFRA hospitals is shown separately at the end of the table; however, these hospitals were not included in determining the impact on any of the other categories (for example, geographic location, bed size, volume, etc.). These hospitals demonstrated a very low service mix, but an average unit cost that approximates the national average. We believe that billing practices may account for this phenomenon. Some TEFRA hospitals appear to undercode HCPCS and units. This may be because correct coding is not required for payment or because they bill an all-inclusive rate. Undercoding or billing an all-inclusive rate could account for their low-volume, low-service mix, and average cost per unit. We expect that once these hospitals begin to code HCPCS according to the new payment system, new payments will better reflect current payments.

In general, differences among hospital classifications for short-term acute care

hospitals were relatively small. This is, payments under the proposed outpatient system were within a few percentage points of payments made under current law. The following discussion highlights some of the variation in payments among hospital classifications.

Based on comparing current and proposed payment estimates, minor teaching hospitals lose 4.4 percent, while major teaching hospitals experience a reduction of 10.6 percent. Non-teaching hospitals experience a decrease of 5.1 percent. However, major teaching hospitals gain less of their total Medicare income (9.2 percent) from outpatient services than the national average (10 percent). This results in a 1 percent loss in their total Medicare income.

Hospitals with a high percentage of low-income patients (disproportionate share patient percentage greater than or equal to 0.35) appear to experience payment reductions of 8.4 percent relative to current law. These hospitals have lower than average volume, and like major teaching hospitals, they receive a smaller than average percent of their Medicare income from outpatient services.

Rural hospitals would lose about 7.4 percent, large urban hospitals would lose about 6.6 percent, and other urban hospitals would lose 3.5 under the new system. Rural hospitals get a greater percentage of their Medicare income (14.7 percent) from outpatient services compared to the national average of 10 percent.

Low-volume hospitals appear to lose a large percentage of their payments under the new payment system (17.4 percent for rural and 13.6 percent for urban hospitals with less than 5,000 units of service). We believe several factors are contributing to this outcome, including undercoding, lack of economies of scale, and underpayment due to the reliance on the median instead of the geometric mean in the calculation of APC weights. The majority of these hospitals (about 75 percent) are rural. For these small hospitals, some of the higher standardized unit costs could be attributed to economies of scale. These low-volume rural hospitals also receive a greater percentage of their Medicare income (18.4 percent) from outpatient services than the average.

43b. On page 47599, the table titled: Estimated Impact of a Transition Policy on Medicare Outpatient Payment for Medicare-Dependent and Sole Community Hospitals," is corrected to read as follows:

ESTIMATED IMPACT OF A TRANSITION POLICY ON MEDICARE OUTPATIENT PAYMENTS FOR MEDICARE-DEPENDENT AND SOLE COMMUNITY HOSPITALS

[In percent]

	Year 1	Year 2	Year 3	Year 4
MDH	−2.8	−5.6	−8.5	−11.3
SCH	−3.2	−6.4	−9.7	−12.9
SCH/RRC	−1.9	−3.8	−5.8	−7.7

43c. On page 47599, the text in section G. beginning in column two, line seven from the bottom through page 47600, is corrected to read as follows:

As noted above, rural hospitals lose a larger percent of their payments than urban hospitals. Among the census divisions, rural New England hospitals experience the largest negative payment impact of 12.2 percent. This could be attributed to higher nonlabor costs in New England.

Urban census division breakouts reveal that Middle Atlantic urban hospitals have the largest negative payment impact of 9.7 percent.

Hospitals located in Puerto Rico gain because of the change in the beneficiary copayment. Previously these hospitals received 20 percent of their charges from the beneficiary, whereas under the new PPS they would receive 20 percent of the APC median charge or, at minimum, they would receive 20 percent of the payment rate. Hospitals in Puerto Rico gain under the new proposed system because 20 percent of their charges are lower than 20 percent of the APC median charges or 20 percent of the rates

Among special categories of rural hospitals, MDHs and SCHs/EACHs would experience decreases of 11.3 and 12.9 percent, respectively, Some of this decrease may be attributed to the impact on low-volume rural hospitals.

Cancer hospitals experience a 32.4 percent loss. Several factors may contribute to this loss. Undercoding could be a factor contributing to the percentage loss. In addition, the current requirements for batch billing of services such as chemotherapy and radiation therapy and the fact that we used only single procedure bills to calculate group weights may also have contributed to the impact on these hospitals. Further analysis will be conducted to determine if current coding practices explain the negative impact. We will be verifying the accuracy of the rates for these types of procedures. Specifically, the APC weights were calculated using single bill procedures. Using single bill procedures to compute a weight for services that are not typically billed as a single procedure could result in rates that are not accurate for these services. We will verify the accuracy of the rates for these types of procedures by analyzing the costs from the multiple bills. If further analysis reveals that cancer hospitals would be unduly harmed because of the new outpatient PPS, we will consider whether an adjustment or perhaps a transition period is needed to moderate the impact. By statute, any adjustment would have to be budget neutral. Until further analysis can be conducted, we are not proposing an adjustment for cancer hospitals.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

44. On pages 47601 through 47604, the table titled "Changes for Outpatient Prospective Payment System" is re-titled "Impact of Outpatient Prospective Payment System" and corrected to read as follows:

IMPACT OF OUTPATIENT PROSPECTIVE PAYMENT SYSTEM

	Number of hospitals	Outpatient percent	Percent change in Medicare outpatient payments	Percent change in total Medicare payments
	(1)	(2)	(3)	(4)
ALL HOSPITALS	5,335	9.9	−5.7	−0.6
NON-TEFRA HOSPITALS	4,819	10.0	−5.7	−0.6
NON-TEFRA HOSPITALS				
GEOGRAPHIC LOCATION:				
URBAN HOSPITALS	2,643	9.3	−5.3	−0.5
LARGE URBAN AREAS	1,492	9.1	−6.6	−0.6
OTHER URBAN AREAS	1,151	9.6	−3.5	−0.3
RURAL HOSPITALS	2,173	14.7	−7.4	-1.1
BED SIZE (URBAN):				
0–99 BEDS	646	15.4	−7.3	−1.1
100–199 BEDS	910	10.4	−4.2	−0.4
200–299 BEDS	531	9.2	−3.8	−0.3
300–499 BEDS	418	8.6	−4.8	−0.4
500 OR MORE BEDS	138	8.3	−9.7	−0.8
BED SIZE (RURAL):				
0–49 BEDS	1,138	19.6	−13.8	−2.7
50–99 BEDS	641	15.5	−8.4	−1.3
100–149 BEDS	229	13.5	−6.0	−0.8
150–199 BEDS	91	13.0	−4.3	−0.6
200 OR MORE BEDS	74	11.4	−2.9	−0.3
VOLUME (URBAN):				
0–4,999 UNITS	357	12.2	−13.6	−1.7
5,000–10,999 UNITS	502	9.6	−6.6	−0.6
11,000–20,999 UNITS	597	9.0	−5.7	−0.5
21,000–42,999 UNITS	756	8.8	−4.2	−0.4
43,000 OR MORE UNITS	431	9.7	−5.7	−0.6
VOLUME (RURAL):				
0–4,999 UNITS	1,047	18.4	−17.4	−3.2
5,000–10,999 UNITS	601	15.3	−10.1	−1.5
11,000–20,999 UNITS	333	13.7	−6.5	−0.9
21,000–42,999 UNITS	170	13.5	−3.2	−0.4
43,000 OR MORE UNITS	22	13.3	−2.6	−0.3
URBAN BY CENSUS DIV.:				
NEW ENGLAND	148	10.8	−3.2	−0.3
MIDDLE ATLANTIC	391	8.3	−9.7	−0.8
SOUTH ATLANTIC	393	8.6	−5.8	−0.5
EAST NORTH CENTRAL	446	10.6	−4.3	−0.5
EAST SOUTH CENTRAL	158	7.9	−1.8	−0.1
WEST NORTH CENTRAL	187	9.5	−6.5	−0.6
WEST SOUTH CENTRAL	337	9.7	−7.4	−0.7
MOUNTAIN	120	10.3	−2.2	−0.2
PACIFIC	428	9.3	−1.8	−0.2
PUERTO RICO	35	6.6	8.5	0.6
RURAL BY CENSUS DIV.:				
NEW ENGLAND	56	16.9	−12.2	−2.1
MIDDLE ATLANTIC	81	13.5	0.2	0.0
SOUTH ATLANTIC	282	11.8	−7.7	−0.9
EAST NORTH CENTRAL	287	15.8	−6.1	−1.0
EAST SOUTH CENTRAL	266	11.2	−6.5	−0.7
WEST NORTH CENTRAL	516	19.6	−10.9	−2.1
WEST SOUTH CENTRAL	339	14.2	−10.6	−1.5
MOUNTAIN	207	16.7	−8.3	−1.4
PACIFIC	137	16.4	−3.4	−0.6
PUERTO RICO	2	6.6	28.5	1.9
TEACHING STATUS:				
NON-TEACHING	3,814	11.2	−5.1	−0.6
FEWER THAN 100 RESIDENTS	758	9.1	−4.4	−0.4
100 OR MORE RESIDENTS	245	9.2	−10.6	−1.0
DISPROPORTIONATE SHARE PATIENT RATIO:				
0	17	20.3	−20.0	−4.1
0.001–0.099	904	10.3	−6.6	−0.7
0.100–0.159	1,008	10.9	−3.7	−0.4
0.160–0.229	971	10.2	−4.8	−0.5
0.230–0.349	956	9.6	−6.2	−0.6
0.350 AND GREATER	962	9.2	−8.4	−0.8

IMPACT OF OUTPATIENT PROSPECTIVE PAYMENT SYSTEM—Continued

	Number of hospitals (1)	Outpatient percent (2)	Percent change in Medicare outpatient payments (3)	Percent change in total Medicare payments (4)
URBAN TEACHING AND DSH:				
BOTH TEACHING AND DSH	944	9.0	−6.6	−0.6
TEACHING AND NO DSH	2	19.8	−31.0	−6.1
NO TEACHING AND DSH	1,688	9.8	−3.7	−0.4
NO TEACHING AND NO DSH	9	30.4	7.2	2.2
RURAL HOSPITAL TYPES:				
NONSPECIAL STATUS HOSPITALS	944	15.0	−6.8	−1.0
RRC	168	12.4	−2.3	−0.3
SCH/EACH	626	16.4	−12.9	−2.1
MDH	365	18.2	−11.3	−2.1
SCHM/EACH AND RRC	55	13.7	−7.7	−1.1
TYPE OF OWNERSHIP:				
VOLUNTARY	2,839	9.9	−5.6	−0.6
PROPRIETARY	671	7.9	−4.7	−0.4
GOVERNMENT	1,308	12.3	−7.4	−0.9
SPECIALTY HOSPITALS:				
EYE AND EAR	10	31.1	10.4	3.2
TRAUMA	157	9.1	−8.4	−0.8
CANCER	10	22.0	−32.4	−7.1
TEFRA HOSPITALS:				
REHABILITATION	138	3.7	−11.1	−0.4
PSYCHIATRIC	278	10.7	−0.5	−0.1
LONG-TERM CARE	63	3.7	−19.6	−0.7
CHILDREN'S	38	9.4	−23.9	−2.2

Note: Urban and rural breakouts in this table are based on MSA status/location only.

Correction to the Regulations Text

§ 419.32 [Corrected]

45. On page 47613, in the regulations text, in column one, in paragraph (b)(1), in the second line, "paragraph (c)(2)" is corrected to read "paragraph (b)(2)"; and in paragraph (b)(2), in the fourth line, "paragraph (c)(1)" is corrected to read "paragraph (b)(1)".

Corrections to the Addenda

46. On pages 47615 through 47620, Addendum A is corrected to read as follows:

ADDENDUM A.—LIST OF PROPOSED HOSPITAL OUTPATIENT AMBULATORY PAYMENT CLASSES WITH STATUS INDICATORS, RELATIVE WEIGHTS, PAYMENT RATES, AND COINSURANCE AMOUNTS

APC	Group title	Status indicator	Relative weight	Payment rate	[7] National unadjusted coinsurance	Minimum unadjusted coinsurance
[6] 020	Partial Hospitalizaiton	P	4.02	$206.71	$46.78	$41.34
031	Dental procedures	S	1.37	$70.45	$14.09	$14.09
061	Level I Chemotherapeutic agents	X	1.15	$59.13	$37.52	$11.83
062	Level II Chemotherapeutic agents	X	1.78	$91.53	$36.61	$18.31
063	Level III Chemotherapeutic agents	X	2.94	$151.17	$110.97	$30.24
064	Level IV Chemotherapeutic agents	X	4.15	$213.39	$138.99	$42.68
089	Neuropsychological Testing	X	4.06	$208.77	$46.10	$41.75
090	Monitoring psychiatric drugs	X	0.85	$43.71	$12.20	$8.74
[1] 091	Brief Individual Psychotherapy	S	1.09	$56.05	$14.01	$11.21
[2] 092	Extended Individual Psychotherapy	S	1.63	$83.81	$21.47	$16.76
093	Family Psychotherapy	S	1.56	$80.22	$20.11	$16.04
094	Group Psychotherapy	S	1.31	$67.36	$19.89	$13.47
121	Level I needle biopsy/aspiration	T	0.63	$32.39	$21.02	$6.48
122	Level II needle biopsy/aspiration	T	4.59	$236.02	$113.00	$47.20
131	Level I incision & drainage	T	1.93	$99.24	$36.61	$19.85
132	Level II incision & drainage	T	5.63	$289.49	$132.89	$57.90
137	Nail procedures	T	0.60	$30.85	$9.27	$6.17
141	Level I Destruction of lesion	T	0.52	$26.74	$9.49	$5.35
142	Level II Destruction of lesion	T	2.94	$151.17	$54.24	$30.24
151	Level I debridement/destruction	T	1.63	$83.81	$33.22	$16.76
152	Level II debridement/destruction	T	10.07	$517.80	$251.54	$103.56
161	Level I excision/biopsy	T	3.43	$176.37	$75.71	$35.27
162	Level II excision/biopsy	T	5.59	$287.44	$125.66	$57.49
163	Level III excision/biopsy	T	10.48	$538.88	$260.80	$107.78
181	Level I skin repair	T	2.17	$111.58	$44.07	$22.32
182	Level II skin repair	T	4.11	$211.34	$92.43	$42.27
183	Level III skin repair	T	11.04	$567.68	$283.18	$113.54

ADDENDUM A.—LIST OF PROPOSED HOSPITAL OUTPATIENT AMBULATORY PAYMENT CLASSES WITH STATUS INDICATORS, RELATIVE WEIGHTS, PAYMENT RATES, AND COINSURANCE AMOUNTS—Continued

APC	Group title	Status indicator	Relative weight	Payment rate	[7] National unadjusted coinsurance	Minimum unadjusted coinsurance
184	Level IV skin repair	T	14.85	$763.59	$397.99	$152.72
197	Incision/excision breast	T	11.94	$613.95	$308.26	$122.79
198	Breast reconstruction/mastectomy	T	18.63	$957.95	$523.42	$191.59
200	Arthrocentesis & Ligament/Tendon Injection.	T	1.76	$90.50	$39.10	$18.10
207	Closed treatment fracture finger/toe/trunk	T	1.70	$87.41	$32.32	$17.48
209	Closed treatment fracture/dislocation/except finger/toe/trunk.	T	1.94	$99.75	$37.74	$19.95
210	Bone/joint manipulation under anesthesia	T	10.06	$517.29	$279.34	$103.46
216	Open/percutaneous treatment fracture or dislocation.	T	20.09	$1,033.03	$524.09	$206.61
217	Arthroplasty	T	20.54	$1,056.17	$530.42	$211.23
218	Arthroplasty with prosthesis	T	27.80	$1,429.48	$720.71	$285.90
226	Maxillofacial prostheses	T	1.56	$80.22	$21.92	$16.04
231	Level I skull and facial bone procedures	T	11.31	$581.56	$286.79	$116.31
232	Level II skull and facial bone procedures	T	23.82	$1,224.82	$636.87	$244.96
251	Level I musculoskeletal procedures	T	13.88	$713.71	$365.89	$142.74
252	Level II Musculoskeletal Procedures	T	19.24	$989.32	$512.34	$197.86
253	Level III Musculoskeletal Procedures	T	25.74	$1,323.55	$684.55	$264.71
254	Level IV Musculoskeletal Procedures	T	32.70	$1,681.43	$922.98	$336.29
261	Level I Hand Musculoskeletal Procedures	T	10.41	$535.28	$259.00	$107.06
262	Level II Hand Musculoskeletal Procedures	T	18.07	$929.16	$475.96	$185.83
271	Level I Foot Musculoskeletal Procedures	T	14.12	$726.05	$365.44	$145.21
272	Level II Foot Musculoskeletal Procedures	T	16.11	$828.38	$411.09	$165.68
276	Bunion Procedures	T	19.00	$976.98	$495.39	$195.40
280	Diagnostic Arthroscopy	T	22.15	$1,138.95	$581.72	$227.79
281	Level I Surgical Arthroscopy	T	22.37	$1,150.27	$589.18	$230.05
282	Level II Surgical Arthroscopy	T	23.65	$1,216.08	$609.97	$243.22
286	Arthroscopically-Aided Procedures	T	27.69	$1,423.82	$791.90	$284.76
311	Level I ENT Procedures	T	1.41	$72.50	$20.57	$14.50
312	Level II ENT Procedures	T	7.07	$363.54	$170.86	$72.71
313	Level III ENT Procedures	T	15.46	$794.95	$407.70	$158.99
314	Level IV ENT Procedures	T	25.15	$1,293.21	$687.72	$258.64
[5] 317	Implantation of Cochlear Device	T				
318	Nasal Cauterization/Packing	T	2.07	$106.44	$38.87	$21.29
319	Tonsil/Adenoid Procedures	T	16.20	$833.00	$463.53	$166.60
320	Thoracentesis/Lavage Procedures	T	3.09	$158.89	$80.91	$31.78
331	Level I Endoscopy Upper Airway	T	0.57	$29.31	$14.01	$5.86
332	Level II Endoscopy Upper Airway	T	9.67	$497.23	$242.72	$99.45
333	Level III Endoscopy Upper Airway	T	16.81	$864.37	$461.04	$172.87
336	Endoscopy Lower Airway	T	7.24	$372.28	$195.49	$74.46
339	Injection of Sclerosing Solution	T	0.98	$50.39	$19.66	$10.08
341	Level I Needle and Catheter Placement	T	0.09	$4.63	$2.49	$0.93
342	Level II Needle and Catheter Placement	T	2.61	$134.21	$68.70	$26.84
343	Level III Needle and Catheter Placement	T	8.76	$450.44	$240.24	$90.09
346	Placement Transvenous Caths/Cutdown	T	4.63	$238.07	$121.59	$47.61
347	Injection Procedures for Interventional Radiology.	T	2.57	$132.15	$62.38	$26.43
360	Removal/Revision, Pacemaker/Vascular Device.	T	6.04	$310.58	$138.54	$62.12
367	Vascular Ligation	T	17.02	$875.17	$441.15	$175.03
368	Vascular Repair/Fistula Construction	T	22.59	$1,161.58	$647.49	$232.32
369	Blood and Blood Product Exchange	T	6.33	$325.49	$155.49	$65.10
396	Lymph Node Excisions	T	12.98	$667.43	$334.48	$133.49
397	Thyroid/Lymphadenectomy Procedures	T	19.12	$983.15	$542.17	$196.63
406	Esophageal Dilation without Endoscopy	T	4.17	$214.42	$106.67	$42.88
407	Esophagoscopy	T	6.89	$354.28	$189.39	$70.86
417	Diagnostic Upper GI Endoscopy	T	6.35	$326.52	$179.22	$65.30
418	Therapeutic Upper GI Endoscopy	T	7.44	$382.56	$213.57	$76.51
419	Small Intestine Endoscopy	T	6.83	$351.20	$164.08	$70.24
426	Diagnostic Lower GI Endoscopy	T	6.74	$346.57	$185.32	$69.31
427	Therapeutic Lower GI Endoscopy	T	8.09	$415.99	$222.84	$83.20
437	Therapeutic Anoscopy	T	6.54	$336.29	$173.79	$67.26
446	Diagnostic Sigmoidoscopy	T	2.54	$130.61	$64.86	$26.12
447	Therapeutic Proctosigmoidoscopy	T	7.06	$363.03	$191.87	$72.61
448	Therapeutic Flexible Sigmoidoscopy	T	5.28	$271.50	$139.22	$54.30
449	Complex GI Endoscopy	T	7.63	$392.33	$213.57	$78.47
451	Level I Anal/Rectal Procedures	T	2.42	$124.44	$53.56	$24.89
452	Level II Anal/Rectal Procedures	T	4.52	$232.42	$103.06	$46.48
453	Level III Anal/Rectal Procedures	T	16.26	$836.09	$440.47	$167.22
456	Endoscopic Retrograde Cholangio-Pancreatography (ERCP).	T	9.61	$494.15	$249.05	$98.83
458	Percutaneous Biliary Endoscopic Procedures.	T	6.81	$350.17	$181.70	$70.03
459	Peritoneal and Abdominal Procedures	T	17.85	$917.85	$497.88	$183.57
466	Hernia/Hydrocele Procedures	T	20.67	$1,062.85	$556.64	$212.57
470	Tube Procedures	T	2.19	$112.61	$54.92	$22.52
521	Level I Cystourethroscopy and other Genitourinary Procedures.	T	4.89	$251.44	$110.06	$50.29

ADDENDUM A.—LIST OF PROPOSED HOSPITAL OUTPATIENT AMBULATORY PAYMENT CLASSES WITH STATUS INDICATORS, RELATIVE WEIGHTS, PAYMENT RATES, AND COINSURANCE AMOUNTS—Continued

APC	Group title	Status indicator	Relative weight	Payment rate	[7] National unadjusted coinsurance	Minimum unadjusted coinsurance
522	Level II Cystourethroscopy and other Genitourinary Procedures.	T	10.15	$521.91	$259.45	$104.38
523	Level III Cystourethroscopy and other Genitourinary Procedures.	T	16.35	$840.72	$438.89	$168.14
524	Level IV Cystourethroscopy and other Genitourinary Procedures.	T	27.20	$1,398.62	$824.90	$279.72
527	Lithotripsy	T	43.48	$2,235.74	$1,372.95	$447.15
529	Simple Urinary Studies and Procedures	T	2.33	$119.81	$59.66	$23.96
530	Genitourinary Procedures	T	2.46	$126.49	$53.34	$25.30
531	Level I Urethral Procedures	T	18.59	$955.90	$531.55	$191.18
532	Level II Urethral Procedures	T	23.02	$1,183.69	$588.50	$236.74
536	Circumcision	T	12.89	$662.80	$321.60	$132.56
537	Penile Procedures	T	28.65	$1,473.18	$872.36	$294.64
538	Insertion of Penile Prosthesis	T	48.41	$2,489.24	$1,563.47	$497.85
546	Testes/Epididymis Procedures	T	16.54	$850.49	$449.51	$170.10
547	Prostate Biopsy	T	4.39	$225.73	$125.20	$45.15
550	Surgical Hysteroscopy	T	16.46	$846.37	$445.22	$169.27
551	Level I Laparoscopy	T	24.61	$1,265.45	$701.73	$253.09
552	Level II Laparoscopy	T	37.09	$1,907.17	$1,053.84	$381.43
561	Level I Female Reproductive Procedures	T	1.46	$75.07	$24.41	$15.01
562	Level II Female Reproductive Procedures	T	12.30	$632.47	$325.44	$126.49
563	Level III Female Reproductive Procedures	T	16.50	$848.43	$461.72	$169.69
567	D & C	T	13.18	$677.72	$360.70	$135.54
568	Infertility Procedures	T	2.79	$143.46	$55.60	$28.69
578	Pregnancy and Neonatal Care Procedures	T	1.17	$60.16	$32.77	$12.03
580	Vaginal Delivery	T	4.31	$221.62	$44.32	$44.32
586	Therapeutic Abortion	T	11.98	$616.01	$409.29	$123.20
587	Spontaneous Abortion	T	12.96	$666.40	$347.14	$133.28
600	Spinal Tap	T	2.41	$123.92	$61.47	$24.78
601	Level I Nervous System Injections	T	3.00	$154.26	$74.13	$30.85
602	Level II Nervous System Injections	T	3.19	$164.03	$87.01	$32.81
616	Implantation of Neurostimulator Electrodes	T	11.85	$609.33	$329.06	$121.87
617	Revision/Removal Neurological Device	T	11.31	$581.56	$280.01	$116.31
618	Implantation of Neurological Device	T	24.78	$1,274.19	$808.18	$254.84
631	Level I Nerve Procedures	T	12.70	$653.03	$329.06	$130.61
632	Level II Nerve Procedures	T	16.48	$847.40	$453.58	$169.48
648	Laser Retinal Procedures	T	3.76	$193.34	$93.56	$38.67
649	Laser Eye Procedures except Retinal	T	4.37	$224.71	$111.64	$44.94
651	Level I Anterior Segment Eye Procedures	T	6.85	$352.23	$171.99	$70.45
652	Level II Anterior Segment Eye Procedures	T	16.35	$840.72	$433.92	$168.14
667	Cataract Procedures	T	20.35	$1,046.40	$538.11	$209.28
668	Cataract Procedures with IOL Insert	T	22.02	$1,132.27	$617.21	$226.45
670	Corneal Transplant	T	30.78	$1,582.71	$885.92	$316.54
676	Posterior Segment Eye Procedures	T	5.87	$301.84	$138.54	$60.37
677	Strabismus/Muscle Procedures	T	16.11	$828.38	$428.95	$165.68
681	Level I Eye Procedures	T	1.65	$84.84	$30.51	$16.97
682	Level II Eye Procedures	T	3.41	$175.34	$80.68	$35.07
683	Level III Eye Procedures	T	9.56	$491.58	$252.44	$98.32
684	Level IV Eye Procedures	T	13.26	$681.83	$341.94	$136.37
690	Vitrectomy	T	30.39	$1,562.65	$845.69	$312.53
700	Plain Film	X	0.80	$41.14	$22.37	$8.23
706	Miscellaneous Radiological Procedures	X	1.43	$73.53	$39.10	$14.71
710	Computerized Axial Tomography	S	4.98	$256.07	$173.12	$51.21
716	Fluoroscopy	X	1.39	$71.47	$40.00	$14.29
720	Magnetic Resonance Angiography	S	6.37	$327.55	$204.98	$65.51
726	Magnetic Resonance Imaging	S	7.91	$406.73	$256.06	$81.35
728	Myelography	S	3.50	$179.97	$91.98	$35.99
730	Arthography	S	2.30	$118.27	$65.77	$23.65
736	Digestive Radiology	S	1.85	$95.13	$53.79	$19.03
737	Diagnostic Urography	S	2.69	$138.32	$81.81	$27.66
738	Therapeutic Radiologic Procedures	S	3.74	$192.31	$104.86	$38.46
739	Diagnostic Angiography and Venography	S	5.33	$274.07	$150.74	$54.81
746	Mammography	S	0.69	$35.48	$19.44	$7.10
747	Diagnostic Ultrasound Except Vascular	S	1.65	$84.84	$54.47	$16.97
749	Guidance under Ultrasound	X	2.22	$114.15	$70.06	$22.83
750	Therapeutic Radiation Treatment Planning	X	0.96	$49.36	$25.99	$9.87
751	Level I Therapeutic Radiation Treatment Preparation.	X	1.15	$59.13	$33.22	$11.83
752	Level II Therapeutic Radiation Treatment Preparation.	X	3.48	$178.94	$86.56	$35.79
757	Radiation Therapy	S	2.26	$116.21	$52.43	$23.24
758	Hyperthermic Therapies	S	5.08	$261.21	$137.18	$52.24
759	Brachytherapy and Complex Radioelement Applications.	S	7.98	$410.33	$157.97	$82.07
760	PET Scans	S	14.89	$765.64	$419.46	$153.13
761	Standard Non-Imaging Nuclear Medicine	S	1.80	$92.56	$54.01	$18.51
762	Complex Non-Imaging Nuclear Medicine	S	2.02	$103.87	$55.82	$20.77
771	Standard Planar Nuclear Medicine	S	3.81	$195.91	$117.29	$39.18

ADDENDUM A.—LIST OF PROPOSED HOSPITAL OUTPATIENT AMBULATORY PAYMENT CLASSES WITH STATUS INDICATORS, RELATIVE WEIGHTS, PAYMENT RATES, AND COINSURANCE AMOUNTS—Continued

APC	Group title		Status indicator	Relative weight	Payment rate	[7] National unadjusted coinsurance	Minimum unadjusted coinsurance
772	Complex Planar Nuclear Medicine		S	4.26	$219.05	$128.37	$43.81
781	Standard SPECT Nuclear Medicine		S	5.43	$279.21	$155.04	$55.84
782	Complex SPECT Nuclear Medicine		S	9.00	$462.78	$267.13	$92.56
791	Standard Therapeutic Nuclear Medicine		S	14.74	$757.93	$539.91	$151.59
792	Complex Therapeutic Nuclear Medicine		S	4.81	$247.33	$143.06	$49.47
861	Immunology Tests		X	0.13	$6.68	$3.62	$1.34
881	Level I Pathology		X	0.22	$11.31	$6.78	$2.26
882	Level II Pathology		X	0.39	$20.05	$11.75	$4.01
883	Level III Pathology		X	0.69	$35.48	$20.34	$7.10
900	Critical Care		S	7.54	$387.71	$145.09	$77.54
901	Level I Immunization		X	0.07	$3.60	$2.49	$0.72
902	Level II Immunization		X	1.31	$67.36	$38.19	$13.47
903	Level III Immunization		X	1.00	$51.42	$24.86	$10.28
906	Infusion Therapy except Chemotherapy		X	1.93	$99.24	$57.18	$19.85
907	Intramuscular Injections		X	0.74	$38.05	$11.53	$7.61
[3] 91111	Low Level Clinic Visits	Well care and administrative	V	1.24	$63.76	$15.14	$12 75
91118	Low Level Clinic Visits	Skin and breast diseases	V	0.83	$42.68	$9.27	$8.54
91124	Low Level Clinic Visits	Musculoskeletal diseases	V	0.87	$44.74	$9.49	$8.95
91131	Low Level Clinic Visits	Ear, nose, mouth and throat diseases	V	0.81	$41.65	$9.04	$8.33
91133	Low Level Clinic Visits	Respiratory system diseases	V	0.83	$42.68	$8.59	$8.54
91136	Low Level Clinic Visits	Cardiovascular system diseases	V	0.87	$44.74	$8.95	$8.95
91141	Low Level Clinic Visits	Digestive system diseases	V	0.96	$49.36	$10.40	$9.87
91153	Low Level Clinic Visits	Kidney, urinary tract and male genital diseases.	V	0.91	$46.79	$9.49	$9.36
91156	Low Level Clinic Visits	Female genital system diseases	V	0.93	$47.82	$9.56	$9.56
91157	Low Level Clinic Visits	Pregnancy and neonatal care	V	1.37	$70.45	$17.85	$14.09
91163	Low Level Clinic Visits	Nervous system diseases	V	0.98	$50.39	$10.17	$10.08
91168	Low Level Clinic Visits	Eye diseases	V	0.96	$49.36	$10.40	$9.87
91172	Low Level Clinic Visits	Trauma and poisoning	V	1.06	$54.51	$14.24	$10.90
91178	Low Level Clinic Visits	Major signs, symptoms and findings	V	1.52	$78.16	$21.47	$15.63
91182	Low Level Clinic Visits	Endocrine, nutritional and metabolic diseases.	V	0.87	$44.74	$9.04	$8.95
91186	Low Level Clinic Visits	Immunologic and hematologic diseases	V	1.07	$55.02	$11.53	$11.00
91188	Low Level Clinic Visits	Malignancy	V	0.72	$37.02	$8.14	$7.40
[1] 91191	Low Level Clinic Visits	Psychiatric disorders	V	1.09	$56.05	$14.01	$11.21
91197	Low Level Clinic Visits	Infectious disease	V	1.02	$52.45	$11.53	$10.49
[4] 91199	Low Level Clinic Visits	Unknown cause of mortality	V	1.41	$72.50	$24.86	$14.50
[3] 91311	Mid Level Clinic Visits	Well care and administrative	V	1.24	$63.76	$15.14	$12.75
91318	Mid Level Clinic Visits	Skin and breast diseases	V	0.98	$50.39	$10.08	$10.08
91324	Mid Level Clinic Visits	Musculoskeletal diseases	V	0.96	$49.36	$9.87	$9.87
91331	Mid Level Clinic Visits	Ear, nose, mouth and throat diseases	V	0.94	$48.33	$9.67	$9.67
91333	Mid Level Clinic Visits	Respiratory system diseases	V	0.93	$47.82	$9.56	$9.56
91336	Mid Level Clinic Visits	Cardiovascular system diseases	V	1.00	$51.42	$10.28	$10.28
91341	Mid Level Clinic Visits	Digestive system diseases	V	1.00	$51.42	$10.28	$10.28
91353	Mid Level Clinic Visits	Kidney, urinary tract and male genital diseases.	V	1.00	$51.42	$10.28	$10.28
91356	Mid Level Clinic Visits	Female genital system diseases	V	1.04	$53.48	$10.70	$10.70
91357	Mid Level Clinic Visits	Pregnancy and neonatal care	V	1.33	$68.39	$13.68	$13.68
91363	Mid Level Clinic Visits	Nervous system diseases	V	1.04	$53.48	$10.70	$10.70
91368	Mid Level Clinic Visits	Eye diseases	V	0.85	$43.71	$8.74	$8.74
91372	Mid Level Clinic Visits	Trauma and poisoning	V	1.06	$54.51	$10.90	$10.90
91378	Mid Level Clinic Visits	Major signs, symptoms and findings	V	1.13	$58.10	$11.62	$11.62
91382	Mid Level Clinic Visits	Endocrine, nutritional and metabolic diseases.	V	1.00	$51.42	$10.28	$10.28
91386	Mid Level Clinic Visits	Immunologic and hematologic diseases	V	1.04	$53.48	$10.70	$10.70
91388	Mid Level Clinic Visits	Malignancy	V	0.83	$42.68	$8.54	$8.54
[1] 91391	Mid Level Clinic Visits	Psychiatric disorders	V	1.09	$56.05	$14.01	$11.21
91397	Mid Level Clinic Visits	Infectious disease	V	1.04	$53.48	$10.70	$10.70
[4] 91399	Mid Level Clinic Visits	Unknown cause of mortality	V	1.41	$72.50	$24.86	$14.50
[3] 91511	High Level Clinic Visits	Well care and administrative	V	1.24	$63.76	$15.14	$12.75
91518	High Level Clinic Visits	Skin and breast diseases	V	1.72	$88.44	$19.21	$17.69
91524	High Level Clinic Visits	Musculoskeletal diseases	V	1.46	$75.07	$15.37	$15.01
91531	High Level Clinic Visits	Ear, nose, mouth and throat diseases	V	1.35	$69.42	$14.24	$13.88
91533	High Level Clinic Visits	Respiratory system diseases	V	1.44	$74.04	$14.81	$14.81
91536	High Level Clinic Visits	Cardiovascular system diseases	V	1.46	$75.07	$15.37	$15.01
91541	High Level Clinic Visits	Digestive system diseases	V	1.54	$79.19	$15.84	$15.84
91553	High Level Clinic Visits	Kidney, urinary tract and male genital diseases.	V	1.44	$74.04	$14.81	$14.81
91556	High Level Clinic Visits	Female genital system diseases	V	1.44	$74.04	$15.14	$14.81
91557	High Level Clinic Visits	Pregnancy and neonatal care	V	1.76	$90.50	$22.83	$18.10
91563	High Level Clinic Visits	Nervous system diseases	V	1.50	$77.13	$16.05	$15.43
91568	High Level Clinic Visits	Eye diseases	V	1.33	$68.39	$13.79	$13.68
91572	High Level Clinic Visits	Trauma and poisoning	V	1.72	$88.44	$22.15	$17.69
91578	High Level Clinic Visits	Major signs, symptoms and findings	V	1.89	$97.18	$29.15	$19.44
91582	High Level Clinic Visits	Endocrine, nutritional and metabolic diseases.	V	1.46	$75.07	$15.14	$15.01
91586	High Level Clinic Visits	Immunologic and hematologic diseases	V	1.76	$90.50	$19.21	$18.10
91588	High Level Clinic Visits	Malignancy	V	1.19	$61.19	$12.88	$12.24

ADDENDUM A.—LIST OF PROPOSED HOSPITAL OUTPATIENT AMBULATORY PAYMENT CLASSES WITH STATUS INDICATORS, RELATIVE WEIGHTS, PAYMENT RATES, AND COINSURANCE AMOUNTS—Continued

APC	Group title		Status indicator	Relative weight	Payment rate	[7] National unadjusted coinsurance	Minimum unadjusted coinsurance
[2] 91591	High Level Clinic Visits	Psychiatric disorders	V	1.63	$83.81	$21.47	$16.76
91597	High Level Clinic Visits	Infectious disease	V	1.76	$90.50	$19.66	$18.10
[4] 91599	High Level Clinic Visits	Unknown cause of mortality	V	1.41	$72.50	$24.86	$14.50
919	Electroconvulsive Therapy		S	3.09	$158.89	$80.00	$31.78
920	Biofeedback and other Training		S	1.17	$60.16	$29.61	$12.03
[5] 921	Diabetes Education		S				
926	Dialysis for other than ESRD patients		S	4.22	$216.99	$69.83	$43.40
928	Alimentary Tests		X	2.91	$149.63	$79.78	$29.93
930	Minor Eye Examinations		X	1.04	$53.48	$22.83	$10.70
931	Level I Eye Tests		X	0.74	$38.05	$21.47	$7.61
932	Level II Eye Tests		X	2.41	$123.92	$63.73	$24.78
936	Fitting of Vision Aids		X	0.48	$24.68	$9.49	$4.94
940	Otorhinolaryngologic Function Tests		X	3.13	$160.94	$52.21	$32.19
941	Level I Audiometry		X	0.74	$38.05	$13.33	$7.61
942	Level II Audiometry		X	1.46	$75.07	$22.15	$15.01
947	Resuscitation and Cardioversion		S	4.11	$211.34	$106.22	$42.27
948	Cardiac Rehabilitation		X	0.81	$41.65	$16.95	$8.33
949	Cardiovascular Stress Test		X	1.43	$73.53	$61.92	$14.71
950	Electrocardiogram (ECG)		X	0.35	$18.00	$15.82	$3.60
[3] 95111	Low Level ER Visits	Well care and administrative	V	1.24	$63.76	$15.14	$12.75
95118	Low Level ER Visits	Skin and breast diseases	V	1.17	$60.16	$19.21	$12.03
95124	Low Level ER Visits	Musculoskeletal diseases	V	1.17	$60.16	$20.11	$12.03
95131	Low Level ER Visits	Ear, nose, mouth and throat diseases	V	1.11	$57.08	$17.63	$11.42
95133	Low Level ER Visits	Respiratory system diseases	V	1.15	$59.13	$18.53	$11.83
95136	Low Level ER Visits	Cardiovascular system diseases	V	1.26	$64.79	$19.89	$12.96
95141	Low Level ER Visits	Digestive system diseases	V	1.30	$66.85	$21.02	$13.37
95153	Low Level ER Visits	Kidney, urinary tract and male genital diseases.	V	1.43	$73.53	$24.86	$14 71
95156	Low Level ER Visits	Female genital system diseases	V	1.41	$72.50	$23.96	$14.50
95157	Low Level ER Visits	Pregnancy and neonatal care	V	1.46	$75.07	$24.63	$15.01
95163	Low Level ER Visits	Nervous system diseases	V	1.30	$66.85	$22.60	$13.37
95168	Low Level ER Visits	Eye diseases	V	1.20	$61.70	$20 79	$12.34
95172	Low Level ER Visits	Trauma and poisoning	V	1.28	$65.82	$22.15	$13.16
95178	Low Level ER Visits	Major signs, symptoms and findings	V	1.94	$99.75	$36.39	$19.95
95182	Low Level ER Visits	Endocrine, nutritional and metabolic diseases.	V	1.50	$77.13	$24.63	$15.43
95186	Low Level ER Visits	Immunologic and hematologic diseases	V	1.46	$75.07	$26.89	$15.01
95188	Low Level ER Visits	Malignancy	V	1.57	$80.73	$27.35	$16.15
[1] 95191	Low Level ER Visits	Psychiatric Disorders	V	1.09	$56.05	$14.01	$11.21
95197	Low Level ER Visits	Infectious disease	V	1.24	$63.76	$20.57	$12.75
[4] 95199	Low Level ER Visits	Unknown cause of mortality	V	1.41	$72.50	$24.86	$14.50
[3] 95311	Mid Level ER Visits	Well care and administrative	V	1.24	$63.76	$15.14	$12.75
95318	Mid Level ER Visits	Skin and breast diseases	V	1.89	$97.18	$34.80	$19.44
95324	Mid Level ER Visits	Musculoskeletal diseases	V	1.78	$91.53	$32.32	$18.31
95331	Mid Level ER Visits	Ear, nose, mouth and throat diseases	V	1.80	$92.56	$31.64	$18.51
95333	Mid Level ER Visits	Respiratory system diseases	V	1.91	$98.21	$33.67	$19.64
95336	Mid Level ER Visits	Cardiovascular system diseases	V	2.02	$103.87	$36.16	$20.77
95341	Mid Level ER Visits	Digestive system diseases	V	2.02	$103.87	$36.61	$20.77
95353	Mid Level ER Visits	Kidney, urinary tract and male genital diseases.	V	2.06	$105.93	$38.65	$21.19
95356	Mid Level ER Visits	Female genital system diseases	V	2.06	$105.93	$36.84	$21.19
95357	Mid Level ER Visits	Pregnancy and neonatal care	V	2.10	$107.98	$40.68	$21.60
95363	Mid Level ER Visits	Nervous system diseases	V	1.89	$97.18	$35.03	$19.44
95368	Mid Level ER Visits	Eye diseases	V	1.67	$85.87	$33.00	$17.17
95372	Mid Level ER Visits	Trauma and poisoning	V	2.02	$103.87	$39.10	$20.77
95378	Mid Level ER Visits	Major signs, symptoms and findings	V	3.07	$157.86	$58.76	$31.57
95382	Mid Level ER Visits	Endocrine, nutritional and metabolic diseases.	V	2.30	$118.27	$43.84	$23.65
95386	Mid Level ER Visits	Immunologic and hematologic diseases	V	2.48	$127.52	$49.27	$25.50
95388	Mid Level ER Visits	Malignancy	V	2.17	$111.58	$42.26	$22.32
95391	Mid Level ER Visits	Psychiatric Disorders	V	2.02	$103.87	$35.93	$20.77
95397	Mid Level ER Visits	Infectious disease	V	1.99	$102.33	$36.61	$20.47
[4] 95399	Mid Level ER Visits	Unknown cause of mortality	V	1.41	$72.50	$24.86	$14.50
[3] 95511	High Level ER Visits	Well care and administrative	V	1.24	$63.76	$15.14	$12.75
95518	High Level ER Visits	Skin and breast diseases	V	2.59	$133.18	$46.78	$26.64
95524	High Level ER Visits	Musculoskeletal diseases	V	2.46	$126.49	$41.36	$25.30
95531	High Level ER Visits	Ear, nose, mouth and throat diseases	V	2.57	$132.15	$44.07	$26.43
95533	High Level ER Visits	Respiratory system diseases	V	3.13	$160.94	$54.69	$32.19
95536	High Level ER Visits	Cardiovascular system diseases	V	3.13	$160.94	$54.69	$32.19
95541	High Level ER Visits	Digestive system diseases	V	2.89	$148.60	$54.69	$29.72
95553	High Level ER Visits	Kidney, urinary tract and male genital diseases.	V	2.87	$147.58	$54.69	$29.52
95556	High Level ER Visits	Female genital system diseases	V	2.70	$138.83	$51.08	$27.77
95557	High Level ER Visits	Pregnancy and neonatal care	V	2.89	$148.60	$54.92	$29.72
95563	High Level ER Visits	Nervous system diseases	V	2.74	$140.89	$52.43	$28.18
95568	High Level ER Visits	Eye diseases	V	2.33	$119.81	$40.23	$23.96
95572	High Level ER Visits	Trauma and poisoning	V	2.72	$139.86	$50.17	$27.97
95578	High Level ER Visits	Major signs, symptoms and findings	V	6.83	$351.20	$148.48	$70.24

ADDENDUM A.—LIST OF PROPOSED HOSPITAL OUTPATIENT AMBULATORY PAYMENT CLASSES WITH STATUS INDICATORS, RELATIVE WEIGHTS, PAYMENT RATES, AND COINSURANCE AMOUNTS—Continued

APC	Group title		Status indicator	Relative weight	Payment rate	[7] National unadjusted coinsurance	Minimum unadjusted coinsurance
95582	High Level ER Visits	Endocrine, nutritional and metabolic diseases.	V	3.26	$167.63	$64.86	$33.53
95586	High Level ER Visits	immunologic and hematologic diseases	V	3.89	$200.02	$81.81	$40.00
95588	High Level ER Visits	Malignancy	V	3.63	$186.65	$68.48	$37.33
95591	High Level ER Visits	Psychiatric Disorders	V	3.48	$178.94	$62.60	$35.79
95597	High Level ER Visits	Infectious disease	V	2.78	$142.95	$53.11	$28.59
[4] 95599	High Level ER Visits	Unknown cause of mortality	V	1.41	$72.50	$24.86	$14.50
956	Continuous ECG and Blood Pressure Monitoring.		X	1.09	$56.05	$54.47	$11.21
957	Echocardiography		S	4.04	$207.74	$114.13	$41.55
958	Diagnostic Cardiac Catheterization		S	23.74	$1,220.71	$705.57	$244.14
960	Cardiac Electrophysiologic Tests/Procedures.		S	4.80	$246.82	$143.74	$49.36
966	Electronic Analysis of Pacemakers/other Devices.		X	0.39	$20.05	$12.43	$4.01
967	Non-Invasive Vascular Studies		X	1.70	$87.41	$57.40	$17.48
968	Vascular Ultrasound		X	2.39	$122.89	$79.55	$24.58
969	Hyperbaric Oxygen		S	2.65	$136.26	$141.70	$27.25
971	Level I Pulmonary Tests		X	0.98	$50.39	$26.44	$10.08
972	Level II Pulmonary Tests		X	1.00	$51.42	$29.38	$10.28
973	Level III Pulmonary Tests		S	1.81	$93.07	$55.82	$18.61
976	Pulmonary Therapy		S	0.44	$22.62	$14.69	$4.53
977	Allergy Tests		X	0.56	$28.80	$11.30	$5.76
978	Allergy Injections		X	0.30	$15.43	$3.39	$3.09
979	Extended EEG Studies and Sleep Studies		S	10.15	$521.91	$287.25	$104.38
980	Electroencephalogram		S	2.15	$110.55	$57.86	$22.11
981	Level I Nerve and Muscle Tests		X	1.22	$62.73	$34.35	$12.55
982	Level II Nerve and Muscle Tests		X	1.37	$70.45	$38 42	$14.09
987	Subcutaneous or Intramuscular Chemotherapy.		S	2.09	$107.47	$65.09	$21.49
988	Chemotherapy except by Extended Infusion.		S	4.02	$206.71	$110.29	$41.34
989	Chemotherapy by Extended Infusion		S	1.91	$98.21	$44.52	$19.64
990	Photochemotherapy		S	0.43	$22.11	$8.14	$4.42
997	Manipulation Therapy		S	0.69	$35.48	$7.46	$7.10
999	Therapeutic Phlebotomy		X	0.43	$22.11	$11.07	$4.42

Notes:
[1] Median costs APCs 091, 91191, 91391, 95191 computed together because there is no differences in facility resources.
[2] Median costs APCs 092 and 91591 computed together because there is no differences in facility resources.
[3] Median costs for all claims in combined visit levels for MDC 11; one rate is paid for multiple levels.
[4] Median costs for all claims in combined visit levels for MDC 99; one rate is paid for multiple levels.
[5] APCs 317 and 921 have anomalous weights. Refer to preamble for discussion.
[6] This APC reflects the per-diem payment for patients recieving services under a partial hospitalization program.
[7] The national unadjusted coinsurance amount is subtracted from the proposed payment rate to determine the amount Medicare pays.

47. On pages 47621 through 47761, Addendum B is corrected to read as follows:

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
00100	N	Anesth, skin surgery					
00102	N	Anesth, repair of cleft lip					
00103	N	Anesth, blepharoplasty					
00104	N	Anesth for electroshock					
00120	N	Anesthesia for ear surgery					
00124	N	Anesthesia for ear exam					
00126	N	Anesth, tympanotomy					
00140	N	Anesth, procedures on eye					
00142	N	Anesthesia for lens surgery					
00144	N	Anesth, corneal transplant					
00145	N	Anesth, vitrectomy					
00147	N	Anesth, iridectomy					
00148	N	Anesthesia for eye exam					
00160	N	Anesth, nose, sinus surgery					
00162	N	Anesth, nose, sinus surgery					
00164	N	Anesth, biopsy of nose					
00170	N	Anesth, procedure on mouth					
00172	N	Anesth, cleft palate repair					
00174	C	Anesth, pharyngeal surgery					
00176	C	Anesth, pharyngeal surgery					

[1] This APC assignment will not apply to services furnished under a partial hospitalization program. Instead, services furnished as part of a partial hospitalization program are paid on a per-diem basis via APC 020.

[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
00190	N	Anesth, facial bone surgery					
00192	C	Anesth, facial bone surgery					
00210	N	Anesth, open head surgery					
00212	N	Anesth, skull drainage					
00214	C	Anesth, skull drainage					
00215	C	Anesth, skull fracture					
00216	N	Anesth, head vessel surgery					
00218	N	Anesth, special head surgery					
00220	N	Anesth, spinal fluid shunt					
00222	N	Anesth, head nerve surgery					
00300	N	Anesth, skin surgery, neck					
00320	N	Anesth, neck organ surgery					
00322	N	Anesth, biopsy of thyroid					
00350	N	Anesth, neck vessel surgery					
00352	N	Anesth, neck vessel surgery					
00400	N	Anesth, chest skin surgery					
00402	N	Anesth, surgery of breast					
00404	C	Anesth, surgery of breast					
00406	C	Anesth, surgery of breast					
00410	N	Anesth, correct heart rhythm					
00420	N	Anesth, skin surgery, back					
00450	N	Anesth, surgery of shoulder					
00452	C	Anesth, surgery of shoulder					
00454	N	Anesth, collar bone biopsy					
00470	N	Anesth, removal of rib					
00472	N	Anesth, chest wall repair					
00474	C	Anesth, surgery of rib(s)					
00500	N	Anesth, esophageal surgery					
00520	N	Anesth, chest procedure					
00522	N	Anesth, chest lining biopsy					
00524	C	Anesth, chest drainage					
00528	N	Anesth, chest partition view					
00530	C	Anesth, pacemaker insertion					
00532	N	Anesth, vascular access					
00534	N	Anesth, cardioverter/defib					
00540	C	Anesth, chest surgery					
00542	C	Anesth, release of lung					
00544	C	Anesth, chest lining removal					
00546	C	Anesth, lung,chest wall surg					
00548	N	Anesth, trachea,bronchi surg					
00560	C	Anesth, open heart surgery					
00562	C	Anesth, open heart surgery					
00580	C	Anesth,heart/lung transplant					
00600	N	Anesth, spine, cord surgery					
00604	C	Anesth, surgery of vertebra					
00620	N	Anesth, spine, cord surgery					
00622	C	Anesth, removal of nerves					
00630	N	Anesth, spine, cord surgery					
00632	C	Anesth, removal of nerves					
00634	C	Anesth for chemonucleolysis					
00670	C	Anesth, spine, cord surgery					
00700	N	Anesth, abdominal wall surg					
00702	N	Anesth, for liver biopsy					
00730	N	Anesth, abdominal wall surg					
00740	N	Anesth, gi visualization					
00750	N	Anesth, repair of hernia					
00752	N	Anesth, repair of hernia					
00754	N	Anesth, repair of hernia					
00756	N	Anesth, repair of hernia					
00770	N	Anesth, blood vessel repair					
00790	N	Anesth, surg upper abdomen					
00792	C	Anesth, part liver removal					
00794	C	Anesth, pancreas removal					
00796	C	Anesth, for liver transplant					
00800	N	Anesth, abdominal wall surg					
00802	C	Anesth, fat layer removal					
00810	N	Anesth, intestine endoscopy					
00820	N	Anesth, abdominal wall surg					
00830	N	Anesth, repair of hernia					
00832	N	Anesth, repair of hernia					
00840	N	Anesth, surg lower abdomen					
00842	N	Anesth, amniocentesis					
00844	C	Anesth, pelvis surgery					
00846	C	Anesth, hysterectomy					
00848	C	Anesth, pelvic organ surg					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
00850	C	Anesth, cesarean section					
00855	C	Anesth, hysterectomy					
00857	C	Analgesia, labor & c-section					
00860	N	Anesth, surgery of abdomen					
00862	N	Anesth, kidney, ureter surg					
00864	C	Anesth, removal of bladder					
00865	C	Anesth, removal of prostate					
00866	C	Anesth, removal of adrenal					
00868	C	Anesth, kidney transplant					
00870	N	Anesth, bladder stone surg					
00872	N	Anesth,kidney stone destruct					
00873	N	Anesth,kidney stone destruct					
00880	N	Anesth, abdomen vessel surg					
00882	C	Anesth, major vein ligation					
00884	C	Anesth, major vein revision					
00900	N	Anesth, perineal procedure					
00902	N	Anesth, anorectal surgery					
00904	C	Anesth, perineal surgery					
00906	N	Anesth, removal of vulva					
00908	C	Anesth, removal of prostate					
00910	N	Anesth, bladder surgery					
00912	N	Anesth, bladder tumor surg					
00914	N	Anesth, removal of prostate					
00916	N	Anesth, bleeding control					
00918	N	Anesth, stone removal					
00920	N	Anesth, genitalia surgery					
00922	N	Anesth, sperm duct surgery					
00924	N	Anesth, testis exploration					
00926	N	Anesth, removal of testis					
00928	C	Anesth, removal of testis					
00930	N	Anesth, testis suspension					
00932	C	Anesth, amputation of penis					
00934	C	Anesth, penis, nodes removal					
00936	C	Anesth, penis, nodes removal					
00938	N	Anesth, insert penis device					
00940	N	Anesth, vaginal procedures					
00942	N	Anesth, surgery on vagina					
00944	C	Anesth, vaginal hysterectomy					
00946	N	Anesth, vaginal delivery					
00948	N	Anesth, repair of cervix					
00950	N	Anesth, vaginal endoscopy					
00952	N	Anesth, uterine endoscopy					
00955	C	Analgesia, vaginal delivery					
01000	N	Anesth, skin surgery, pelvis					
01110	N	Anesth, skin surgery, pelvis					
01120	N	Anesth, pelvis surgery					
01130	N	Anesth, body cast procedure					
01140	C	Anesth, amputation at pelvis					
01150	C	Anesth, pelvic tumor surgery					
01160	N	Anesth, pelvis procedure					
01170	N	Anesth, pelvis surgery					
01180	N	Anesth, pelvis nerve removal					
01190	C	Anesth, pelvis nerve removal					
01200	N	Anesth, hip joint procedure					
01202	N	Anesth, arthroscopy of hip					
01210	N	Anesth, hip joint surgery					
01212	C	Anesth, hip disarticulation					
01214	C	Anesth, replacement of hip					
01220	N	Anesth, procedure on femur					
01230	N	Anesth, surgery of femur					
01232	C	Anesth, amputation of femur					
01234	C	Anesth, radical femur surg					
01240	N	Anesth, upper leg skin surg					
01250	N	Anesth, upper leg surgery					
01260	N	Anesth, upper leg veins surg					
01270	N	Anesth, thigh arteries surg					
01272	C	Anesth, femoral artery surg					
01274	C	Anesth, femoral embolectomy					
01300	N	Anesth, skin surgery, knee					
01320	N	Anesth, knee area surgery					
01340	N	Anesth, knee area procedure					
01360	N	Anesth, knee area surgery					
01380	N	Anesth, knee joint procedure					
01382	N	Anesth, knee arthroscopy					
01390	N	Anesth, knee area procedure					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
01392	N	Anesth, knee area surgery					
01400	N	Anesth, knee joint surgery					
01402	C	Anesth, replacement of knee					
01404	C	Anesth, amputation at knee					
01420	N	Anesth, knee joint casting					
01430	N	Anesth, knee veins surgery					
01432	N	Anesth, knee vessel surg					
01440	N	Anesth, knee arteries surg					
01442	C	Anesth, knee artery surg					
01444	C	Anesth, knee artery repair					
01460	N	Anesth, lower leg skin surg					
01462	N	Anesth, lower leg procedure					
01464	N	Anesth, ankle arthroscopy					
01470	N	Anesth, lower leg surgery					
01472	N	Anesth, achilles tendon surg					
01474	N	Anesth, lower leg surgery					
01480	N	Anesth, lower leg bone surg					
01482	N	Anesth, radical leg surgery					
01484	N	Anesth, lower leg revision					
01486	C	Anesth, ankle replacement					
01490	N	Anesth, lower leg casting					
01500	N	Anesth, leg arteries surg					
01502	C	Anesth, lowerleg embolectomy					
01520	N	Anesth, lower leg vein surg					
01522	N	Anesth, lower leg vein surg					
01600	N	Anesth, shoulder skin surg					
01610	N	Anesth, surgery of shoulder					
01620	N	Anesth, shoulder procedure					
01622	N	Anesth, shoulder arthroscopy					
01630	N	Anesth, surgery of shoulder					
01632	C	Anesth, surgery of shoulder					
01634	C	Anesth, shoulder joint amput					
01636	C	Anesth, forequarter amput					
01638	C	Anesth, shoulder replacement					
01650	N	Anesth, shoulder artery surg					
01652	C	Anesth, shoulder vessel surg					
01654	C	Anesth, shoulder vessel surg					
01656	C	Anesth, arm-leg vessel surg					
01670	N	Anesth, shoulder vein surg					
01680	N	Anesth, shoulder casting					
01682	N	Anesth, airplane cast					
01700	N	Anesth, elbow area skin surg					
01710	N	Anesth, elbow area surgery					
01712	N	Anesth, upperarm tendon surg					
01714	N	Anesth, upperarm tendon surg					
01716	N	Anesth, biceps tendon repair					
01730	N	Anesth, upperarm procedure					
01732	N	Anesth, elbow arthroscopy					
01740	N	Anesth, upper arm surgery					
01742	N	Anesth, humerus surgery					
01744	N	Anesth, humerus repair					
01756	C	Anesth, radical humerus surg					
01758	N	Anesth, humeral lesion surg					
01760	N	Anesth, elbow replacement					
01770	N	Anesth, upperarm artery surg					
01772	C	Anesth, upperarm embolectomy					
01780	N	Anesth, upper arm vein surg					
01782	C	Anesth, upperarm vein repair					
01784	N	Anesth, av fistula repair					
01800	N	Anesth, lower arm skin surg					
01810	N	Anesth, lower arm surgery					
01820	N	Anesth, lower arm procedure					
01830	N	Anesth, lower arm surgery					
01832	N	Anesth, wrist replacement					
01840	N	Anesth, lowerarm artery surg					
01842	C	Anesth, lowerarm embolectomy					
01844	N	Anesth, vascular shunt surg					
01850	N	Anesth, lower arm vein surg					
01852	C	Anesth, lowerarm vein repair					
01860	N	Anesth, lower arm casting					
01900	N	Anesth, uterus/tube inject					
01902	C	Anesth, burr holes, skull					
01904	C	Anesth, skull x-ray inject					
01906	N	Anesth, lumbar myelography					
01908	N	Anesth, cervical myelography					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
01910	N	Anesth, skull myelography					
01912	N	Anesth, lumbar discography					
01914	N	Anesth, cervical discography					
01916	C	Anesth, head arteriogram					
01918	C	Anesth, limb arteriogram					
01920	N	Anesth, catheterize heart					
01921	C	Anesth, vessel surgery					
01922	N	Anesth, cat or MRI scan					
01990	C	Support for organ donor					
01995	N	Regional anesthesia, limb					
01996	N	Manage daily drug therapy					
01999	N	Unlisted anesth procedure					
10040	T	Acne surgery of skin abscess	131	1.93	$99.24	$36.61	$19.85
10060	T	Drainage of skin abscess	131	1.93	$99.24	$36.61	$19.85
10061	T	Drainage of skin abscess	131	1.93	$99.24	$36.61	$19.85
10080	T	Drainage of pilonidal cyst	131	1.93	$99.24	$36.61	$19.85
10081	T	Drainage of pilonidal cyst	131	1.93	$99.24	$36.61	$19.85
10120	T	Remove foreign body	131	1.93	$99.24	$36.61	$19.85
10121	T	Remove foreign body	163	10.48	$538.88	$260.80	$107.78
10140	T	Drainage of hematoma/fluid	131	1.93	$99.24	$36.61	$19.85
10160	T	Puncture drainage of lesion	131	1.93	$99.24	$36.61	$19.85
10180	T	Complex drainage, wound	131	1.93	$99.24	$36.61	$19.85
11000	T	Debride infected skin	151	1.63	$83.81	$33.22	$16.76
11001	T	Debride infect skin add-on	151	1.63	$83.81	$33.22	$16.76
11010	T	Debride skin, fx	163	10.48	$538.88	$260.80	$107.78
11011	T	Debride skin/muscle, fx	163	10.48	$538.88	$260.80	$107.78
11012	T	Debride skin/muscle/bone, fx	163	10.48	$538.88	$260.80	$107.78
11040	T	Debride skin partial	151	1.63	$83.81	$33.22	$16.76
11041	T	Debride skin full	151	1.63	$83.81	$33.22	$16.76
11042	T	Debride skin/tissue	151	1.63	$83.81	$33.22	$16.76
11043	T	Debride tissue/muscle	162	5.59	$287.44	$125.66	$57.49
11044	T	Debride tissue/muscle/bone	162	5.59	$287.44	$125.66	$57.49
[2] 11050	T	Trim skin lesion	151	1.63	$83.81	$33.22	$16.76
[2] 11051	T	Trim 2 to 4 skin lesions	151	1.63	$83.81	$33.22	$16.76
[2] 11052	T	Trim over 4 skin lesions	151	1.63	$83.81	$33.22	$16.76
11055	T	Trim skin lesion	151	1.63	$83.81	$33.22	$16.76
11056	T	Trim 2 to 4 skin lesions	151	1.63	$83.81	$33.22	$16.76
11057	T	Trim over 4 skin lesions	151	1.63	$83.81	$33.22	$16.76
11100	T	Biopsy of skin lesion	161	3.43	$176.37	$75.71	$35.27
11101	T	Biopsy, skin add-on	161	3.43	$176.37	$75.71	$35.27
11200	T	Removal of skin tags	151	1.63	$83.81	$33.22	$16.76
11201	T	Remove skin tags add-on	151	1.63	$83.81	$33.22	$16.76
11300	T	Shave skin lesion	151	1.63	$83.81	$33.22	$16.76
11301	T	Shave skin lesion	151	1.63	$83.81	$33.22	$16.76
11302	T	Shave skin lesion	151	1.63	$83.81	$33.22	$16.76
11303	T	Shave skin lesion	151	1.63	$83.81	$33.22	$16.76
11305	T	Shave skin lesion	151	1.63	$83.81	$33.22	$16.76
11306	T	Shave skin lesion	151	1.63	$83.81	$33.22	$16.76
11307	T	Shave skin lesion	151	1.63	$83.81	$33.22	$16.76
11308	T	Shave skin lesion	151	1.63	$83.81	$33.22	$16.76
11310	T	Shave skin lesion	151	1.63	$83.81	$33.22	$16.76
11311	T	Shave skin lesion	151	1.63	$83.81	$33.22	$16.76
11312	T	Shave skin lesion	151	1.63	$83.81	$33.22	$16.76
11313	T	Shave skin lesion	151	1.63	$83.81	$33.22	$16.76
11400	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11401	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11402	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11403	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11404	T	Removal of skin lesion	162	5.59	$287.44	$125.66	$57.49
11406	T	Removal of skin lesion	163	10.48	$538.88	$260.80	$107.78
11420	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11421	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11422	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11423	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11424	T	Removal of skin lesion	162	5.59	$287.44	$125.66	$57.49
11426	T	Removal of skin lesion	163	10.48	$538.88	$260.80	$107.78
11440	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11441	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11442	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11443	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11444	T	Removal of skin lesion	162	5.59	$287.44	$125.66	$57.49
11446	T	Removal of skin lesion	163	10.48	$538.88	$260.80	$107.78
11450	T	Removal, sweat gland lesion	163	10.48	$538.88	$260.80	$107.78
11451	T	Removal, sweat gland lesion	163	10.48	$538.88	$260.80	$107.78
11462	T	Removal, sweat gland lesion	163	10.48	$538.88	$260.80	$107.78

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
11463	T	Removal, sweat gland lesion	163	10.48	$538.88	$260.80	$107.78
11470	T	Removal, sweat gland lesion	163	10.48	$538.88	$260.80	$107.78
11471	T	Removal, sweat gland lesion	163	10.48	$538.88	$260.80	$107.78
11600	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11601	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11602	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11603	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11604	T	Removal of skin lesion	162	5.59	$287.44	$125.66	$57.49
11606	T	Removal of skin lesion	163	10.48	$538.88	$260.80	$107.78
11620	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11621	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11622	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11623	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11624	T	Removal of skin lesion	163	10.48	$538.88	$260.80	$107.78
11626	T	Removal of skin lesion	163	10.48	$538.88	$260.80	$107.78
11640	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11641	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11642	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11643	T	Removal of skin lesion	161	3.43	$176.37	$75.71	$35.27
11644	T	Removal of skin lesion	163	10.48	$538.88	$260.80	$107.78
11646	T	Removal of skin lesion	163	10.48	$538.88	$260.80	$107.78
[2] 11700	T	Scraping of 1-5 nails	137	0.60	$30.85	$9.27	$6.17
[2] 11701	T	Scraping of additional nails	137	0.60	$30.85	$9.27	$6.17
[2] 11710	T	Scraping of 1-5 nails	137	0.60	$30.85	$9.27	$6.17
[2] 11711	T	Scraping of additional nails	137	0.60	$30.85	$9.27	$6.17
11719	T	Trim nail(s)	137	0.60	$30.85	$9.27	$6.17
11720	T	Debride nail, 1-5	137	0.60	$30.85	$9.27	$6.17
11721	T	Debride nail, 6 or more	137	0.60	$30.85	$9.27	$6.17
11730	T	Removal of nail plate	151	1.63	$83.81	$33.22	$16.76
[2] 11731	T	Removal of second nail plate	151	1.63	$83.81	$33.22	$16.76
11732	T	Remove additional nail plate	151	1.63	$83.81	$33.22	$16.76
11740	T	Drain blood from under nail	137	0.60	$30.85	$9.27	$6.17
11750	T	Removal of nail bed	161	3.43	$176.37	$75.71	$35.27
11752	T	Remove nail bed/finger tip	163	10.48	$538.88	$260.80	$107.78
11755	T	Biopsy, nail unit	137	0.60	$30.85	$9.27	$6.17
11760	T	Reconstruction of nail bed	181	2.17	$111.58	$44.07	$22.32
11762	T	Reconstruction of nail bed	181	2.17	$111.58	$44.07	$22.32
11765	T	Excision of nail fold, toe	151	1.63	$83.81	$33.22	$16.76
11770	T	Removal of pilonidal lesion	162	5.59	$287.44	$125.66	$57.49
11771	T	Removal of pilonidal lesion	163	10.48	$538.88	$260.80	$107.78
11772	T	Removal of pilonidal lesion	163	10.48	$538.88	$260.80	$107.78
11900	T	Injection into skin lesions	151	1.63	$83.81	$33.22	$16.76
11901	T	Added skin lesions injection	151	1.63	$83.81	$33.22	$16.76
11920	T	Correct skin color defects	181	2.17	$111.58	$44.07	$22.32
11921	T	Correct skin color defects	181	2.17	$111.58	$44.07	$22.32
11922	T	Correct skin color defects	181	2.17	$111.58	$44.07	$22.32
11950	T	Therapy for contour defects	181	2.17	$111.58	$44.07	$22.32
11951	T	Therapy for contour defects	181	2.17	$111.58	$44.07	$22.32
11952	T	Therapy for contour defects	181	2.17	$111.58	$44.07	$22.32
11954	T	Therapy for contour defects	181	2.17	$111.58	$44.07	$22.32
11960	T	Insert tissue expander(s)	183	11.04	$567.68	$283.18	$113.54
11970	T	Replace tissue expander	183	11.04	$567.68	$283.18	$113.54
11971	T	Remove tissue expander(s)	163	10.48	$538.88	$260.80	$107.78
11975	E	Insert contraceptive cap					
11976	T	Removal of contraceptive cap	131	1.93	$99.24	$36.61	$19.85
11977	E	Removal/reinsert contra cap					
12001	T	Repair superficial wound(s)	181	2.17	$111.58	$44.07	$22.32
12002	T	Repair superficial wound(s)	181	2.17	$111.58	$44.07	$22.32
12004	T	Repair superficial wound(s)	181	2.17	$111.58	$44.07	$22.32
12005	T	Repair superficial wound(s)	181	2.17	$111.58	$44.07	$22.32
12006	T	Repair superficial wound(s)	181	2.17	$111.58	$44.07	$22.32
12007	T	Repair superficial wound(s)	181	2.17	$111.58	$44.07	$22.32
12011	T	Repair superficial wound(s)	181	2.17	$111.58	$44.07	$22.32
12013	T	Repair superficial wound(s)	181	2.17	$111.58	$44.07	$22.32
12014	T	Repair superficial wound(s)	181	2.17	$111.58	$44.07	$22.32
12015	T	Repair superficial wound(s)	181	2.17	$111.58	$44.07	$22.32
12016	T	Repair superficial wound(s)	181	2.17	$111.58	$44.07	$22.32
12017	T	Repair superficial wound(s)	181	2.17	$111.58	$44.07	$22.32
12018	T	Repair superficial wound(s)	181	2.17	$111.58	$44.07	$22.32
12020	T	Closure of split wound	181	2.17	$111.58	$44.07	$22.32
12021	T	Closure of split wound	181	2.17	$111.58	$44.07	$22.32
12031	T	Layer closure of wound(s)	181	2.17	$111.58	$44.07	$22.32
12032	T	Layer closure of wound(s)	181	2.17	$111.58	$44.07	$22.32
12034	T	Layer closure of wound(s)	181	2.17	$111.58	$44.07	$22.32
12035	T	Layer closure of wound(s)	181	2.17	$111.58	$44.07	$22.32

[1] This APC assignment will not apply to services furnished under a partial hospitalization program. Instead, services furnished as part of a partial hospitalization program are paid on a per-diem basis via APC 020.

[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
12036	T	Layer closure of wound(s)	181	2.17	$111.58	$44.07	$22.32
12037	T	Layer closure of wound(s)	183	11.04	$567.68	$283.18	$113.54
12041	T	Layer closure of wound(s)	181	2.17	$111.58	$44.07	$22.32
12042	T	Layer closure of wound(s)	181	2.17	$111.58	$44.07	$22.32
12044	T	Layer closure of wound(s)	181	2.17	$111.58	$44.07	$22.32
12045	T	Layer closure of wound(s)	181	2.17	$111.58	$44.07	$22.32
12046	T	Layer closure of wound(s)	181	2.17	$111.58	$44.07	$22.32
12047	T	Layer closure of wound(s)	183	11.04	$567.68	$283.18	$113.54
12051	T	Layer closure of wound(s)	181	2.17	$111.58	$44.07	$22.32
12052	T	Layer closure of wound(s)	181	2.17	$111.58	$44.07	$22.32
12053	T	Layer closure of wound(s)	181	2.17	$111.58	$44.07	$22.32
12054	T	Layer closure of wound(s)	181	2.17	$111.58	$44.07	$22.32
12055	T	Layer closure of wound(s)	181	2.17	$111.58	$44.07	$22.32
12056	T	Layer closure of wound(s)	181	2.17	$111.58	$44.07	$22.32
12057	T	Layer closure of wound(s)	183	11.04	$567.68	$283.18	$113.54
13100	T	Repair of wound or lesion	182	4.11	$211.34	$92.43	$42.27
13101	T	Repair of wound or lesion	182	4.11	$211.34	$92.43	$42.27
13120	T	Repair of wound or lesion	182	4.11	$211.34	$92.43	$42.27
13121	T	Repair of wound or lesion	182	4.11	$211.34	$92.43	$42.27
13131	T	Repair of wound or lesion	182	4.11	$211.34	$92.43	$42.27
13132	T	Repair of wound or lesion	182	4.11	$211.34	$92.43	$42.27
13150	T	Repair of wound or lesion	182	4.11	$211.34	$92.43	$42.27
13151	T	Repair of wound or lesion	182	4.11	$211.34	$92.43	$42.27
13152	T	Repair of wound or lesion	182	4.11	$211.34	$92.43	$42.27
13160	T	Late closure of wound	182	4.11	$211.34	$92.43	$42.27
13300	T	Repair of wound or lesion	182	4.11	$211.34	$92.43	$42.27
14000	T	Skin tissue rearrangement	183	11.04	$567.68	$283.18	$113.54
14001	T	Skin tissue rearrangement	183	11.04	$567.68	$283.18	$113.54
14020	T	Skin tissue rearrangement	183	11.04	$567.68	$283.18	$113.54
14021	T	Skin tissue rearrangement	183	11.04	$567.68	$283.18	$113.54
14040	T	Skin tissue rearrangement	183	11.04	$567.68	$283.18	$113.54
14041	T	Skin tissue rearrangement	183	11.04	$567.68	$283.18	$113.54
14060	T	Skin tissue rearrangement	183	11.04	$567.68	$283.18	$113.54
14061	T	Skin tissue rearrangement	183	11.04	$567.68	$283.18	$113.54
14300	T	Skin tissue rearrangement	183	11.04	$567.68	$283.18	$113.54
14350	T	Skin tissue rearrangement	183	11.04	$567.68	$283.18	$113.54
15000	T	Skin graft	183	11.04	$567.68	$283.18	$113.54
15050	T	Skin pinch graft	183	11.04	$567.68	$283.18	$113.54
15100	T	Skin split graft	183	11.04	$567.68	$283.18	$113.54
15101	T	Skin split graft add-on	183	11.04	$567.68	$283.18	$113.54
15120	T	Skin split graft	183	11.04	$567.68	$283.18	$113.54
15121	T	Skin split graft add-on	183	11.04	$567.68	$283.18	$113.54
15200	T	Skin full graft	183	11.04	$567.68	$283.18	$113.54
15201	T	Skin full graft add-on	183	11.04	$567.68	$283.18	$113.54
15220	T	Skin full graft	183	11.04	$567.68	$283.18	$113.54
15221	T	Skin full graft add-on	183	11.04	$567.68	$283.18	$113.54
15240	T	Skin full graft	183	11.04	$567.68	$283.18	$113.54
15241	T	Skin full graft add-on	183	11.04	$567.68	$283.18	$113.54
15260	T	Skin full graft	183	11.04	$567.68	$283.18	$113.54
15261	T	Skin full graft add-on	183	11.04	$567.68	$283.18	$113.54
15350	T	Skin homograft	183	11.04	$567.68	$283.18	$113.54
15400	T	Skin heterograft	183	11.04	$567.68	$283.18	$113.54
15570	T	Form skin pedicle flap	183	11.04	$567.68	$283.18	$113.54
15572	T	Form skin pedicle flap	183	11.04	$567.68	$283.18	$113.54
15574	T	Form skin pedicle flap	183	11.04	$567.68	$283.18	$113.54
15576	T	Form skin pedicle flap	183	11.04	$567.68	$283.18	$113.54
15580	T	Attach skin pedicle graft	183	11.04	$567.68	$283.18	$113.54
15600	T	Skin graft	183	11.04	$567.68	$283.18	$113.54
15610	T	Skin graft	183	11.04	$567.68	$283.18	$113.54
15620	T	Skin graft	183	11.04	$567.68	$283.18	$113.54
15625	T	Skin graft	183	11.04	$567.68	$283.18	$113.54
15630	T	Skin graft	183	11.04	$567.68	$283.18	$113.54
15650	T	Transfer skin pedicle flap	183	11.04	$567.68	$283.18	$113.54
15732	T	Muscle-skin graft, head/neck	184	14.85	$763.59	$397.99	$152.72
15734	T	Muscle-skin graft, trunk	184	14.85	$763.59	$397.99	$152.72
15736	T	Muscle-skin graft, arm	184	14.85	$763.59	$397.99	$152.72
15738	T	Muscle-skin graft, leg	184	14.85	$763.59	$397.99	$152.72
15740	T	Island pedicle flap graft	184	14.85	$763.59	$397.99	$152.72
15750	T	Neurovascular pedicle graft	184	14.85	$763.59	$397.99	$152.72
[2] 15755	C	Microvascular flap graft					
15756	C	Free muscle flap, microvasc					
15757	C	Free skin flap, microvasc					
15758	C	Free fascial flap, microvasc					
15760	T	Composite skin graft	184	14.85	$763.59	$397.99	$152.72
15770	T	Derma-fat-fascia graft	184	14.85	$763.59	$397.99	$152.72

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[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
15775	T	Hair transplant punch grafts	183	11.04	$567.68	$283.18	$113.54
15776	T	Hair transplant punch grafts	183	11.04	$567.68	$283.18	$113.54
15780	T	Abrasion treatment of skin	163	10.48	$538.88	$260.80	$107.78
15781	T	Abrasion treatment of skin	163	10.48	$538.88	$260.80	$107.78
15782	T	Abrasion treatment of skin	163	10.48	$538.88	$260.80	$107.78
15783	T	Abrasion treatment of skin	151	1.63	$83.81	$33.22	$16.76
15786	T	Abrasion, lesion, single	151	1.63	$83.81	$33.22	$16.76
15787	T	Abrasion, lesions, add-on	151	1.63	$83.81	$33.22	$16.76
15788	T	Chemical peel, face, epiderm	151	1.63	$83.81	$33.22	$16.76
15789	T	Chemical peel, face, dermal	151	1.63	$83.81	$33.22	$16.76
15792	T	Chemical peel, nonfacial	151	1.63	$83.81	$33.22	$16.76
15793	T	Chemical peel, nonfacial	151	1.63	$83.81	$33.22	$16.76
15810	T	Salabrasion	151	1.63	$83.81	$33.22	$16.76
15811	T	Salabrasion	163	10.48	$538.88	$260.80	$107.78
15819	T	Plastic surgery, neck	183	11.04	$567.68	$283.18	$113.54
15820	T	Revision of lower eyelid	183	11.04	$567.68	$283.18	$113.54
15821	T	Revision of lower eyelid	183	11.04	$567.68	$283.18	$113.54
15822	T	Revision of upper eyelid	183	11.04	$567.68	$283.18	$113.54
15823	T	Revision of upper eyelid	183	11.04	$567.68	$283.18	$113.54
15824	T	Removal of forehead wrinkles	184	14.85	$763.59	$397.99	$152.72
15825	T	Removal of neck wrinkles	183	11.04	$567.68	$283.18	$113.54
15826	T	Removal of brow wrinkles	184	14.85	$763.59	$397.99	$152.72
15828	T	Removal of face wrinkles	184	14.85	$763.59	$397.99	$152.72
15829	T	Removal of skin wrinkles	183	11.04	$567.68	$283.18	$113.54
15831	T	Excise excessive skin tissue	184	14.85	$763.59	$397.99	$152.72
15832	T	Excise excessive skin tissue	184	14.85	$763.59	$397.99	$152.72
15833	T	Excise excessive skin tissue	184	14.85	$763.59	$397.99	$152.72
15834	T	Excise excessive skin tissue	184	14.85	$763.59	$397.99	$152.72
15835	T	Excise excessive skin tissue	183	11.04	$567.68	$283.18	$113.54
15836	T	Excise excessive skin tissue	184	14.85	$763.59	$397.99	$152.72
15837	T	Excise excessive skin tissue	184	14.85	$763.59	$397.99	$152.72
15838	T	Excise excessive skin tissue	163	10.48	$538.88	$260.80	$107.78
15839	T	Excise excessive skin tissue	184	14.85	$763.59	$397.99	$152.72
15840	T	Graft for face nerve palsy	184	14.85	$763.59	$397.99	$152.72
15841	T	Graft for face nerve palsy	184	14.85	$763.59	$397.99	$152.72
15842	T	Graft for face nerve palsy	184	14.85	$763.59	$397.99	$152.72
15845	T	Skin and muscle repair, face	184	14.85	$763.59	$397.99	$152.72
15850	T	Removal of sutures	151	1.63	$83.81	$33.22	$16.76
15851	T	Removal of sutures	151	1.63	$83.81	$33.22	$16.76
15852	T	Dressing change,not for burn	151	1.63	$83.81	$33.22	$16.76
15860	N	Test for blood flow in graft					
15876	T	Suction assisted lipectomy	184	14.85	$763.59	$397.99	$152.72
15877	T	Suction assisted lipectomy	184	14.85	$763.59	$397.99	$152.72
15878	T	Suction assisted lipectomy	184	14.85	$763.59	$397.99	$152.72
15879	T	Suction assisted lipectomy	184	14.85	$763.59	$397.99	$152.72
15920	T	Removal of tail bone ulcer	163	10.48	$538.88	$260.80	$107.78
15922	T	Removal of tail bone ulcer	184	14.85	$763.59	$397.99	$152.72
15931	T	Remove sacrum pressure sore	163	10.48	$538.88	$260.80	$107.78
15933	T	Remove sacrum pressure sore	163	10.48	$538.88	$260.80	$107.78
15934	T	Remove sacrum pressure sore	184	14.85	$763.59	$397.99	$152.72
15935	T	Remove sacrum pressure sore	184	14.85	$763.59	$397.99	$152.72
15936	T	Remove sacrum pressure sore	184	14.85	$763.59	$397.99	$152.72
15937	T	Remove sacrum pressure sore	184	14.85	$763.59	$397.99	$152.72
15940	T	Removal of pressure sore	163	10.48	$538.88	$260.80	$107.78
15941	T	Removal of pressure sore	163	10.48	$538.88	$260.80	$107.78
15944	T	Removal of pressure sore	184	14.85	$763.59	$397.99	$152.72
15945	T	Removal of pressure sore	184	14.85	$763.59	$397.99	$152.72
15946	T	Removal of pressure sore	184	14.85	$763.59	$397.99	$152.72
15950	T	Remove thigh pressure sore	163	10.48	$538.88	$260.80	$107.78
15951	T	Remove thigh pressure sore	163	10.48	$538.88	$260.80	$107.78
15952	T	Remove thigh pressure sore	184	14.85	$763.59	$397.99	$152.72
15953	T	Remove thigh pressure sore	184	14.85	$763.59	$397.99	$152.72
15956	T	Remove thigh pressure sore	184	14.85	$763.59	$397.99	$152.72
15958	T	Remove thigh pressure sore	184	14.85	$763.59	$397.99	$152.72
15999	T	Removal of pressure sore	163	10.48	$538.88	$260.80	$107.78
16000	T	Initial treatment of burn(s)	151	1.63	$83.81	$33.22	$16.76
16010	T	Treatment of burn(s)	152	10.07	$517.80	$251.54	$103.56
16015	T	Treatment of burn(s)	152	10.07	$517.80	$251.54	$103.56
16020	T	Treatment of burn(s)	151	1.63	$83.81	$33.22	$16.76
16025	T	Treatment of burn(s)	151	1.63	$83.81	$33.22	$16.76
16030	T	Treatment of burn(s)	151	1.63	$83.81	$33.22	$16.76
16035	T	Incision of burn scab	162	5.59	$287.44	$125.66	$57.49
[2] 16040	T	Burn wound excision	162	5.59	$287.44	$125.66	$57.49
[2] 16041	T	Burn wound excision	162	5.59	$287.44	$125.66	$57.49
[2] 16042	T	Burn wound excision	162	5.59	$287.44	$125.66	$57.49

[1] This APC assignment will not apply to services furnished under a partial hospitalization program. Instead, services furnished as part of a partial hospitalization program are paid on a per-diem basis via APC 020.

[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
17000	T	Destroy benign/premal lesion	141	0.52	$26.74	$9.49	$5.35
[2] 17001	T	Destruction of add'l lesions	141	0.52	$26.74	$9.49	$5.35
[2] 17002	T	Destruction of add'l lesions	141	0.52	$26.74	$9.49	$5.35
17003	T	Destroy 2-14 lesions	141	0.52	$26.74	$9.49	$5.35
17004	T	Destroy 15 & more lesions	142	2.94	$151.17	$54.24	$30.24
[2] 17100	T	Destruction of skin lesion	141	0.52	$26.74	$9.49	$5.35
[2] 17101	T	Destruction of 2nd lesion	141	0.52	$26.74	$9.49	$5.35
[2] 17102	T	Destruction of add'l lesions	141	0.52	$26.74	$9.49	$5.35
[2] 17104	T	Destruction of skin lesions	142	2.94	$151.17	$54.24	$30.24
[2] 17105	T	Destruction of skin lesions	142	2.94	$151.17	$54.24	$30.24
17106	T	Destruction of skin lesions	141	0.52	$26.74	$9.49	$5.35
17107	T	Destruction of skin lesions	142	2.94	$151.17	$54.24	$30.24
17108	T	Destruction of skin lesions	142	2.94	$151.17	$54.24	$30.24
17110	T	Destruct lesion, 1-14	141	0.52	$26.74	$9.49	$5.35
17111	T	Destruct lesion, 15 or more	142	2.94	$151.17	$54.24	$30.24
[2] 17200	T	Electrocautery of skin tags	151	1.63	$83.81	$33.22	$16.76
[2] 17201	T	Electrocautery added lesions	151	1.63	$83.81	$33.22	$16.76
17250	T	Chemical cautery, tissue	151	1.63	$83.81	$33.22	$16.76
17260	T	Destruction of skin lesions	151	1.63	$83.81	$33.22	$16.76
17261	T	Destruction of skin lesions	151	1.63	$83.81	$33.22	$16.76
17262	T	Destruction of skin lesions	151	1.63	$83.81	$33.22	$16.76
17263	T	Destruction of skin lesions	151	1.63	$83.81	$33.22	$16.76
17264	T	Destruction of skin lesions	151	1.63	$83.81	$33.22	$16.76
17266	T	Destruction of skin lesions	151	1.63	$83.81	$33.22	$16.76
17270	T	Destruction of skin lesions	151	1.63	$83.81	$33.22	$16.76
17271	T	Destruction of skin lesions	151	1.63	$83.81	$33.22	$16.76
17272	T	Destruction of skin lesions	151	1.63	$83.81	$33.22	$16.76
17273	T	Destruction of skin lesions	151	1.63	$83.81	$33.22	$16.76
17274	T	Destruction of skin lesions	151	1.63	$83.81	$33.22	$16.76
17276	T	Destruction of skin lesions	151	1.63	$83 81	$33.22	$16.76
17280	T	Destruction of skin lesions	151	1.63	$83.81	$33.22	$16.76
17281	T	Destruction of skin lesions	151	1.63	$83.81	$33.22	$16.76
17282	T	Destruction of skin lesions	151	1.63	$83.81	$33.22	$16.76
17283	T	Destruction of skin lesions	151	1.63	$83.81	$33.22	$16.76
17284	T	Destruction of skin lesions	151	1.63	$83.81	$33.22	$16.76
17286	T	Destruction of skin lesions	151	1.63	$83.81	$33.22	$16.76
17304	T	Chemosurgery of skin lesion	162	5.59	$287.44	$125.66	$57.49
17305	T	2nd stage chemosurgery	162	5.59	$287.44	$125.66	$57 49
17306	T	3rd stage chemosurgery	162	5.59	$287.44	$125.66	$57.49
17307	T	Followup skin lesion therapy	162	5.59	$287.44	$125.66	$57.49
17310	T	Extensive skin chemosurgery	162	5.59	$287.44	$125.66	$57.49
17340	T	Cryotherapy of skin	151	1.63	$83.81	$33.22	$16.76
17360	T	Skin peel therapy	151	1.63	$83.81	$33.22	$16.76
17380	T	Hair removal by electrolysis	151	1.63	$83.81	$33.22	$16.76
17999	T	Skin tissue procedure	121	0.63	$32.39	$21.02	$6.48
19000	T	Drainage of breast lesion	121	0.63	$32.39	$21.02	$6.48
19001	T	Drain breast lesion add-on	121	0.63	$32.39	$21.02	$6.48
19020	T	Incision of breast lesion	132	5.63	$289.49	$132.89	$57.90
19030	T	Injection for breast x-ray	347	2.57	$132.15	$62.38	$26.43
19100	T	Biopsy of breast	122	4.59	$236.02	$113.00	$47.20
19101	T	Biopsy of breast	197	11.94	$613.95	$308.26	$122.79
19110	T	Nipple exploration	197	11.94	$613.95	$308.26	$122.79
19112	T	Excise breast duct fistula	197	11.94	$613.95	$308.26	$122.79
19120	T	Removal of breast lesion	197	11.94	$613.95	$308.26	$122.79
19125	T	Excision, breast lesion	197	11.94	$613.95	$308.26	$122.79
19126	T	Excision,add'l breast lesion	197	11.94	$613.95	$308.26	$122.79
19140	T	Removal of breast tissue	197	11.94	$613.95	$308.26	$122.79
19160	T	Removal of breast tissue	198	18.63	$957.95	$523.42	$191.59
19162	T	Remove breast tissue, nodes	198	18.63	$957.95	$523.42	$191.59
19180	T	Removal of breast	198	18.63	$957.95	$523.42	$191.59
19182	T	Removal of breast	198	18 63	$957.95	$523.42	$191.59
19200	C	Removal of breast					
19220	C	Removal of breast					
19240	C	Removal of breast					
19260	C	Removal of chest wall lesion					
19271	C	Revision of chest wall					
19272	C	Extensive chest wall surgery					
19290	T	Place needle wire, breast	197	11.94	$613.95	$308.26	$122.79
19291	T	Place needle wire, breast	197	11.94	$613.95	$308.26	$122.79
19316	T	Suspension of breast	198	18.63	$957 95	$523.42	$191.59
19318	T	Reduction of large breast	198	18.63	$957.95	$523.42	$191.59
19324	T	Enlarge breast	198	18.63	$957.95	$523.42	$191.59
19325	T	Enlarge breast with implant	198	18.63	$957.95	$523.42	$191.59
19328	T	Removal of breast implant	198	18.63	$957.95	$523.42	$191.59
19330	T	Removal of implant material	198	18.63	$957.95	$523.42	$191.59

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[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
19340	T	Immediate breast prosthesis	198	18.63	$957.95	$523.42	$191.59
19342	T	Delayed breast prosthesis	198	18.63	$957.95	$523.42	$191.59
19350	T	Breast reconstruction	198	18.63	$957.95	$523.42	$191.59
19355	T	Correct inverted nipple(s)	198	18.63	$957.95	$523.42	$191.59
19357	T	Breast reconstruction	198	18.63	$957.95	$523.42	$191.59
19361	C	Breast reconstruction					
19364	C	Breast reconstruction					
19366	T	Breast reconstruction	198	18.63	$957.95	$523.42	$191.59
19367	C	Breast reconstruction					
19368	C	Breast reconstruction					
19369	C	Breast reconstruction					
19370	T	Surgery of breast capsule	198	18.63	$957.95	$523.42	$191.59
19371	T	Removal of breast capsule	198	18.63	$957.95	$523.42	$191.59
19380	T	Revise breast reconstruction	198	18.63	$957.95	$523.42	$191.59
19396	T	Design custom breast implant	197	11.94	$613.95	$308.26	$122.79
19499	T	Breast surgery procedure	197	11.94	$613.95	$308.26	$122.79
20000	T	Incision of abscess	131	1.93	$99.24	$36.61	$19.85
20005	T	Incision of deep abscess	251	13.88	$713 71	$365.89	$142.74
20100	C	Explore wound, neck					
20101	C	Explore wound, chest					
20102	C	Explore wound, abdomen					
20103	C	Explore wound, extremity					
20150	C	Excise epiphyseal bar					
20200	T	Muscle biopsy	162	5.59	$287.44	$125.66	$57.49
20205	T	Deep muscle biopsy	162	5.59	$287.44	$125.66	$57.49
20206	T	Needle biopsy, muscle	122	4.59	$236.02	$113.00	$47.20
20220	T	Bone biopsy, trocar/needle	162	5.59	$287.44	$125.66	$57.49
20225	T	Bone biopsy, trocar/needle	162	5.59	$287.44	$125.66	$57.49
20240	T	Bone biopsy, excisional	163	10.48	$538.88	$260.80	$107.78
20245	T	Bone biopsy, excisional	163	10.48	$538.88	$260.80	$107.78
20250	T	Open bone biopsy	251	13.88	$713.71	$365.89	$142.74
20251	T	Open bone biopsy	251	13.88	$713.71	$365.89	$142.74
20500	T	Injection of sinus tract	181	2.17	$111.58	$44.07	$22.32
20501	T	Inject sinus tract for x-ray	347	2.57	$132.15	$62.38	$26.43
20520	T	Removal of foreign body	161	3.43	$176.37	$75.71	$35.27
20525	T	Removal of foreign body	163	10.48	$538.88	$260.80	$107.78
20550	T	Inj tendon/ligament/cyst	200	1.76	$90.50	$39.10	$18.10
20600	T	Drain/inject joint/bursa	200	1.76	$90.50	$39.10	$18.10
20605	T	Drain/inject joint/bursa	200	1.76	$90.50	$39.10	$18.10
20610	T	Drain/inject joint/bursa	200	1.76	$90.50	$39.10	$18.10
20615	T	Treatment of bone cyst	121	0.63	$32.39	$21.02	$6.48
20650	T	Insert and remove bone pin	251	13.88	$713.71	$365.89	$142.74
20660	C	Apply,remove fixation device					
20661	C	Application of head brace					
20662	C	Application of pelvis brace					
20663	C	Application of thigh brace					
20664	C	Halo brace application					
20665	N	Removal of fixation device					
20670	T	Removal of support implant	162	5.59	$287.44	$125.66	$57.49
20680	T	Removal of support implant	163	10.48	$538.88	$260.80	$107.78
20690	T	Apply bone fixation device	252	19.24	$989.32	$512.34	$197.86
20692	T	Apply bone fixation device	252	19.24	$989.32	$512.34	$197.86
20693	T	Adjust bone fixation device	251	13.88	$713.71	$365.89	$142.74
20694	T	Remove bone fixation device	251	13.88	$713.71	$365.89	$142.74
20802	C	Replantation, arm, complete					
20805	C	Replant forearm, complete					
20808	C	Replantation, hand, complete					
20816	C	Replantation digit, complete					
20822	C	Replantation digit, complete					
20824	C	Replantation thumb, complete					
20827	C	Replantation thumb, complete					
20838	C	Replantation, foot, complete					
20900	T	Removal of bone for graft	252	19.24	$989.32	$512.34	$197.86
20902	T	Removal of bone for graft	252	19.24	$989.32	$512.34	$197.86
20910	T	Remove cartilage for graft	183	11.04	$567.68	$283.18	$113.54
20912	T	Remove cartilage for graft	183	11.04	$567.68	$283.18	$113.54
20920	T	Removal of fascia for graft	183	11.04	$567.68	$283.18	$113.54
20922	T	Removal of fascia for graft	183	11.04	$567.68	$283.18	$113.54
20924	T	Removal of tendon for graft	252	19.24	$989.32	$512.34	$197.86
20926	T	Removal of tissue for graft	183	11.04	$567.68	$283.18	$113.54
20930	C	Spinal bone allograft					
20931	C	Spinal bone allograft					
20936	C	Spinal bone autograft					
20937	C	Spinal bone autograft					
20938	C	Spinal bone autograft					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
20950	T	Record fluid pressure,muscle	132	5.63	$289.49	$132.89	$57.90
20955	C	Fibula bone graft, microvasc					
20956	C	Iliac bone graft, microvasc					
20957	C	Mt bone graft, microvasc					
[2] 20960	C	Microvascular rib graft					
20962	C	Other bone graft, microvasc					
20969	C	Bone/skin graft, microvasc					
20970	C	Bone/skin graft. iliac crest					
[2] 20971	C	Bone-skin graft, rib					
20972	C	Bone-skin graft, metatarsal					
20973	C	Bone-skin graft, great toe					
20974	A	Electrical bone stimulation					
20975	T	Electrical bone stimulation	251	13.88	$713.71	$365.89	$142.74
20999	N	Musculoskeletal surgery					
21010	T	Incision of jaw joint	232	23.82	$1,224.82	$636.87	$244.96
21015	T	Resection of facial tumor	231	11.31	$581.56	$286.79	$116.31
21025	T	Excision of bone, lower jaw	231	11.31	$581.56	$286.79	$116.31
21026	T	Excision of facial bone(s)	231	11.31	$581.56	$286.79	$116.31
21029	T	Contour of face bone lesion	231	11.31	$581.56	$286.79	$116.31
21030	T	Removal of face bone lesion	231	11.31	$581.56	$286.79	$116.31
21031	T	Remove exostosis, mandible	231	11.31	$581.56	$286.79	$116.31
21032	T	Remove exostosis, maxilla	231	11.31	$581.56	$286.79	$116.31
21034	T	Removal of face bone lesion	232	23.82	$1,224.82	$636.87	$244.96
21040	T	Removal of jaw bone lesion	231	11.31	$581.56	$286.79	$116.31
21041	T	Removal of jaw bone lesion	231	11.31	$581.56	$286.79	$116.31
21044	T	Removal of jaw bone lesion	232	23.82	$1,224.82	$636.87	$244.96
21045	C	Extensive jaw surgery					
21050	T	Removal of jaw joint	232	23.82	$1,224.82	$636.87	$244.96
21060	T	Remove jaw joint cartilage	232	23.82	$1,224.82	$636.87	$244.96
21070	T	Remove coronoid process	232	23.82	$1,224.82	$636.87	$244.96
21076	T	Prepare face/oral prosthesis	226	1.56	$80.22	$21.92	$16.04
21077	T	Prepare face/oral prosthesis	226	1.56	$80.22	$21.92	$16.04
21079	T	Prepare face/oral prosthesis	226	1.56	$80.22	$21.92	$16.04
21080	T	Prepare face/oral prosthesis	226	1.56	$80.22	$21.92	$16.04
21081	T	Prepare face/oral prosthesis	226	1.56	$80.22	$21.92	$16.04
21082	T	Prepare face/oral prosthesis	226	1.56	$80.22	$21.92	$16.04
21083	T	Prepare face/oral prosthesis	226	1.56	$80.22	$21.92	$16.04
21084	T	Prepare face/oral prosthesis	226	1.56	$80.22	$21.92	$16.04
21085	N	Prepare face/oral prosthesis					
21086	T	Prepare face/oral prosthesis	226	1.56	$80.22	$21.92	$16.04
21087	T	Prepare face/oral prosthesis	226	1.56	$80.22	$21.92	$16.04
21088	T	Prepare face/oral prosthesis	226	1.56	$80.22	$21.92	$16.04
21089	T	Prepare face/oral prosthesis	226	1.56	$80.22	$21.92	$16.04
21100	T	Maxillofacial fixation	231	11.31	$581.56	$286.79	$116.31
21110	T	Interdental fixation	231	11.31	$581.56	$286.79	$116.31
21116	T	Injection, jaw joint x-ray	347	2.57	$132.15	$62.38	$26.43
21120	T	Reconstruction of chin	231	11.31	$581.56	$286.79	$116.31
21121	T	Reconstruction ot chin	232	23.82	$1,224.82	$636.87	$244.96
21122	T	Reconstruction of chin	232	23.82	$1,224.82	$636.87	$244.96
21123	T	Reconstruction of chin	232	23.82	$1,224.82	$636.87	$244.96
21125	T	Augmentation lower jaw bone	231	11.31	$581.56	$286.79	$116.31
21127	T	Augmentation lower jaw bone	232	23.82	$1,224.82	$636.87	$244.96
21137	C	Reduction of forehead					
21138	C	Reduction of forehead					
21139	C	Reduction of forehead					
21141	C	Reconstruct midface, lefort					
21142	C	Reconstruct midface, lefort					
21143	C	Reconstruct midface, lefort					
21145	C	Reconstruct midface, lefort					
21146	C	Reconstruct midface, lefort					
21147	C	Reconstruct midface, lefort					
21150	C	Reconstruct midface, lefort					
21151	C	Reconstruct midface, lefort					
21154	C	Reconstruct midface, lefort					
21155	C	Reconstruct midface, lefort					
21159	C	Reconstruct midface, lefort					
21160	C	Reconstruct midface, lefort					
21172	C	Reconstruct orbit/forehead					
21175	C	Reconstruct orbit/forehead					
21179	C	Reconstruct entire forehead					
21180	C	Reconstruct entire forehead					
21181	T	Contour cranial bone lesion	232	23.82	$1,224.82	$636.87	$244.96
21182	C	Reconstruct cranial bone					
21183	C	Reconstruct cranial bone					
21184	C	Reconstruct cranial bone					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
21188	C	Reconstruction of midface					
21193	C	Reconstruct lower jaw bone					
21194	C	Reconstruct lower jaw bone					
21195	C	Reconstruct lower jaw bone					
21196	C	Reconstruct lower jaw bone					
21198	C	Reconstruct lower jaw bone					
21206	T	Reconstruct upper jaw bone	232	23.82	$1,224.82	$636.87	$244.96
21208	T	Augmentation of facial bones	232	23.82	$1,224.82	$636.87	$244.96
21209	T	Reduction of facial bones	232	23.82	$1,224.82	$636.87	$244.96
21210	T	Face bone graft	232	23.82	$1,224.82	$636.87	$244.96
21215	T	Lower jaw bone graft	232	23.82	$1,224.82	$636.87	$244.96
21230	T	Rib cartilage graft	232	23.82	$1,224.82	$636.87	$244.96
21235	T	Ear cartilage graft	232	23.82	$1,224.82	$636.87	$244.96
21240	T	Reconstruction of jaw joint	232	23.82	$1,224.82	$636.87	$244.96
21242	T	Reconstruction of jaw joint	232	23.82	$1,224.82	$636.87	$244.96
21243	T	Reconstruction of jaw joint	218	27.80	$1,429.48	$720.71	$285.90
21244	T	Reconstruction of lower jaw	232	23.82	$1,224.82	$636.87	$244.96
21245	T	Reconstruction of jaw	232	23.82	$1,224.82	$636.87	$244.96
21246	T	Reconstruction of jaw	232	23.82	$1,224.82	$636.87	$244.96
21247	C	Reconstruct lower jaw bone					
21248	T	Reconstruction of jaw	232	23.82	$1,224.82	$636.87	$244.96
21249	T	Reconstruction of jaw	232	23.82	$1,224.82	$636.87	$244.96
21255	C	Reconstruct lower jaw bone					
21256	C	Reconstruction of orbit					
21260	T	Revise eye sockets	232	23.82	$1,224.82	$636.87	$244.96
21261	C	Revise eye sockets					
21263	C	Revise eye sockets					
21267	T	Revise eye sockets	232	23.82	$1,224.82	$636.87	$244.96
21268	C	Revise eye sockets					
21270	T	Augmentation cheek bone	232	23.82	$1,224.82	$636.87	$244.96
21275	T	Revision orbitofacial bones	232	23.82	$1,224.82	$636.87	$244.96
21280	T	Revision of eyelid	231	11.31	$581.56	$286.79	$116.31
21282	T	Revision of eyelid	231	11.31	$581.56	$286.79	$116.31
21295	T	Revision of jaw muscle/bone	231	11.31	$581.56	$286.79	$116.31
21296	T	Revision of jaw muscle/bone	231	11.31	$581.56	$286.79	$116.31
21299	T	Cranio/maxillofacial surgery	231	11.31	$581.56	$286.79	$116.31
21300	T	Treatment of skull fracture	231	11.31	$581.56	$286.79	$116.31
21310	T	Treatment of nose fracture	231	11.31	$581.56	$286.79	$116.31
21315	T	Treatment of nose fracture	231	11.31	$581.56	$286.79	$116.31
21320	T	Treatment of nose fracture	231	11.31	$581.56	$286.79	$116.31
21325	T	Repair of nose fracture	231	11.31	$581.56	$286.79	$116.31
21330	T	Repair of nose fracture	232	23.82	$1,224.82	$636.87	$244.96
21335	T	Repair of nose fracture	232	23.82	$1,224.82	$636.87	$244.96
21336	T	Repair nasal septal fracture	216	20.09	$1,033.03	$524.09	$206.61
21337	T	Repair nasal septal fracture	231	11.31	$581.56	$286.79	$116.31
21338	T	Repair nasoethmoid fracture	232	23.82	$1,224.82	$636.87	$244.96
21339	T	Repair nasoethmoid fracture	232	23.82	$1,224.82	$636.87	$244.96
21340	T	Repair of nose fracture	232	23.82	$1,224.82	$636.87	$244.96
21343	T	Repair of sinus fracture	232	23.82	$1,224.82	$636.87	$244.96
21344	C	Repair of sinus fracture					
21345	T	Repair of nose/jaw fracture	232	23.82	$1,224.82	$636.87	$244.96
21346	C	Repair of nose/jaw fracture					
21347	C	Repair of nose/jaw fracture					
21348	C	Repair of nose/jaw fracture					
21355	T	Repair cheek bone fracture	231	11.31	$581.56	$286 79	$116.31
21356	C	Repair cheek bone fracture					
21360	C	Repair cheek bone fracture					
21365	C	Repair cheek bone fracture					
21366	C	Repair cheek bone fracture					
21385	C	Repair eye socket fracture					
21386	C	Repair eye socket fracture					
21387	C	Repair eye socket fracture					
21390	C	Repair eye socket fracture					
21395	C	Repair eye socket fracture					
21400	T	Treat eye socket fracture	231	11.31	$581.56	$286.79	$116.31
21401	T	Repair eye socket fracture	231	11.31	$581.56	$286.79	$116.31
21406	C	Repair eye socket fracture					
21407	C	Repair eye socket fracture					
21408	C	Repair eye socket fracture					
21421	T	Treat mouth roof fracture	232	23.82	$1,224.82	$636.87	$244.96
21422	C	Repair mouth roof fracture					
21423	C	Repair mouth roof fracture					
21431	C	Treat craniofacial fracture					
21432	C	Repair craniofacial fracture					
21433	C	Repair craniofacial fracture					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
21435	C	Repair craniofacial fracture					
21436	C	Repair craniofacial fracture					
21440	T	Repair dental ridge fracture	231	11.31	$581.56	$286.79	$116.31
21445	T	Repair dental ridge fracture	232	23.82	$1,224.82	$636.87	$244.96
21450	T	Treat lower jaw fracture	232	23.82	$1,224.82	$636.87	$244.96
21451	T	Treat lower jaw fracture	231	11.31	$581.56	$286.79	$116.31
21452	T	Treat lower jaw fracture	232	23.82	$1,224.82	$636.87	$244.96
21453	T	Treat lower jaw fracture	232	23.82	$1,224.82	$636.87	$244.96
21454	T	Treat lower jaw fracture	232	23.82	$1,224.82	$636.87	$244.96
21461	T	Repair lower jaw fracture	232	23.82	$1,224.82	$636.87	$244.96
21462	T	Repair lower jaw fracture	232	23.82	$1,224.82	$636.87	$244.96
21465	T	Repair lower jaw fracture	232	23.82	$1,224.82	$636.87	$244.96
21470	C	Repair lower jaw fracture					
21480	T	Reset dislocated jaw	231	11.31	$581.56	$286.79	$116.31
21485	T	Reset dislocated jaw	231	11.31	$581.56	$286.79	$116.31
21490	T	Repair dislocated jaw	232	23.82	$1,224.82	$636.87	$244.96
21493	T	Treat hyoid bone fracture	231	11.31	$581.56	$286.79	$116.31
21494	T	Repair hyoid bone fracture	231	11.31	$581.56	$286.79	$116.31
21495	C	Repair hyoid bone fracture					
21497	T	Interdental wiring	231	11.31	$581.56	$286.79	$116.31
21499	T	Head surgery procedure	231	11.31	$581.56	$286.79	$116.31
21501	T	Drain neck/chest lesion	132	5.63	$289.49	$132.89	$57.90
21502	T	Drain chest lesion	252	19.24	$989.32	$512.34	$197.86
21510	C	Drainage of bone lesion					
21550	T	Biopsy of neck/chest	161	3.43	$176.37	$75.71	$35.27
21555	T	Remove lesion neck/chest	163	10.48	$538.88	$260.80	$107.78
21556	T	Remove lesion neck/chest	163	10.48	$538.88	$260.80	$107.78
21557	C	Remove tumor, neck or chest					
21600	T	Partial removal of rib	252	19.24	$989.32	$512.34	$197.86
21610	T	Partial removal of rib	252	19.24	$989.32	$512.34	$197.86
21615	C	Removal of rib					
21616	C	Removal of rib and nerves					
21620	C	Partial removal of sternum					
21627	C	Sternal debridement					
21630	C	Extensive sternum surgery					
21632	C	Extensive sternum surgery					
21700	T	Revision of neck muscle	132	5.63	$289.49	$132.39	$57.90
21705	C	Revision of neck muscle/rib					
21720	T	Revision of neck muscle	132	5.63	$289.49	$132.89	$57.90
21725	T	Revision of neck muscle	132	5.63	$289.49	$132.89	$57.90
21740	C	Reconstruction of sternum					
21750	C	Repair of sternum separation					
21800	T	Treatment of rib fracture	207	1.70	$87.41	$32.32	$17.48
21805	T	Treatment of rib fracture	216	20.09	$1,033.03	$524.09	$206.61
21810	C	Treatment of rib fracture(s)					
21820	T	Treat sternum fracture	207	1.70	$87.41	$32.32	$17.48
21825	C	Repair sternum fracture					
21899	T	Neck/chest surgery procedure	207	1.70	$87.41	$32.32	$17.48
21920	T	Biopsy soft tissue of back	161	3.43	$176.37	$75.71	$35.27
21925	T	Biopsy soft tissue of back	163	10.48	$538.88	$260.80	$107.78
21930	T	Remove lesion, back or flank	163	10.48	$538.88	$260.80	$107.78
21935	T	Remove tumor of back	163	10.48	$538.88	$260.80	$107.78
22100	C	Remove part of neck vertebra					
22101	C	Remove part, thorax vertebra					
22102	C	Remove part, lumbar vertebra					
22103	C	Remove extra spine segment					
22110	C	Remove part of neck vertebra					
22112	C	Remove part, thorax vertebra					
22114	C	Remove part, lumbar vertebra					
22116	C	Remove extra spine segment					
22210	C	Revision of neck spine					
22212	C	Revision of thorax spine					
22214	C	Revision of lumbar spine					
22216	C	Revise, extra spine segment					
22220	C	Revision of neck spine					
22222	C	Revision of thorax spine					
22224	C	Revision of lumbar spine					
22226	C	Revise, extra spine segment					
22305	T	Treat spine process fracture	207	1.70	$87.41	$32.32	$17.48
22310	T	Treat spine fracture	207	1.70	$87.41	$32.32	$17.48
22315	T	Treat spine fracture	207	1.70	$87.41	$32.32	$17.48
22325	C	Repair of spine fracture					
22326	C	Repair neck spine fracture					
22327	C	Repair thorax spine fracture					
22328	C	Repair each add spine fx					

[1] This APC assignment will not apply to services furnished under a partial hospitalization program. Instead, services furnished as part of a partial hospitalization program are paid on a per-diem basis via APC 020.

[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
22505	T	Manipulation of spine	210	10.06	$517.29	$279.34	$103.46
22548	C	Neck spine fusion					
22554	C	Neck spine fusion					
22556	C	Thorax spine fusion					
22558	C	Lumbar spine fusion					
22585	C	Additional spinal fusion					
22590	C	Spine & skull spinal fusion					
22595	C	Neck spinal fusion					
22600	C	Neck spine fusion					
22610	C	Thorax spine fusion					
22612	C	Lumbar spine fusion					
22614	C	Spine fusion, extra segment					
22630	C	Lumbar spine fusion					
22632	C	Spine fusion, extra segment					
22800	C	Fusion of spine					
22802	C	Fusion of spine					
22804	C	Fusion of spine					
22808	C	Fusion of spine					
22810	C	Fusion of spine					
22812	C	Fusion of spine					
22818	C	Kyphectomy, 1-2 segments					
22819	C	Kyphectomy, 3 & more segment					
22830	C	Exploration of spinal fusion					
22840	C	Insert spine fixation device					
22841	C	Insert spine fixation device					
22842	C	Insert spine fixation device					
22843	C	Insert spine fixation device					
22844	C	Insert spine fixation device					
22845	C	Insert spine fixation device					
22846	C	Insert spine fixation device					
22847	C	Insert spine fixation device					
22848	C	Insert pelvic fixationdevice					
22849	C	Reinsert spinal fixation					
22850	C	Remove spine fixation device					
22851	C	Apply spine prosth device					
22852	C	Remove spine fixation device					
22855	C	Remove spine fixation device					
22899	T	Spine surgery procedure	207	1.70	$87.41	$32.32	$17.48
22900	T	Remove abdominal wall lesion	163	10.48	$538.88	$260.80	$107.78
22999	T	Abdomen surgery procedure	163	10.48	$538.88	$260.80	$107.78
23000	T	Removal of calcium deposits	162	5.59	$287.44	$125.66	$57.49
23020	T	Release shoulder joint	253	25.74	$1,323.55	$684.55	$264.71
23030	T	Drain shoulder lesion	132	5.63	$289.49	$132.89	$57.90
23031	T	Drain shoulder bursa	132	5.63	$289.49	$132.89	$57.90
23035	C	Drain shoulder bone lesion					
23040	T	Exploratory shoulder surgery	252	19.24	$989.32	$512.34	$197.86
23044	T	Exploratory shoulder surgery	252	19.24	$989.32	$512.34	$197.86
23065	T	Biopsy shoulder tissues	161	3.43	$176.37	$75.71	$35.27
23066	T	Biopsy shoulder tissues	163	10.48	$538.88	$260.80	$107.78
23075	T	Removal of shoulder lesion	162	5.59	$287.44	$125.66	$57.49
23076	T	Removal of shoulder lesion	163	10.48	$538.88	$260.80	$107.78
23077	T	Remove tumor of shoulder	163	10.48	$538.88	$260.80	$107.78
23100	T	Biopsy of shoulder joint	251	13.88	$713.71	$365.89	$142.74
23101	T	Shoulder joint surgery	252	19.24	$989.32	$512.34	$197.86
23105	T	Remove shoulder joint lining	252	19.24	$989.32	$512.34	$197.86
23106	T	Incision of collarbone joint	252	19.24	$989.32	$512.34	$197.86
23107	T	Explore,treat shoulder joint	252	19.24	$989.32	$512.34	$197.86
23120	T	Partial removal, collar bone	253	25.74	$1,323.55	$684.55	$264.71
23125	C	Removal of collarbone					
23130	T	Partial removal,shoulderbone	253	25.74	$1,323.55	$684.55	$264.71
23140	T	Removal of bone lesion	251	13.88	$713.71	$365.89	$142.74
23145	T	Removal of bone lesion	252	19.24	$989.32	$512.34	$197.86
23146	T	Removal of bone lesion	252	19.24	$989.32	$512.34	$197.86
23150	T	Removal of humerus lesion	252	19.24	$989.32	$512.34	$197.86
23155	T	Removal of humerus lesion	252	19.24	$989.32	$512.34	$197.86
23156	T	Removal of humerus lesion	252	19.24	$989.32	$512.34	$197.86
23170	T	Remove collarbone lesion	252	19.24	$989.32	$512.34	$197.86
23172	T	Remove shoulder blade lesion	252	19.24	$989.32	$512.34	$197.86
23174	T	Remove humerus lesion	252	19.24	$989.32	$512.34	$197.86
23180	T	Remove collar bone lesion	252	19.24	$989.32	$512.34	$197.86
23182	T	Remove shoulder blade lesion	252	19.24	$989.32	$512.34	$197.86
23184	T	Remove humerus lesion	252	19.24	$989.32	$512.34	$197.86
23190	T	Partial removal of scapula	252	19.24	$989.32	$512.34	$197.86
23195	C	Removal of head of humerus					
23200	C	Removal of collar bone					

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[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
23210	C	Removal of shoulderblade					
23220	C	Partial removal of humerus					
23221	C	Partial removal of humerus					
23222	C	Partial removal of humerus					
23330	T	Remove shoulder foreign body	163	10.48	$538.88	$260.80	$107.78
23331	T	Remove shoulder foreign body	163	10.48	$538.88	$260.80	$107.78
23332	C	Remove shoulder foreign body					
23350	T	Injection for shoulder x-ray	347	2.57	$132.15	$62.38	$26.43
23395	C	Muscle transfer,shoulder/arm					
23397	C	Muscle transfers					
23400	C	Fixation of shoulder blade					
23405	T	Incision of tendon & muscle	252	19.24	$989.32	$512.34	$197.86
23406	T	Incise tendon(s) & muscle(s)	252	19.24	$989.32	$512.34	$197.86
23410	T	Repair of tendon(s)	254	32.70	$1,681.43	$922.98	$336.29
23412	T	Repair of tendon(s)	254	32.70	$1,681.43	$922.98	$336.29
23415	T	Release of shoulder ligament	253	25.74	$1,323.55	$684.55	$264.71
23420	T	Repair of shoulder	254	32.70	$1,681.43	$922.98	$336.29
23430	T	Repair biceps tendon	254	32.70	$1,681.43	$922.98	$336.29
23440	C	Removal/transplant tendon					
23450	T	Repair shoulder capsule	254	32.70	$1,681.43	$922.98	$336.29
23455	T	Repair shoulder capsule	254	32.70	$1,681.43	$922.98	$336.29
23460	T	Repair shoulder capsule	254	32.70	$1,681.43	$922.98	$336.29
23462	T	Repair shoulder capsule	254	32.70	$1,681.43	$922.98	$336.29
23465	T	Repair shoulder capsule	254	32.70	$1,681.43	$922.98	$336.29
23466	T	Repair shoulder capsule	254	32.70	$1,681.43	$922.98	$336.29
23470	C	Reconstruct shoulder joint					
23472	C	Reconstruct shoulder joint					
23480	T	Revision of collarbone	253	25.74	$1,323.55	$684.55	$264.71
23485	T	Revision of collar bone	253	25.74	$1,323.55	$684.55	$264.71
23490	T	Reinforce clavicle	253	25.74	$1,323.55	$684.55	$264.71
23491	T	Reinforce shoulder bones	253	25.74	$1,323.55	$684.55	$264.71
23500	T	Treat clavicle fracture	207	1.70	$87.41	$32.32	$17.48
23505	T	Treat clavicle fracture	207	1.70	$87.41	$32.32	$17.48
23515	T	Repair clavicle fracture	216	20.09	$1,033.03	$524.09	$206.61
23520	T	Treat clavicle dislocation	207	1.70	$87.41	$32.32	$17.48
23525	T	Treat clavicle dislocation	207	1.70	$87.41	$32.32	$17.48
23530	T	Repair clavicle dislocation	216	20.09	$1,033.03	$524.09	$206.61
23532	T	Repair clavicle dislocation	216	20.09	$1,033.03	$524.09	$206.61
23540	T	Treat clavicle dislocation	207	1.70	$87.41	$32.32	$17.48
23545	T	Treat clavicle dislocation	207	1.70	$87.41	$32.32	$17.48
23550	T	Repair clavicle dislocation	216	20.09	$1,033.03	$524.09	$206.61
23552	T	Repair clavicle dislocation	216	20.09	$1,033.03	$524.09	$206.61
23570	T	Treat shoulderblade fracture	207	1.70	$87.41	$32.32	$17 48
23575	T	Treat shoulderblade fracture	207	1.70	$87.41	$32.32	$17.48
23585	T	Repair scapula fracture	216	20.09	$1,033.03	$524.09	$206.61
23600	T	Treat humerus fracture	209	1.94	$99.75	$37.74	$19.95
23605	T	Treat humerus fracture	209	1.94	$99.75	$37.74	$19.95
23615	T	Repair humerus fracture	216	20.09	$1,033.03	$524.09	$206.61
23616	T	Repair humerus fracture	216	20.09	$1,033.03	$524.09	$206.61
23620	T	Treat humerus fracture	209	1.94	$99.75	$37.74	$19.95
23625	T	Treat humerus fracture	209	1.94	$99.75	$37.74	$19.95
23630	T	Repair humerus fracture	216	20.09	$1,033.03	$524.09	$206.61
23650	T	Treat shoulder dislocation	207	1.70	$87.41	$32.32	$17.48
23655	T	Treat shoulder dislocation	210	10.06	$517.29	$279.34	$103.46
23660	T	Repair shoulder dislocation	216	20.09	$1,033.03	$524.09	$206.61
23665	T	Treat dislocation/fracture	209	1.94	$99.75	$37.74	$19.95
23670	T	Repair dislocation/fracture	216	20.09	$1,033.03	$524.09	$206.61
23675	T	Treat dislocation/fracture	209	1.94	$99.75	$37.74	$19.95
23680	T	Repair dislocation/fracture	216	20.09	$1,033.03	$524.09	$206.61
23700	T	Fixation of shoulder	210	10.06	$517.29	$279.34	$103.46
23800	T	Fusion of shoulder joint	253	25.74	$1,323.55	$684.55	$264.71
23802	T	Fusion of shoulder joint	253	25.74	$1,323.55	$684.55	$264.71
23900	C	Amputation of arm & girdle					
23920	C	Amputation at shoulder joint					
23921	T	Amputation follow-up surgery	183	11.04	$567.68	$283.18	$113.54
23929	T	Shoulder surgery procedure	207	1.70	$87.41	$32.32	$17.48
23930	T	Drainage of arm lesion	132	5.63	$289.49	$132.89	$57.90
23931	T	Drainage of arm bursa	132	5.63	$289.49	$132.89	$57.90
23935	T	Drain arm/elbow bone lesion	251	13.88	$713.71	$365.89	$142.74
24000	T	Exploratory elbow surgery	252	19.24	$989.32	$512.34	$197.86
24006	T	Release elbow joint	252	19.24	$989.32	$512.34	$197.86
24065	T	Biopsy arm/elbow soft tissue	161	3.43	$176.37	$75.71	$35.27
24066	T	Biopsy arm/elbow soft tissue	163	10.48	$538.88	$260.80	$107.78
24075	T	Remove arm/elbow lesion	162	5.59	$287.44	$125.66	$57.49
24076	T	Remove arm/elbow lesion	163	10.48	$538.88	$260.80	$107.78

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[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
24077	T	Remove tumor of arm/elbow	163	10.48	$538.88	$260.80	$107.78
24100	T	Biopsy elbow joint lining	251	13.88	$713.71	$365.89	$142.74
24101	T	Explore/treat elbow joint	252	19.24	$989.32	$512.34	$197.86
24102	T	Remove elbow joint lining	252	19.24	$989.32	$512.34	$197.86
24105	T	Removal of elbow bursa	251	13.88	$713.71	$365.89	$142.74
24110	T	Remove humerus lesion	251	13.88	$713.71	$365.89	$142.74
24115	T	Remove/graft bone lesion	252	19.24	$989.32	$512.34	$197.86
24116	T	Remove/graft bone lesion	252	19.24	$989.32	$512.34	$197.86
24120	T	Remove elbow lesion	251	13.88	$713.71	$365.89	$142.74
24125	T	Remove/graft bone lesion	252	19.24	$989.32	$512.34	$197.86
24126	T	Remove/graft bone lesion	252	19.24	$989.32	$512.34	$197.86
24130	T	Removal of head of radius	252	19.24	$989.32	$512.34	$197.86
24134	T	Removal of arm bone lesion	252	19.24	$989.32	$512.34	$197.86
24136	T	Remove radius bone lesion	252	19.24	$989.32	$512.34	$197.86
24138	T	Remove elbow bone lesion	252	19.24	$989.32	$512.34	$197.86
24140	T	Partial removal of arm bone	252	19.24	$989.32	$512.34	$197.86
24145	T	Partial removal of radius	252	19.24	$989.32	$512.34	$197.86
24147	T	Partial removal of elbow	252	19.24	$989.32	$512.34	$197.86
24149	C	Radical resection of elbow					
24150	C	Extensive humerus surgery					
24151	C	Extensive humerus surgery					
24152	C	Extensive radius surgery					
24153	C	Extensive radius surgery					
24155	T	Removal of elbow joint	253	25.74	$1,323.55	$684.55	$264.71
24160	T	Remove elbow joint implant	252	19.24	$989.32	$512.34	$197.86
24164	T	Remove radius head implant	252	19.24	$989.32	$512.34	$197.86
24200	T	Removal of arm foreign body	161	3.43	$176.37	$75.71	$35.27
24201	T	Removal of arm foreign body	163	10.48	$538.88	$260.80	$107.78
24220	T	Injection for elbow x-ray	347	2.57	$132.15	$62.38	$26.43
24301	T	Muscle/tendon transfer	252	19.24	$989.32	$512.34	$197.86
24305	T	Arm tendon lengthening	252	19.24	$989.32	$512.34	$197.86
24310	T	Revision of arm tendon	251	13.88	$713.71	$365.89	$142.74
24320	T	Repair of arm tendon	253	25.74	$1,323.55	$684.55	$264.71
24330	T	Revision of arm muscles	253	25.74	$1,323.55	$684.55	$264.71
24331	T	Revision of arm muscles	253	25.74	$1,323.55	$684.55	$264.71
24340	T	Repair of biceps tendon	253	25.74	$1,323.55	$684.55	$264.71
24341	T	Repair tendon/muscle arm	253	25.74	$1,323.55	$684.55	$264.71
24342	T	Repair of ruptured tendon	253	25.74	$1,323.55	$684.55	$264.71
24350	T	Repair of tennis elbow	252	19.24	$989.32	$512.34	$197.86
24351	T	Repair of tennis elbow	252	19.24	$989.32	$512.34	$197.86
24352	T	Repair of tennis elbow	252	19.24	$989.32	$512.34	$197.86
24354	T	Repair of tennis elbow	252	19.24	$989.32	$512.34	$197.86
24356	T	Revision of tennis elbow	252	19.24	$989.32	$512.34	$197.86
24360	T	Reconstruct elbow joint	217	20.54	$1,056.17	$530.42	$211.23
24361	T	Reconstruct elbow joint	218	27.80	$1,429.48	$720.71	$285.90
24362	T	Reconstruct elbow joint	218	27.80	$1,429.48	$720.71	$285.90
24363	T	Replace elbow joint	218	27.80	$1,429.48	$720.71	$285.90
24365	T	Reconstruct head of radius	217	20.54	$1,056.17	$530.42	$211.23
24366	T	Reconstruct head of radius	218	27.80	$1,429.48	$720.71	$285.90
24400	T	Revision of humerus	252	19.24	$989.32	$512.34	$197.86
24410	T	Revision of humerus	252	19.24	$989.32	$512.34	$197.86
24420	T	Revision of humerus	253	25.74	$1,323.55	$684.55	$264.71
24430	T	Repair of humerus	253	25.74	$1,323.55	$684.55	$264.71
24435	T	Repair humerus with graft	253	25.74	$1,323.55	$684.55	$264.71
24470	T	Revision of elbow joint	253	25.74	$1,323.55	$684.55	$264.71
24495	T	Decompression of forearm	252	19.24	$989.32	$512.34	$197.86
24498	T	Reinforce humerus	253	25.74	$1,323.55	$684.55	$264.71
24500	T	Treat humerus fracture	209	1.94	$99.75	$37.74	$19.95
24505	T	Treat humerus fracture	209	1.94	$99.75	$37.74	$19.95
24515	T	Repair humerus fracture	216	20.09	$1,033.03	$524.09	$206.61
24516	T	Repair humerus fracture	216	20.09	$1,033.03	$524.09	$206.61
24530	T	Treat humerus fracture	209	1.94	$99.75	$37.74	$19.95
24535	T	Treat humerus fracture	209	1.94	$99.75	$37.74	$19.95
24538	T	Treat humerus fracture	216	20.09	$1,033.03	$524.09	$206.61
24545	T	Repair humerus fracture	216	20.09	$1,033.03	$524.09	$206.61
24546	T	Repair humerus fracture	216	20.09	$1,033.03	$524.09	$206.61
24560	T	Treat humerus fracture	209	1.94	$99.75	$37.74	$19.95
24565	T	Treat humerus fracture	209	1.94	$99.75	$37.74	$19.95
24566	T	Treat humerus fracture	216	20.09	$1,033.03	$524.09	$206.61
24575	T	Repair humerus fracture	216	20.09	$1,033.03	$524.09	$206.61
24576	T	Treat humerus fracture	209	1.94	$99.75	$37.74	$19.95
24577	T	Treat humerus fracture	209	1.94	$99.75	$37.74	$19.95
24579	T	Repair humerus fracture	216	20.09	$1,033.03	$524.09	$206.61
24582	T	Treat humerus fracture	216	20.09	$1,033.03	$524.09	$206.61
24586	T	Repair elbow fracture	216	20.09	$1,033.03	$524.09	$206.61

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[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
24587	T	Repair elbow fracture	216	20.09	$1,033.03	$524.09	$206.61
24600	T	Treat elbow dislocation	209	1.94	$99.75	$37.74	$19.95
24605	T	Treat elbow dislocation	210	10.06	$517.29	$279.34	$103.46
24615	T	Repair elbow dislocation	216	20.09	$1,033.03	$524.09	$206.61
24620	T	Treat elbow fracture	209	1.94	$99.75	$37.74	$19.95
24635	T	Repair elbow fracture	216	20.09	$1,033.03	$524.09	$206.61
24640	T	Treat elbow dislocation	209	1.94	$99.75	$37.74	$19.95
24650	T	Treat radius fracture	209	1.94	$99.75	$37.74	$19.95
24655	T	Treat radius fracture	209	1.94	$99.75	$37.74	$19.95
24665	T	Repair radius fracture	216	20.09	$1,033.03	$524.09	$206.61
24666	T	Repair radius fracture	216	20.09	$1,033.03	$524.09	$206.61
24670	T	Treatment of ulna fracture	209	1.94	$99.75	$37.74	$19.95
24675	T	Treatment of ulna fracture	209	1.94	$99.75	$37.74	$19.95
24685	T	Repair ulna fracture	216	20.09	$1,033.03	$524.09	$206.61
24800	T	Fusion of elbow joint	253	25.74	$1,323.55	$684.55	$264.71
24802	T	Fusion/graft of elbow joint	253	25.74	$1,323.55	$684.55	$264.71
24900	C	Amputation of upper arm	.....	.....	.....	.....	.....
24920	C	Amputation of upper arm	.....	.....	.....	.....	.....
24925	T	Amputation follow-up surgery	251	13.88	$713.71	$365.89	$142.74
24930	C	Amputation follow-up surgery	.....	.....	.....	.....	.....
24931	C	Amputate upper arm & implant	.....	.....	.....	.....	.....
24935	C	Revision of amputation	.....	.....	.....	.....	.....
24940	C	Revision of upper arm	.....	.....	.....	.....	.....
24999	T	Upper arm/elbow surgery	209	1.94	$99.75	$37.74	$19.95
25000	T	Incision of tendon sheath	251	13.88	$713.71	$365.89	$142.74
25020	T	Decompression of forearm	251	13.88	$713.71	$365.89	$142.74
25023	T	Decompression of forearm	252	19.24	$989.32	$512.34	$197.86
25028	T	Drainage of forearm lesion	251	13.88	$713.71	$365.89	$142.74
25031	T	Drainage of forearm bursa	251	13.88	$713.71	$365.89	$142.74
25035	T	Treat forearm bone lesion	251	13.88	$713.71	$365.89	$142.74
25040	T	Explore/treat wrist joint	252	19.24	$989.32	$512.34	$197.86
25065	T	Biopsy forearm soft tissues	161	3.43	$176.37	$75.71	$35.27
25066	T	Biopsy forearm soft tissues	163	10.48	$538.88	$260.80	$107.78
25075	T	Removal of forearm lesion	162	5.59	$287.44	$125.66	$57.49
25076	T	Removal of forearm lesion	163	10.48	$538.88	$260.80	$107.78
25077	T	Remove tumor, forearm/wrist	163	10.48	$538.88	$260.80	$107.78
25085	T	Incision of wrist capsule	251	13.88	$713.71	$365.89	$142.74
25100	T	Biopsy of wrist joint	251	13.88	$713.71	$365.89	$142.74
25101	T	Explore/treat wrist joint	252	19.24	$989.32	$512.34	$197.86
25105	T	Remove wrist joint lining	252	19.24	$989.32	$512.34	$197.86
25107	T	Remove wrist joint cartilage	252	19.24	$989.32	$512.34	$197.86
25110	T	Remove wrist tendon lesion	251	13.88	$713.71	$365.89	$142.74
25111	T	Remove wrist tendon lesion	261	10.41	$535.28	$259.00	$107.06
25112	T	Reremove wrist tendon lesion	261	10.41	$535.28	$259.00	$107.06
25115	T	Remove wrist/forearm lesion	251	13.88	$713.71	$365.89	$142.74
25116	T	Remove wrist/forearm lesion	251	13.88	$713.71	$365.89	$142.74
25118	T	Excise wrist tendon sheath	252	19.24	$989.32	$512.34	$197.86
25119	T	Partial removal of ulna	252	19.24	$989.32	$512.34	$197.86
25120	T	Removal of forearm lesion	252	19.24	$989.32	$512.34	$197.86
25125	T	Remove/graft forearm lesion	252	19.24	$989.32	$512.34	$197.86
25126	T	Remove/graft forearm lesion	252	19.24	$989.32	$512.34	$197.86
25130	T	Removal of wrist lesion	252	19.24	$989.32	$512.34	$197.86
25135	T	Remove & graft wrist lesion	252	19.24	$989.32	$512.34	$197.86
25136	T	Remove & graft wrist lesion	252	19.24	$989.32	$512.34	$197.86
25145	T	Remove forearm bone lesion	252	19.24	$989.32	$512.34	$197.86
25150	T	Partial removal of ulna	252	19.24	$989.32	$512.34	$197.86
25151	T	Partial removal of radius	252	19.24	$989.32	$512.34	$197.86
25170	C	Extensive forearm surgery	.....	.....	.....	.....	.....
25210	T	Removal of wrist bone	262	18.07	$929.16	$475.96	$185.83
25215	T	Removal of wrist bones	262	18.07	$929.16	$475.96	$185.83
25230	T	Partial removal of radius	252	19.24	$989.32	$512.34	$197.86
25240	T	Partial removal of ulna	252	19.24	$989.32	$512.34	$197.86
25246	T	Injection for wrist x-ray	347	2.57	$132.15	$62.38	$26.43
25248	T	Remove forearm foreign body	251	13.88	$713.71	$365.89	$142.74
25250	T	Removal of wrist prosthesis	252	19.24	$989.32	$512.34	$197.86
25251	T	Removal of wrist prosthesis	252	19.24	$989.32	$512.34	$197.86
25260	T	Repair forearm tendon/muscle	252	19.24	$989.32	$512.34	$197.86
25263	T	Repair forearm tendon/muscle	252	19.24	$989.32	$512.34	$197.86
25265	T	Repair forearm tendon/muscle	252	19.24	$989.32	$512.34	$197.86
25270	T	Repair forearm tendon/muscle	252	19.24	$989.32	$512.34	$197 86
25272	T	Repair forearm tendon/muscle	252	19.24	$989.32	$512.34	$197.86
25274	T	Repair forearm tendon/muscle	252	19.24	$989.32	$512.34	$197.86
25280	T	Revise wrist/forearm tendon	252	19.24	$989.32	$512.34	$197.86
25290	T	Incise wrist/forearm tendon	252	19.24	$989.32	$512.34	$197.86
25295	T	Release wrist/forearm tendon	251	13.88	$713.71	$365.89	$142.74

[1] This APC assignment will not apply to services furnished under a partial hospitalization program. Instead, services furnished as part of a partial hospitalization program are paid on a per-diem basis via APC 020.

[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
25300	T	Fusion of tendons at wrist	252	19.24	$989.32	$512.34	$197.86
25301	T	Fusion of tendons at wrist	252	19.24	$989.32	$512.34	$197.86
25310	T	Transplant forearm tendon	253	25.74	$1,323.55	$684.55	$264.71
25312	T	Transplant forearm tendon	253	25.74	$1,323.55	$684.55	$264.71
25315	T	Revise palsy hand tendon(s)	253	25.74	$1,323.55	$684.55	$264.71
25316	T	Revise palsy hand tendon(s)	253	25.74	$1,323.55	$684.55	$264.71
25320	T	Repair/revise wrist joint	253	25.74	$1,323.55	$684.55	$264.71
[2] 25330	T	Revise wrist joint	217	20.54	$1,056.17	$530.42	$211.23
[2] 25331	T	Revise wrist joint	217	20.54	$1,056.17	$530.42	$211.23
25332	T	Revise wrist joint	217	20.54	$1,056.17	$530.42	$211.23
25335	T	Realignment of hand	253	25.74	$1,323.55	$684.55	$264.71
25337	T	Reconstruct ulna/radioulnar	253	25.74	$1,323.55	$684.55	$264.71
25350	T	Revision of radius	253	25.74	$1,323.55	$684.55	$264.71
25355	T	Revision of radius	253	25.74	$1,323.55	$684.55	$264.71
25360	T	Revision of ulna	252	19.24	$989.32	$512.34	$197.86
25365	T	Revise radius & ulna	252	19.24	$989.32	$512.34	$197.86
25370	T	Revise radius or ulna	253	25.74	$1,323.55	$684.55	$264.71
25375	T	Revise radius & ulna	253	25.74	$1,323.55	$684.55	$264.71
25390	C	Shorten radius/ulna					
25391	C	Lengthen radius/ulna					
25392	C	Shorten radius & ulna					
25393	C	Lengthen radius & ulna					
25400	T	Repair radius or ulna	252	19.24	$989.32	$512.34	$197.86
25405	C	Repair/graft radius or ulna					
25415	T	Repair radius & ulna	252	19.24	$989.32	$512.34	$197.86
25420	C	Repair/graft radius & ulna					
25425	T	Repair/graft radius or ulna	253	25.74	$1,323.55	$684.55	$264.71
25426	T	Repair/graft radius & ulna	253	25.74	$1,323.55	$684.55	$264.71
25440	T	Repair/graft wrist bone	253	25.74	$1,323.55	$684.55	$264.71
25441	T	Reconstruct wrist joint	218	27.80	$1,429.48	$720.71	$285.90
25442	T	Reconstruct wrist joint	218	27.80	$1,429.48	$720.71	$285.90
25443	T	Reconstruct wrist joint	218	27.80	$1,429.48	$720.71	$285.90
25444	T	Reconstruct wrist joint	218	27.80	$1,429.48	$720.71	$285.90
25445	T	Reconstruct wrist joint	218	27.80	$1,429.48	$720.71	$285.90
25446	T	Wrist replacement	218	27.80	$1,429.48	$720.71	$285.90
25447	T	Repair wrist joint(s)	217	20.54	$1,056.17	$530.42	$211.23
25449	T	Remove wrist joint implant	217	20.54	$1,056.17	$530.42	$211.23
25450	T	Revision of wrist joint	253	25.74	$1,323.55	$684.55	$264.71
25455	T	Revision of wrist joint	253	25.74	$1,323.55	$684.55	$264.71
25490	T	Reinforce radius	253	25.74	$1,323.55	$684.55	$264.71
25491	T	Reinforce ulna	253	25.74	$1,323.55	$684.55	$264.71
25492	T	Reinforce radius and ulna	253	25.74	$1,323.55	$684.55	$264.71
25500	T	Treat fracture of radius	209	1.94	$99.75	$37.74	$19.95
25505	T	Treat fracture of radius	209	1.94	$99.75	$37.74	$19.95
25515	T	Repair fracture of radius	216	20.09	$1,033.03	$524.09	$206.61
25520	T	Repair fracture of radius	209	1.94	$99.75	$37.74	$19.95
25525	T	Repair fracture of radius	216	20.09	$1,033.03	$524.09	$206.61
25526	T	Repair fracture of radius	216	20.09	$1,033.03	$524.09	$206.61
25530	T	Treat fracture of ulna	209	1.94	$99.75	$37.74	$19.95
25535	T	Treat fracture of ulna	209	1.94	$99.75	$37.74	$19.95
25545	T	Repair fracture of ulna	216	20.09	$1,033.03	$524.09	$206.61
25560	T	Treat fracture radius & ulna	209	1.94	$99.75	$37.74	$19.95
25565	T	Treat fracture radius & ulna	209	1.94	$99.75	$37.74	$19.95
25574	T	Treat fracture radius & ulna	216	20.09	$1,033.03	$524.09	$206.61
25575	T	Repair fracture radius/ulna	216	20.09	$1,033.03	$524.09	$206.61
25600	T	Treat fracture radius/ulna	209	1.94	$99.75	$37.74	$19.95
25605	T	Treat fracture radius/ulna	209	1.94	$99.75	$37.74	$19.95
25611	T	Repair fracture radius/ulna	216	20.09	$1,033.03	$524.09	$206.61
25620	T	Repair fracture radius/ulna	216	20.09	$1,033.03	$524.09	$206.61
25622	T	Treat wrist bone fracture	209	1.94	$99.75	$37.74	$19.95
25624	T	Treat wrist bone fracture	209	1.94	$99.75	$37.74	$19.95
25628	T	Repair wrist bone fracture	216	20.09	$1,033.03	$524.09	$206.61
25630	T	Treat wrist bone fracture	209	1.94	$99.75	$37.74	$19.95
25635	T	Treat wrist bone fracture	209	1.94	$99.75	$37.74	$19.95
25645	T	Repair wrist bone fracture	216	20.09	$1,033.03	$524.09	$206.61
25650	T	Repair wrist bone fracture	209	1.94	$99.75	$37.74	$19.95
25660	T	Treat wrist dislocation	209	1.94	$99.75	$37.74	$19.95
25670	T	Repair wrist dislocation	216	20.09	$1,033.03	$524.09	$206.61
25675	T	Treat wrist dislocation	209	1.94	$99.75	$37.74	$19.95
25676	T	Repair wrist dislocation	216	20.09	$1,033.03	$524.09	$206.61
25680	T	Treat wrist fracture	209	1.94	$99.75	$37.74	$19.95
25685	T	Repair wrist fracture	216	20.09	$1,033.03	$524.09	$206.61
25690	T	Treat wrist dislocation	209	1.94	$99.75	$37.74	$19.95
25695	T	Repair wrist dislocation	216	20.09	$1,033.03	$524.09	$206.61
25800	T	Fusion of wrist joint	253	25.74	$1,323.55	$684.55	$264.71

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[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
25805	T	Fusion/graft of wrist joint	253	25.74	$1,323.55	$684.55	$264.71
25810	T	Fusion/graft of wrist joint	253	25.74	$1,323.55	$684.55	$264.71
25820	T	Fusion of hand bones	261	10.41	$535.28	$259.00	$107.06
25825	T	Fusion hand bones with graft	262	18.07	$929.16	$475.96	$185.83
25830	T	Fusion radioulnar jnt/ulna	253	25.74	$1,323.55	$684.55	$264.71
25900	C	Amputation of forearm					
25905	C	Amputation of forearm					
25907	T	Amputation follow-up surgery	251	13.88	$713.71	$365.89	$142.74
25909	C	Amputation follow-up surgery					
25915	C	Amputation of forearm					
25920	C	Amputate hand at wrist					
25922	T	Amputate hand at wrist	251	13.88	$713.71	$365.89	$142.74
25924	C	Amputation follow-up surgery					
25927	C	Amputation of hand					
25929	T	Amputation follow-up surgery	183	11.04	$567.68	$283.18	$113.54
25931	C	Amputation follow-up surgery					
25999	T	Forearm or wrist surgery	209	1.94	$99.75	$37.74	$19.95
26010	T	Drainage of finger abscess	131	1.93	$99.24	$36.61	$19.85
26011	T	Drainage of finger abscess	131	1.93	$99.24	$36.61	$19.85
26020	T	Drain hand tendon sheath	261	10.41	$535.28	$259.00	$107.06
26025	T	Drainage of palm bursa	261	10.41	$535.28	$259.00	$107.06
26030	T	Drainage of palm bursa(s)	261	10.41	$535.28	$259.00	$107.06
26034	T	Treat hand bone lesion	261	10.41	$535.28	$259.00	$107.06
26035	T	Decompress fingers/hand	261	10.41	$535.28	$259.00	$107.06
26037	T	Decompress fingers/hand	261	10.41	$535.28	$259.00	$107.06
26040	T	Release palm contracture	262	18.07	$929.16	$475.96	$185.83
26045	T	Release palm contracture	262	18.07	$929.16	$475.96	$185.83
26055	T	Incise finger tendon sheath	261	10.41	$535.28	$259.00	$107.06
26060	T	Incision of finger tendon	261	10.41	$535.28	$259.00	$107.06
26070	T	Explore/treat hand joint	261	10.41	$535.28	$259.00	$107.06
26075	T	Explore/treat finger joint	261	10.41	$535.28	$259.00	$107.06
26080	T	Explore/treat finger joint	261	10.41	$535.28	$259.00	$107.06
26100	T	Biopsy hand joint lining	261	10.41	$535.28	$259.00	$107.06
26105	T	Biopsy finger joint lining	261	10.41	$535.28	$259.00	$107.06
26110	T	Biopsy finger joint lining	261	10.41	$535.28	$259.00	$107.06
26115	T	Removal of hand lesion	163	10.48	$538.88	$260.80	$107.78
26116	T	Removal of hand lesion	163	10.48	$538.88	$260.80	$107.78
26117	T	Remove tumor, hand/finger	163	10.48	$538.88	$260.80	$107.78
26121	T	Release palm contracture	262	18.07	$929.16	$475.96	$185.83
26123	T	Release palm contracture	262	18.07	$929.16	$475.96	$185.83
26125	T	Release palm contracture	262	18.07	$929.16	$475.96	$185.83
26130	T	Remove wrist joint lining	261	10.41	$535.28	$259.00	$107.06
26135	T	Revise finger joint, each	262	18.07	$929.16	$475.96	$185.83
26140	T	Revise finger joint, each	261	10.41	$535.28	$259.00	$107.06
26145	T	Tendon excision, palm/finger	261	10.41	$535.28	$259.00	$107.06
26160	T	Remove tendon sheath lesion	261	10.41	$535.28	$259.00	$107.06
26170	T	Removal of palm tendon, each	261	10.41	$535.28	$259.00	$107.06
26180	T	Removal of finger tendon	261	10.41	$535.28	$259.00	$107.06
26185	T	Remove finger bone	261	10.41	$535.28	$259.00	$107.06
26200	T	Remove hand bone lesion	261	10.41	$535.28	$259.00	$107.06
26205	T	Remove/graft bone lesion	262	18.07	$929.16	$475.96	$185.83
26210	T	Removal of finger lesion	261	10.41	$535.28	$259.00	$107.06
26215	T	Remove/graft finger lesion	261	10.41	$535.28	$259.00	$107.06
26230	T	Partial removal of hand bone	261	10.41	$535.28	$259.00	$107.06
26235	T	Partial removal, finger bone	261	10.41	$535.28	$259.00	$107.06
26236	T	Partial removal, finger bone	261	10.41	$535.28	$259.00	$107.06
26250	T	Extensive hand surgery	261	10.41	$535.28	$259.00	$107.06
26255	T	Extensive hand surgery	262	18.07	$929.16	$475.96	$185.83
26260	T	Extensive finger surgery	261	10.41	$535.28	$259.00	$107.06
26261	T	Extensive finger surgery	261	10.41	$535.28	$259.00	$107.06
26262	T	Partial removal of finger	261	10.41	$535.28	$259.00	$107.06
26320	T	Removal of implant from hand	163	10.48	$538.88	$260.80	$107.78
26350	T	Repair finger/hand tendon	262	18.07	$929.16	$475.96	$185.83
26352	T	Repair/graft hand tendon	262	18.07	$929.16	$475.96	$185.83
26356	T	Repair finger/hand tendon	262	18.07	$929.16	$475.96	$185.83
26357	T	Repair finger/hand tendon	262	18.07	$929.16	$475.96	$185.83
26358	T	Repair/graft hand tendon	262	18.07	$929.16	$475.96	$185.83
26370	T	Repair finger/hand tendon	262	18.07	$929.16	$475.96	$185.83
26372	T	Repair/graft hand tendon	262	18.07	$929.16	$475.96	$185.83
26373	T	Repair finger/hand tendon	262	18.07	$929.16	$475.96	$185.83
26390	T	Revise hand/finger tendon	262	18.07	$929.16	$475.96	$185.83
26392	T	Repair/graft hand tendon	262	18.07	$929.16	$475.96	$185.83
26410	T	Repair hand tendon	261	10.41	$535.28	$259.00	$107.06
26412	T	Repair/graft hand tendon	262	18.07	$929.16	$475.96	$185.83
26415	T	Excision, hand/finger tendon	262	18.07	$929.16	$475.96	$185.83

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
26416	T	Graft hand or finger tendon	262	18.07	$929.16	$475.96	$185.83
26418	T	Repair finger tendon	261	10.41	$535.28	$259.00	$107.06
26420	T	Repair/graft finger tendon	262	18.07	$929.16	$475.96	$185.83
26426	T	Repair finger/hand tendon	262	18.07	$929.16	$475.96	$185.83
26428	T	Repair/graft finger tendon	262	18.07	$929.16	$475.96	$185.83
26432	T	Repair finger tendon	261	10.41	$535.28	$259.00	$107.06
26433	T	Repair finger tendon	261	10.41	$535.28	$259.00	$107.06
26434	T	Repair/graft finger tendon	262	18.07	$929.16	$475.96	$185.83
26437	T	Realignment of tendons	261	10.41	$535.28	$259.00	$107.06
26440	T	Release palm/finger tendon	261	10.41	$535.28	$259.00	$107.06
26442	T	Release palm & finger tendon	262	18.07	$929.16	$475.96	$185.83
26445	T	Release hand/finger tendon	261	10.41	$535.28	$259.00	$107.06
26449	T	Release forearm/hand tendon	262	18.07	$929.16	$475.96	$185.83
26450	T	Incision of palm tendon	261	10.41	$535.28	$259.00	$107.06
26455	T	Incision of finger tendon	261	10.41	$535.28	$259.00	$107.06
26460	T	Incise hand/finger tendon	261	10.41	$535.28	$259.00	$107.06
26471	T	Fusion of finger tendons	261	10.41	$535.28	$259.00	$107.06
26474	T	Fusion of finger tendons	261	10.41	$535.28	$259.00	$107.06
26476	T	Tendon lengthening	261	10.41	$535.28	$259.00	$107.06
26477	T	Tendon shortening	261	10.41	$535.28	$259.00	$107.06
26478	T	Lengthening of hand tendon	261	10.41	$535.28	$259.00	$107.06
26479	T	Shortening of hand tendon	261	10.41	$535.28	$259.00	$107.06
26480	T	Transplant hand tendon	262	18.07	$929.16	$475.96	$185.83
26483	T	Transplant/graft hand tendon	262	18.07	$929.16	$475.96	$185.83
26485	T	Transplant palm tendon	262	18.07	$929.16	$475.96	$185.83
26489	T	Transplant/graft palm tendon	262	18.07	$929.16	$475.96	$185.83
26490	T	Revise thumb tendon	262	18.07	$929.16	$475.96	$185.83
26492	T	Tendon transfer with graft	262	18.07	$929.16	$475.96	$185.83
26494	T	Hand tendon/muscle transfer	262	18.07	$929.16	$475.96	$185.83
26496	T	Revise thumb tendon	262	18.07	$929.16	$475.96	$185.83
26497	T	Finger tendon transfer	262	18.07	$929.16	$475.96	$185.83
26498	T	Finger tendon transfer	262	18.07	$929.16	$475.96	$185.83
26499	T	Revision of finger	262	18.07	$929.16	$475.96	$185.83
26500	T	Hand tendon reconstruction	261	10.41	$535.28	$259.00	$107.06
26502	T	Hand tendon reconstruction	262	18.07	$929.16	$475.96	$185.83
26504	T	Hand tendon reconstruction	262	18.07	$929.16	$475.96	$185.83
26508	T	Release thumb contracture	261	10.41	$535.28	$259.00	$107.06
26510	T	Thumb tendon transfer	262	18.07	$929.16	$475.96	$185.83
26516	T	Fusion of knuckle joint	262	18.07	$929.16	$475.96	$185.83
26517	T	Fusion of knuckle joints	262	18.07	$929.16	$475.96	$185.83
26518	T	Fusion of knuckle joints	262	18.07	$929.16	$475.96	$185.83
26520	T	Release knuckle contracture	261	10.41	$535.28	$259.00	$107.06
26525	T	Release finger contracture	261	10.41	$535.28	$259.00	$107.06
26530	T	Revise knuckle joint	217	20.54	$1,056.17	$530.42	$211.23
26531	T	Revise knuckle with implant	218	27.80	$1,429.48	$720.71	$285.90
26535	T	Revise finger joint	217	20.54	$1,056.17	$530.42	$211.23
26536	T	Revise/implant finger joint	218	27.80	$1,429.48	$720.71	$285.90
26540	T	Repair hand joint	261	10.41	$535.28	$259.00	$107.06
26541	T	Repair hand joint with graft	262	18.07	$929.16	$475.96	$185.83
26542	T	Repair hand joint with graft	261	10.41	$535.28	$259.00	$107.06
26545	T	Reconstruct finger joint	262	18.07	$929.16	$475.96	$185.83
26546	T	Repair non-union hand	262	18.07	$929.16	$475.96	$185.83
26548	T	Reconstruct finger joint	262	18.07	$929.16	$475.96	$185.83
26550	T	Construct thumb replacement	262	18.07	$929.16	$475.96	$185.83
26551	C	Great toe-hand transfer					
[2] 26552	C	Construct thumb replacement					
26553	C	Single toe-hand transfer					
26554	C	Double toe-hand transfer					
26555	T	Positional change of finger	262	18.07	$929.16	$475.96	$185.83
26556	C	Toe joint transfer					
[2] 26557	C	Construct finger replacement					
[2] 26558	C	Added finger surgery					
[2] 26559	C	Added finger surgery					
26560	T	Repair of web finger	261	10.41	$535.28	$259.00	$107.06
26561	T	Repair of web finger	262	18.07	$929.16	$475.96	$185.83
26562	T	Repair of web finger	262	18.07	$929.16	$475.96	$185.83
26565	T	Correct metacarpal flaw	262	18.07	$929.16	$475.96	$185.83
26567	T	Correct finger deformity	262	18.07	$929.16	$475.96	$185.83
26568	T	Lengthen metacarpal/finger	262	18.07	$929.16	$475.96	$185.83
26580	T	Repair hand deformity	262	18.07	$929.16	$475.96	$185.83
26585	T	Repair finger deformity	262	18.07	$929.16	$475.96	$185.83
26587	T	Reconstruct extra finger	261	10.41	$535.28	$259.00	$107.06
26590	T	Repair finger deformity	262	18.07	$929.16	$475.96	$185.83
26591	T	Repair muscles of hand	262	18.07	$929.16	$475.96	$185.83
26593	T	Release muscles of hand	261	10.41	$535.28	$259.00	$107.06

[1] This APC assignment will not apply to services furnished under a partial hospitalization program. Instead, services furnished as part of a partial hospitalization program are paid on a per-diem basis via APC 020.

[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
26596	T	Excision constricting tissue	262	18.07	$929.16	$475.96	$185.83
26597	T	Release of scar contracture	262	18.07	$929.16	$475.96	$185.83
26600	T	Treat metacarpal fracture	209	1.94	$99.75	$37.74	$19.95
26605	T	Treat metacarpal fracture	209	1.94	$99.75	$37.74	$19.95
26607	T	Treat metacarpal fracture	209	1.94	$99.75	$37.74	$19.95
26608	T	Treat metacarpal fracture	216	20.09	$1,033.03	$524.09	$206.61
26615	T	Repair metacarpal fracture	216	20.09	$1,033.03	$524.09	$206.61
26641	T	Treat thumb dislocation	209	1.94	$99.75	$37.74	$19.95
26645	T	Treat thumb fracture	209	1.94	$99.75	$37.74	$19.95
26650	T	Repair thumb fracture	216	20.09	$1,033.03	$524.09	$206.61
26665	T	Repair thumb fracture	216	20.09	$1,033.03	$524.09	$206.61
26670	T	Treat hand dislocation	209	1.94	$99.75	$37.74	$19.95
26675	T	Treat hand dislocation	210	10.06	$517.29	$279.34	$103.46
26676	T	Pin hand dislocation	216	20.09	$1,033.03	$524.09	$206.61
26685	T	Repair hand dislocation	216	20.09	$1,033.03	$524.09	$206.61
26686	T	Repair hand dislocation	216	20.09	$1,033.03	$524.09	$206.61
26700	T	Treat knuckle dislocation	207	1.70	$87.41	$32.32	$17.48
26705	T	Treat knuckle dislocation	210	10.06	$517.29	$279.34	$103.46
26706	T	Pin knuckle dislocation	209	1.94	$99.75	$37.74	$19.95
26715	T	Repair knuckle dislocation	216	20.09	$1,033.03	$524.09	$206.61
26720	T	Treat finger fracture, each	207	1.70	$87.41	$32.32	$17.48
26725	T	Treat finger fracture, each	207	1.70	$87.41	$32.32	$17.48
26727	T	Treat finger fracture, each	216	20.09	$1,033.03	$524.09	$206.61
26735	T	Repair finger fracture, each	216	20.09	$1,033.03	$524.09	$206.61
26740	T	Treat finger fracture, each	207	1.70	$87.41	$32.32	$17.48
26742	T	Treat finger fracture, each	209	1.94	$99.75	$37.74	$19.95
26746	T	Repair finger fracture, each	216	20.09	$1,033.03	$524.09	$206.61
26750	T	Treat finger fracture, each	207	1.70	$87.41	$32.32	$17.48
26755	T	Treat finger fracture, each	207	1.70	$87.41	$32.32	$17.48
26756	T	Pin finger fracture, each	216	20.09	$1,033.03	$524.09	$206.61
26765	T	Repair finger fracture, each	216	20.09	$1,033.03	$524.09	$206.61
26770	T	Treat finger dislocation	207	1.70	$87.41	$32.32	$17.48
26775	T	Treat finger dislocation	210	10.06	$517.29	$279.34	$103.46
26776	T	Pin finger dislocation	216	20.09	$1,033.03	$524.09	$206.61
26785	T	Repair finger dislocation	216	20.09	$1,033.03	$524.09	$206.61
26820	T	Thumb fusion with graft	262	18.07	$929.16	$475.96	$185.83
26841	T	Fusion of thumb	262	18.07	$929.16	$475.96	$185.83
26842	T	Thumb fusion with graft	262	18.07	$929.16	$475.96	$185.83
26843	T	Fusion of hand joint	262	18.07	$929.16	$475.96	$185.83
26844	T	Fusion/graft of hand joint	262	18.07	$929.16	$475.96	$185.83
26850	T	Fusion of knuckle	262	18.07	$929.16	$475.96	$185.83
26852	T	Fusion of knuckle with graft	262	18.07	$929.16	$475.96	$185.83
26860	T	Fusion of finger joint	262	18.07	$929.16	$475.96	$185.83
26861	T	Fusion of finger joint,added	262	18.07	$929.16	$475.96	$185.83
26862	T	Fusion/graft of finger joint	262	18.07	$929.16	$475.96	$185.83
26863	T	Fuse/graft added joint	262	18.07	$929.16	$475.96	$185.83
26910	T	Amputate metacarpal bone	262	18.07	$929.16	$475.96	$185.83
26951	T	Amputation of finger/thumb	261	10.41	$535.28	$259.00	$107.06
26952	T	Amputation of finger/thumb	261	10.41	$535.28	$259.00	$107.06
26989	T	Hand/finger surgery	207	1.70	$87.41	$32.32	$17.48
26990	T	Drainage of pelvis lesion	251	13.88	$713.71	$365.89	$142.74
26991	T	Drainage of pelvis bursa	251	13.88	$713.71	$365.89	$142.74
26992	C	Drainage of bone lesion					
27000	T	Incision of hip tendon	251	13.88	$713.71	$365.89	$142.74
27001	T	Incision of hip tendon	252	19.24	$989.32	$512.34	$197.86
27003	T	Incision of hip tendon	252	19.24	$989.32	$512.34	$197.86
27005	C	Incision of hip tendon					
27006	C	Incision of hip tendons					
27025	C	Incision of hip/thigh fascia					
27030	C	Drainage of hip joint					
27033	T	Exploration of hip joint	253	25.74	$1,323.55	$684.55	$264.71
27035	C	Denervation of hip joint					
27036	C	Excision of hip joint/muscle					
27040	T	Biopsy of soft tissues	162	5.59	$287.44	$125.66	$57.49
27041	T	Biopsy of soft tissues	163	10.48	$538.88	$260.80	$107.78
27047	T	Remove hip/pelvis lesion	163	10.48	$538.88	$260.80	$107.78
27048	T	Remove hip/pelvis lesion	163	10.48	$538.88	$260.80	$107.78
27049	T	Remove tumor, hip/pelvis	163	10.48	$538.88	$260.80	$107.78
27050	T	Biopsy of sacroiliac joint	251	13.88	$713.71	$365.89	$142.74
27052	T	Biopsy of hip joint	251	13.88	$713.71	$365.89	$142.74
27054	C	Removal of hip joint lining					
27060	T	Removal of ischial bursa	251	13.88	$713.71	$365.89	$142.74
27062	T	Remove femur lesion/bursa	251	13.88	$713.71	$365.89	$142.74
27065	T	Removal of hip bone lesion	251	13.88	$713.71	$365.89	$142.74
27066	T	Removal of hip bone lesion	252	19.24	$989.32	$512.34	$197.86

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[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
27067	T	Remove/graft hip bone lesion	252	19.24	$989.32	$512.34	$197.86
27070	C	Partial removal of hip bone					
27071	C	Partial removal of hip bone					
27075	C	Extensive hip surgery					
27076	C	Extensive hip surgery					
27077	C	Extensive hip surgery					
27078	C	Extensive hip surgery					
27079	C	Extensive hip surgery					
27080	T	Removal of tail bone	252	19.24	$989.32	$512.34	$197.86
27086	T	Remove hip foreign body	251	13.88	$713.71	$365.89	$142.74
27087	T	Remove hip foreign body	251	13.88	$713.71	$365.89	$142.74
27090	C	Removal of hip prosthesis					
27091	C	Removal of hip prosthesis					
27093	T	Injection for hip x-ray	347	2.57	$132.15	$62.38	$26.43
27095	T	Injection for hip x-ray	347	2.57	$132.15	$62.38	$26.43
27097	T	Revision of hip tendon	252	19.24	$989.32	$512.34	$197.86
27098	T	Transfer tendon to pelvis	252	19.24	$989.32	$512.34	$197.86
27100	T	Transfer of abdominal muscle	253	25.74	$1,323.55	$684.55	$264.71
27105	T	Transfer of spinal muscle	253	25.74	$1,323.55	$684.55	$264.71
27110	T	Transfer of iliopsoas muscle	253	25.74	$1,323.55	$684.55	$264.71
27111	T	Transfer of iliopsoas muscle	253	25.74	$1,323.55	$684.55	$264.71
27120	C	Reconstruction of hip socket					
27122	C	Reconstruction of hip socket					
27125	C	Partial hip replacement					
27130	C	Total hip replacement					
27132	C	Total hip replacement					
27134	C	Revise hip joint replacement					
27137	C	Revise hip joint replacement					
27138	C	Revise hip joint replacement					
27140	C	Transplant of femur ridge					
27146	C	Incision of hip bone					
27147	C	Revision of hip bone					
27151	C	Incision of hip bones					
27156	C	Revision of hip bones					
27158	C	Revision of pelvis					
27161	C	Incision of neck of femur					
27165	C	Incision/fixation of femur					
27170	C	Repair/graft femur head/neck					
27175	C	Treat slipped epiphysis					
27176	C	Treat slipped epiphysis					
27177	C	Repair slipped epiphysis					
27178	C	Repair slipped epiphysis					
27179	C	Revise head/neck of femur					
27181	C	Repair slipped epiphysis					
27185	C	Revision of femur epiphysis					
27187	C	Reinforce hip bones					
27193	T	Treat pelvic ring fracture	209	1.94	$99.75	$37.74	$19.95
27194	T	Treat pelvic ring fracture	210	10.06	$517.29	$279.34	$103.46
27200	T	Treat tail bone fracture	207	1.70	$87.41	$32.32	$17.48
27202	T	Repair tail bone fracture	216	20.09	$1,033.03	$524.09	$206.61
27215	C	Pelvic fracture(s) treatment					
27216	C	Treat pelvic ring fracture					
27217	C	Treat pelvic ring fracture					
27218	C	Treat pelvic ring fracture					
27220	T	Treat hip socket fracture	209	1.94	$99.75	$37.74	$19.95
27222	C	Treat hip socket fracture					
27226	C	Treat hip wall fracture					
27227	C	Treat hip fracture(s)					
27228	C	Treat hip fracture(s)					
27230	T	Treat fracture of thigh	209	1.94	$99.75	$37.74	$19.95
27232	C	Treat fracture of thigh					
27235	C	Repair of thigh fracture					
27236	C	Repair of thigh fracture					
27238	T	Treatment of thigh fracture	209	1.94	$99.75	$37.74	$19.95
27240	C	Treatment of thigh fracture					
27244	C	Repair of thigh fracture					
27245	C	Repair of thigh fracture					
27246	T	Treatment of thigh fracture	209	1.94	$99.75	$37.74	$19.95
27248	C	Repair of thigh fracture					
27250	T	Treat hip dislocation	209	1.94	$99.75	$37.74	$19.95
27252	T	Treat hip dislocation	210	10.06	$517.29	$279.34	$103.46
27253	C	Repair of hip dislocation					
27254	C	Repair of hip dislocation					
27256	T	Treatment of hip dislocation	209	1.94	$99.75	$37.74	$19.95
27257	T	Treatment of hip dislocation	210	10.06	$517.29	$279.34	$103.46

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[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
27258	C	Repair of hip dislocation					
27259	C	Repair of hip dislocation					
27265	T	Treatment of hip dislocation	209	1.94	$99.75	$57.74	$19.95
27266	T	Treatment of hip dislocation	217	20.54	$1,056.17	$530.42	$211.23
27275	T	Manipulation of hip joint	210	10.06	$517.29	$279.34	$103.46
27280	C	Fusion of sacroiliac joint					
27282	C	Fusion of pubic bones					
27284	C	Fusion of hip joint					
27286	C	Fusion of hip joint					
27290	C	Amputation of leg at hip					
27295	C	Amputation of leg at hip					
27299	T	Pelvis/hip joint surgery	207	1.70	$87.41	$32.32	$17.48
27301	T	Drain thigh/knee lesion	132	5.63	$289.49	$132.89	$57.90
27303	C	Drainage of bone lesion					
27305	T	Incise thigh tendon & fascia	251	13.88	$713.71	$365.89	$142.74
27306	T	Incision of thigh tendon	251	13.88	$713.71	$365.89	$142.74
27307	T	Incision of thigh tendons	251	13.88	$713.71	$365.89	$142.74
27310	T	Exploration of knee joint	252	19.24	$989.32	$512.34	$197.86
27315	T	Partial removal, thigh nerve	631	12.70	$653.03	$329.06	$130.61
27320	T	Partial removal, thigh nerve	631	12.70	$653.03	$329.06	$130.61
27323	T	Biopsy thigh soft tissues	162	5.59	$287.44	$125.66	$57.49
27324	T	Biopsy thigh soft tissues	163	10.48	$538.88	$260.80	$107.78
27327	T	Removal of thigh lesion	163	10.48	$538.88	$260.80	$107.78
27328	T	Removal of thigh lesion	163	10.48	$538.88	$260.80	$107.78
27329	T	Remove tumor, thigh/knee	163	10.48	$538.88	$260.80	$107.78
27330	T	Biopsy knee joint lining	252	19.24	$989.32	$512.34	$197.86
27331	T	Explore/treat knee joint	252	19.24	$989.32	$512.34	$197.86
27332	T	Removal of knee cartilage	252	19.24	$989.32	$512.34	$197.86
27333	T	Removal of knee cartilage	252	19.24	$989.32	$512.34	$197.86
27334	T	Remove knee joint lining	252	19.24	$989.32	$512.34	$197.86
27335	T	Remove knee joint lining	252	19.24	$989.32	$512.34	$197.86
27340	T	Removal of kneecap bursa	251	13.88	$713.71	$365.89	$142.74
27345	T	Removal of knee cyst	251	13.88	$713.71	$365.89	$142.74
27350	T	Removal of kneecap	252	19.24	$989.32	$512.34	$197.86
27355	T	Remove femur lesion	252	19.24	$989.32	$512.34	$197.86
27356	T	Remove femur lesion/graft	252	19.24	$989.32	$512.34	$197.86
27357	T	Remove femur lesion/graft	252	19.24	$989.32	$512.34	$197.86
27358	T	Remove femur lesion/fixation	252	19.24	$989.32	$512.34	$197.86
27360	T	Partial removal leg bone(s)	252	19.24	$989.32	$512.34	$197.86
27365	C	Extensive leg surgery					
27370	T	Injection for knee x-ray	347	2.57	$132.15	$62.38	$26.43
27372	T	Removal of foreign body	163	10.48	$538.88	$260.80	$107.78
27380	T	Repair of kneecap tendon	251	13.88	$713.71	$365.89	$142.74
27381	T	Repair/graft kneecap tendon	251	13.88	$713.71	$365.89	$142.74
27385	T	Repair of thigh muscle	251	13.88	$713.71	$365.89	$142.74
27386	T	Repair/graft of thigh muscle	251	13.88	$713.71	$365.89	$142.74
27390	T	Incision of thigh tendon	251	13.88	$713.71	$365.89	$142.74
27391	T	Incision of thigh tendons	251	13.88	$713.71	$365.89	$142.74
27392	T	Incision of thigh tendons	251	13.88	$713.71	$365.89	$142.74
27393	T	Lengthening of thigh tendon	252	19.24	$989.32	$512.34	$197.86
27394	T	Lengthening of thigh tendons	252	19.24	$989.32	$512.34	$197.86
27395	T	Lengthening of thigh tendons	253	25.74	$1,323.55	$684.55	$264.71
27396	T	Transplant of thigh tendon	252	19.24	$989.32	$512.34	$197.86
27397	T	Transplants of thigh tendons	253	25.74	$1,323.55	$684.55	$264.71
27400	T	Revise thigh muscles/tendons	253	25.74	$1,323.55	$684.55	$264.71
27403	T	Repair of knee cartilage	252	19.24	$989.32	$512.34	$197.86
27405	T	Repair of knee ligament	253	25.74	$1,323.55	$684.55	$264.71
27407	T	Repair of knee ligament	253	25.74	$1,323.55	$684.55	$264.71
27409	T	Repair of knee ligaments	253	25.74	$1,323.55	$684.55	$264.71
27418	T	Repair degenerated kneecap	253	25.74	$1,323.55	$684.55	$264.71
27420	T	Revision of unstable kneecap	253	25.74	$1,323.55	$684.55	$264.71
27422	T	Revision of unstable kneecap	253	25.74	$1,323.55	$684.55	$264.71
27424	T	Revision/removal of kneecap	253	25.74	$1,323.55	$684.55	$264.71
27425	T	Lateral retinacular release	252	19.24	$989.32	$512.34	$197.86
27427	T	Reconstruction, knee	254	32.70	$1,681.43	$922.98	$336.29
27428	T	Reconstruction, knee	254	32.70	$1,681.43	$922.98	$336.29
27429	T	Reconstruction, knee	254	32.70	$1,681.43	$922.98	$336.29
27430	T	Revision of thigh muscles	253	25.74	$1,323.55	$684.55	$264.71
27435	T	Incision of knee joint	253	25.74	$1,323.55	$684.55	$264.71
27437	T	Revise kneecap	217	20.54	$1,056.17	$530.42	$211.23
27438	T	Revise kneecap with implant	218	27.80	$1,429.48	$720.71	$285.90
27440	T	Revision of knee joint	217	20.54	$1,056.17	$530.42	$211.23
27441	T	Revision of knee joint	217	20.54	$1,056.17	$530.42	$211.23
27442	T	Revision of knee joint	217	20.54	$1,056.17	$530.42	$211.23
27443	T	Revision of knee joint	217	20.54	$1,056.17	$530.42	$211.23

[1] This APC assignment will not apply to services furnished under a partial hospitalization program. Instead, services furnished as part of a partial hospitalization program are paid on a per-diem basis via APC 020.

[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
27445	C	Revision of knee joint					
27446	C	Revision of knee joint					
27447	C	Total knee replacement					
27448	C	Incision of thigh					
27450	C	Incision of thigh					
27454	C	Realignment of thigh bone					
27455	C	Realignment of knee					
27457	C	Realignment of knee					
27465	C	Shortening of thigh bone					
27466	C	Lengthening of thigh bone					
27468	C	Shorten/lengthen thighs					
27470	C	Repair of thigh					
27472	C	Repair/graft of thigh					
27475	C	Surgery to stop leg growth					
27477	C	Surgery to stop leg growth					
27479	C	Surgery to stop leg growth					
27485	C	Surgery to stop leg growth					
27486	C	Revise knee joint replace					
27487	C	Revise knee joint replace					
27488	C	Removal of knee prosthesis					
27495	C	Reinforce thigh					
27496	T	Decompression of thigh/knee	251	13.88	$713.71	$365.89	$142.74
27497	T	Decompression of thigh/knee	251	13.88	$713.71	$365.89	$142.74
27498	T	Decompression of thigh/knee	251	13.88	$713.71	$365.89	$142.74
27499	T	Decompression of thigh/knee	251	13.88	$713.71	$365.89	$142.74
27500	T	Treatment of thigh fracture	209	1.94	$99.75	$37.74	$19.95
27501	T	Treatment of thigh fracture	209	1.94	$99.75	$37.74	$19.95
27502	T	Treatment of thigh fracture	209	1.94	$99.75	$37.74	$19.95
27503	T	Treatment of thigh fracture	209	1.94	$99.75	$37.74	$19.95
27506	C	Repair of thigh fracture					
27507	C	Treatment of thigh fracture					
27508	T	Treatment of thigh fracture	209	1.94	$99.75	$37.74	$19.95
27509	T	Treatment of thigh fracture	216	20.09	$1,033.03	$524.09	$206.61
27510	T	Treatment of thigh fracture	209	1.94	$99.75	$37.74	$19.95
27511	C	Treatment of thigh fracture					
27513	C	Treatment of thigh fracture					
27514	C	Repair of thigh fracture					
27516	T	Repair of thigh growth plate	209	1.94	$99.75	$37.74	$19.95
27517	T	Repair of thigh growth plate	209	1.94	$99.75	$37.74	$19.95
27519	C	Repair of thigh growth plate					
27520	T	Treat kneecap fracture	209	1.94	$99.75	$37.74	$19.95
27524	C	Repair of kneecap fracture					
27530	T	Treatment of knee fracture	209	1.94	$99.75	$37.74	$19.95
27532	T	Treatment of knee fracture	209	1.94	$99.75	$37.74	$19.95
27535	C	Treatment of knee fracture					
27536	C	Repair of knee fracture					
27538	T	Treat knee fracture(s)	209	1.94	$99.75	$37.74	$19.95
27540	C	Repair of knee fracture					
27550	T	Treat knee dislocation	209	1.94	$99.75	$37.74	$19.95
27552	T	Treat knee dislocation	210	10.06	$517.29	$279.34	$103.46
27556	T	Repair of knee dislocation	216	20.09	$1,033.03	$524.09	$206.61
27557	C	Repair of knee dislocation					
27558	C	Repair of knee dislocation					
27560	T	Treat kneecap dislocation	209	1.94	$99.75	$37.74	$19.95
27562	T	Treat kneecap dislocation	210	10.06	$517.29	$279.34	$103.46
27566	T	Repair kneecap dislocation	216	20.09	$1,033.03	$524.09	$206.61
27570	T	Fixation of knee joint	210	10.06	$517.29	$279.34	$103.46
27580	C	Fusion of knee					
27590	C	Amputate leg at thigh					
27591	C	Amputate leg at thigh					
27592	C	Amputate leg at thigh					
27594	T	Amputation follow-up surgery	251	13.88	$713.71	$365.89	$142.74
27596	C	Amputation follow-up surgery					
27598	C	Amputate lower leg at knee					
27599	T	Leg surgery procedure	209	1.94	$99.75	$37.74	$19.95
27600	T	Decompression of lower leg	251	13.88	$713.71	$365.89	$142.74
27601	T	Decompression of lower leg	251	13.88	$713.71	$365.89	$142.74
27602	T	Decompression of lower leg	251	13.88	$713.71	$365.89	$142.74
27603	T	Drain lower leg lesion	132	5.63	$289.49	$132.89	$57.90
27604	T	Drain lower leg bursa	251	13.88	$713.71	$365.89	$142.74
27605	T	Incision of achilles tendon	271	14.12	$726.05	$365.44	$145.21
27606	T	Incision of achilles tendon	251	13.88	$713.71	$365.89	$142.74
27607	T	Treat lower leg bone lesion	251	13.88	$713.71	$365.89	$142.74
27610	T	Explore/treat ankle joint	252	19.24	$989.32	$512.34	$197.86
27612	T	Exploration of ankle joint	252	19.24	$989.32	$512.34	$197.86

[1] This APC assignment will not apply to services furnished under a partial hospitalization program. Instead, services furnished as part of a partial hospitalization program are paid on a per-diem basis via APC 020.

[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
27613	T	Biopsy lower leg soft tissue	161	3.43	$176.37	$75.71	$35.27
27614	T	Biopsy lower leg soft tissue	163	10.48	$538.88	$260.80	$107.78
27615	T	Remove tumor, lower leg	216	20.09	$1,033.03	$524.09	$206.61
27618	T	Remove lower leg lesion	163	10.48	$538.88	$260.80	$107.78
27619	T	Remove lower leg lesion	163	10.48	$538.88	$260.80	$107.78
27620	T	Explore, treat ankle joint	252	19.24	$989.32	$512.34	$197.86
27625	T	Remove ankle joint lining	252	19.24	$989.32	$512.34	$197.86
27626	T	Remove ankle joint lining	252	19.24	$989.32	$512.34	$197.86
27630	T	Removal of tendon lesion	251	13.88	$713.71	$365.89	$142.74
27635	T	Remove lower leg bone lesion	252	19.24	$989.32	$512.34	$197.86
27637	T	Remove/graft leg bone lesion	252	19.24	$989.32	$512.34	$197.86
27638	T	Remove/graft leg bone lesion	252	19.24	$989.32	$512.34	$197.86
27640	T	Partial removal of tibia	253	25.74	$1,323.55	$684.55	$264.71
27641	T	Partial removal of fibula	252	19.24	$989.32	$512.34	$197.86
27645	C	Extensive lower leg surgery					
27646	C	Extensive lower leg surgery					
27647	T	Extensive ankle/heel surgery	253	25.74	$1,323.55	$684.55	$264.71
27648	T	Injection for ankle x-ray	347	2.57	$132.15	$62.38	$26.43
27650	T	Repair achilles tendon	253	25.74	$1,323.55	$684.55	$264.71
27652	T	Repair/graft achilles tendon	253	25.74	$1,323.55	$684.55	$264.71
27654	T	Repair of achilles tendon	253	25.74	$1,323.55	$684.55	$264.71
27656	T	Repair leg fascia defect	251	13.88	$713.71	$365.89	$142.74
27658	T	Repair of leg tendon, each	251	13.88	$713.71	$365.89	$142.74
27659	T	Repair of leg tendon, each	251	13.88	$713.71	$365.89	$142.74
27664	T	Repair of leg tendon, each	251	13.88	$713.71	$365.89	$142.74
27665	T	Repair of leg tendon, each	252	19.24	$989.32	$512.34	$197.86
27675	T	Repair lower leg tendons	251	13.88	$713.71	$365.89	$142.74
27676	T	Repair lower leg tendons	252	19.24	$989.32	$512.34	$197.86
27680	T	Release of lower leg tendon	252	19.24	$989.32	$512.34	$197.86
27681	T	Release of lower leg tendons	252	19.24	$989.32	$512.34	$197.86
27685	T	Revision of lower leg tendon	252	19.24	$989.32	$512.34	$197.86
27686	T	Revise lower leg tendons	252	19.24	$989.32	$512.34	$197.86
27687	T	Revision of calf tendon	252	19.24	$989.32	$512.34	$197.86
27690	T	Revise lower leg tendon	253	25.74	$1,323.55	$684.55	$264.71
27691	T	Revise lower leg tendon	253	25.74	$1,323.55	$684.55	$264.71
27692	T	Revise additional leg tendon	253	25.74	$1,323.55	$684.55	$264.71
27695	T	Repair of ankle ligament	252	19.24	$989.32	$512.34	$197.86
27696	T	Repair of ankle ligaments	252	19.24	$989.32	$512.34	$197.86
27698	T	Repair of ankle ligament	252	19.24	$989.32	$512.34	$197.86
27700	T	Revision of ankle joint	217	20 54	$1,056.17	$530.42	$211.23
27702	C	Reconstruct ankle joint					
27703	C	Reconstruction, ankle joint					
27704	T	Removal of ankle implant	251	13.88	$713.71	$365.89	$142.74
27705	T	Incision of tibia	253	25.74	$1,323.55	$684.55	$264.71
27707	T	Incision of fibula	251	13.88	$713.71	$365.89	$142.74
27709	T	Incision of tibia & fibula	252	19.24	$989.32	$512.34	$197.86
27712	C	Realignment of lower leg					
27715	C	Revision of lower leg					
27720	C	Repair of tibia					
27722	C	Repair/graft of tibia					
27724	C	Repair/graft of tibia					
27725	C	Repair of lower leg					
27727	C	Repair of lower leg					
27730	T	Repair of tibia epiphysis	252	19.24	$989.32	$512.34	$197.86
27732	T	Repair of fibula epiphysis	252	19.24	$989.32	$512.34	$197.86
27734	T	Repair lower leg epiphyses	252	19.24	$989.32	$512.34	$197.86
27740	T	Repair of leg epiphyses	252	19.24	$989.32	$512.34	$197.86
27742	T	Repair of leg epiphyses	253	25.74	$1,323.55	$684.55	$264.71
27745	T	Reinforce tibia	253	25.74	$1,323.55	$684.55	$264.71
27750	T	Treatment of tibia fracture	209	1.94	$99.75	$37.74	$19.95
27752	T	Treatment of tibia fracture	209	1.94	$99.75	$37.74	$19.95
27756	T	Repair of tibia fracture	216	20.09	$1,033.03	$524.09	$206.61
27758	T	Repair of tibia fracture	216	20.09	$1,033.03	$524.09	$206.61
27759	T	Repair of tibia fracture	216	20.09	$1,033.03	$524.09	$206.61
27760	T	Treatment of ankle fracture	209	1.94	$99.75	$37.74	$19.95
27762	T	Treatment of ankle fracture	209	1.94	$99.75	$37.74	$19.95
27766	T	Repair of ankle fracture	216	20.09	$1,033.03	$524.09	$206.61
27780	T	Treatment of fibula fracture	209	1.94	$99.75	$37.74	$19.95
27781	T	Treatment of fibula fracture	209	1.94	$99.75	$37.74	$19.95
27784	T	Repair of fibula fracture	216	20.09	$1,033.03	$524.09	$206.61
27786	T	Treatment of ankle fracture	209	1.94	$99.75	$37.74	$19.95
27788	T	Treatment of ankle fracture	209	1.94	$99.75	$37.74	$19.95
27792	T	Repair of ankle fracture	216	20.09	$1,033.03	$524.09	$206.61
27808	T	Treatment of ankle fracture	209	1.94	$99.75	$37.74	$19.95
27810	T	Treatment of ankle fracture	209	1.94	$99.75	$37.74	$19.95

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
27814	T	Repair of ankle fracture	216	20.09	$1,033.03	$524.09	$206.61
27816	T	Treatment of ankle fracture	209	1.94	$99.75	$37.74	$19.95
27818	T	Treatment of ankle fracture	209	1.94	$99.75	$37.74	$19.95
27822	T	Repair of ankle fracture	216	20.09	$1,033.03	$524.09	$206.61
27823	T	Repair of ankle fracture	216	20.09	$1,033.03	$524.09	$206.61
27824	T	Treat lower leg fracture	209	1.94	$99.75	$37.74	$19.95
27825	T	Treat lower leg fracture	209	1.94	$99.75	$37.74	$19.95
27826	T	Treat lower leg fracture	216	20.09	$1,033.03	$524.09	$206.61
27827	T	Treat lower leg fracture	216	20.09	$1,033.03	$524.09	$206.61
27828	T	Treat lower leg fracture	216	20.09	$1,033.03	$524.09	$206.61
27829	T	Treat lower leg joint	216	20.09	$1,033.03	$524.09	$206.61
27830	T	Treat lower leg dislocation	209	1.94	$99.75	$37.74	$19.95
27831	T	Treat lower leg dislocation	210	10.06	$517.29	$279.34	$103.46
27832	T	Repair lower leg dislocation	216	20.09	$1,033.03	$524.09	$206.61
27840	T	Treat ankle dislocation	209	1.94	$99.75	$37.74	$19.95
27842	T	Treat ankle dislocation	210	10.06	$517.29	$279.34	$103.46
27846	T	Repair ankle dislocation	216	20.09	$1,033.03	$524.09	$206.61
27848	T	Repair ankle dislocation	216	20.09	$1,033.03	$524.09	$206.61
27860	T	Fixation of ankle joint	210	10.06	$517.29	$279.34	$103.46
27870	T	Fusion of ankle joint	253	25.74	$1,323.55	$684.55	$264.71
27871	T	Fusion of tibiofibular joint	253	25.74	$1,323.55	$684.55	$264.71
27880	C	Amputation of lower leg					
27881	C	Amputation of lower leg					
27882	C	Amputation of lower leg					
27884	T	Amputation follow-up surgery	251	13.88	$713.71	$365.89	$142.74
27886	C	Amputation follow-up surgery					
27888	C	Amputation of foot at ankle					
27889	T	Amputation of foot at ankle	252	19.24	$989.32	$512.34	$197.86
27892	T	Decompression of leg	251	13.88	$713.71	$365.89	$142.74
27893	T	Decompression of leg	251	13.88	$713.71	$365.89	$142.74
27894	T	Decompression of leg	251	13.88	$713.71	$365.89	$142.74
27899	T	Leg/ankle surgery procedure	209	1.94	$99.75	$37.74	$19.95
28001	T	Drainage of bursa of foot	132	5.63	$289.49	$132.89	$57.90
28002	T	Treatment of foot infection	251	13.88	$713.71	$365.89	$142.74
28003	T	Treatment of foot infection	251	13.88	$713.71	$365.89	$142.74
28005	T	Treat foot bone lesion	271	14.12	$726.05	$365.44	$145.21
28008	T	Incision of foot fascia	271	14.12	$726.05	$365.44	$145.21
28010	T	Incision of toe tendon	271	14.12	$726.05	$365.44	$145.21
28011	T	Incision of toe tendons	271	14.12	$726.05	$365.44	$145.21
28020	T	Exploration of a foot joint	271	14.12	$726.05	$365.44	$145.21
28022	T	Exploration of a foot joint	271	14.12	$726.05	$365.44	$145.21
28024	T	Exploration of a toe joint	271	14.12	$726.05	$365.44	$145.21
28030	T	Removal of foot nerve	631	12.70	$653.03	$329.06	$130.61
28035	T	Decompression of tibia nerve	631	12.70	$653.03	$329.06	$130.61
28043	T	Excision of foot lesion	162	5.59	$287.44	$125.66	$57.49
28045	T	Excision of foot lesion	271	14.12	$726.05	$365.44	$145.21
28046	T	Resection of tumor, foot	271	14.12	$726.05	$365.44	$145.21
28050	T	Biopsy of foot joint lining	271	14.12	$726.05	$365.44	$145.21
28052	T	Biopsy of foot joint lining	271	14.12	$726.05	$365.44	$145.21
28054	T	Biopsy of toe joint lining	271	14.12	$726.05	$365.44	$145.21
28060	T	Partial removal foot fascia	272	16.11	$828.38	$411.09	$165.68
28062	T	Removal of foot fascia	272	16.11	$828.38	$411.09	$165.68
28070	T	Removal of foot joint lining	272	16.11	$828.38	$411.09	$165.68
28072	T	Removal of foot joint lining	272	16.11	$828.38	$411.09	$165.68
28080	T	Removal of foot lesion	271	14.12	$726.05	$365.44	$145.21
28086	T	Excise foot tendon sheath	271	14.12	$726.05	$365.44	$145.21
28088	T	Excise foot tendon sheath	271	14.12	$726.05	$365.44	$145.21
28090	T	Removal of foot lesion	271	14.12	$726.05	$365.44	$145.21
28092	T	Removal of toe lesions	271	14.12	$726.05	$365.44	$145.21
28100	T	Removal of ankle/heel lesion	271	14.12	$726.05	$365.44	$145.21
28102	T	Remove/graft foot lesion	272	16.11	$828.38	$411.09	$165.68
28103	T	Remove/graft foot lesion	272	16.11	$828.38	$411.09	$165.68
28104	T	Removal of foot lesion	271	14.12	$726.05	$365.44	$145.21
28106	T	Remove/graft foot lesion	272	16.11	$828.38	$411.09	$165.68
28107	T	Remove/graft foot lesion	272	16.11	$828.38	$411.09	$165.68
28108	T	Removal of toe lesions	271	14.12	$726.05	$365.44	$145.21
28110	T	Part removal of metatarsal	276	19.00	$976.98	$495.39	$195.40
28111	T	Part removal of metatarsal	271	14.12	$726.05	$365.44	$145.21
28112	T	Part removal of metatarsal	271	14.12	$726.05	$365.44	$145.21
28113	T	Part removal of metatarsal	271	14.12	$726.05	$365.44	$145.21
28114	T	Removal of metatarsal heads	271	14.12	$726.05	$365.44	$145.21
28116	T	Revision of foot	271	14.12	$726.05	$365.44	$145.21
28118	T	Removal of heel bone	271	14.12	$726.05	$365.44	$145.21
28119	T	Removal of heel spur	271	14.12	$726.05	$365.44	$145.21
28120	T	Part removal of ankle/heel	271	14.12	$726.05	$365.44	$145.21

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
28122	T	Partial removal of foot bone	271	14.12	$726.05	$365.44	$145.21
28124	T	Partial removal of toe	271	14.12	$726.05	$365.44	$145.21
28126	T	Partial removal of toe	271	14.12	$726.05	$365.44	$145.21
28130	T	Removal of ankle bone	271	14.12	$726.05	$365.44	$145.21
28140	T	Removal of metatarsal	271	14.12	$726.05	$365.44	$145.21
28150	T	Removal of toe	271	14.12	$726.05	$365.44	$145.21
28153	T	Partial removal of toe	271	14.12	$726.05	$365.44	$145.21
28160	T	Partial removal of toe	271	14.12	$726.05	$365.44	$145.21
28171	T	Extensive foot surgery	271	14.12	$726.05	$365.44	$145.21
28173	T	Extensive foot surgery	271	14.12	$726.05	$365.44	$145.21
28175	T	Extensive foot surgery	271	14.12	$726.05	$365.44	$145.21
28190	T	Removal of foot foreign body	161	3.43	$176.37	$75.71	$35.27
28192	T	Removal of foot foreign body	163	10.48	$538.88	$260.80	$107.78
28193	T	Removal of foot foreign body	163	10.48	$538.88	$260.80	$107.78
28200	T	Repair of foot tendon	271	14.12	$726.05	$365.44	$145.21
28202	T	Repair/graft of foot tendon	272	16.11	$828.38	$411.09	$165.68
28208	T	Repair of foot tendon	271	14.12	$726.05	$365.44	$145.21
28210	T	Repair/graft of foot tendon	271	14.12	$726.05	$365.44	$145.21
28220	T	Release of foot tendon	271	14.12	$726.05	$365.44	$145.21
28222	T	Release of foot tendons	271	14.12	$726.05	$365.44	$145.21
28225	T	Release of foot tendon	271	14.12	$726.05	$365.44	$145.21
28226	T	Release of foot tendons	271	14.12	$726.05	$365.44	$145.21
28230	T	Incision of foot tendon(s)	271	14.12	$726.05	$365.44	$145.21
28232	T	Incision of toe tendon	271	14.12	$726.05	$365.44	$145.21
28234	T	Incision of foot tendon	271	14.12	$726.05	$365.44	$145.21
28238	T	Revision of foot tendon	272	16.11	$828.38	$411.09	$165.68
28240	T	Release of big toe	271	14.12	$726.05	$365.44	$145.21
28250	T	Revision of foot fascia	272	16.11	$828.38	$411.09	$165.68
28260	T	Release of midfoot joint	272	16.11	$828.38	$411.09	$165.68
28261	T	Revision of foot tendon	272	16.11	$828.38	$411.09	$165.68
28262	T	Revision of foot and ankle	272	16.11	$828.38	$411.09	$165.68
28264	T	Release of midfoot joint	272	16.11	$828.38	$411.09	$165.68
28270	T	Release of foot contracture	271	14.12	$726.05	$365.44	$145.21
28272	T	Release of toe joint, each	271	14.12	$726.05	$365.44	$145.21
28280	T	Fusion of toes	271	14.12	$726.05	$365.44	$145.21
28285	T	Repair of hammertoe	271	14.12	$726.05	$365.44	$145.21
28286	T	Repair of hammertoe	271	14.12	$726.05	$365.44	$145.21
28288	T	Partial removal of foot bone	272	16.11	$828.38	$411.09	$165.68
28290	T	Correction of bunion	276	19.00	$976.98	$495.39	$195.40
28292	T	Correction of bunion	276	19.00	$976.98	$495.39	$195.40
28293	T	Correction of bunion	276	19.00	$976.98	$495.39	$195.40
28294	T	Correction of bunion	276	19.00	$976.98	$495.39	$195.40
28296	T	Correction of bunion	276	19.00	$976.98	$495.39	$195.40
28297	T	Correction of bunion	276	19.00	$976.98	$495.39	$195.40
28298	T	Correction of bunion	276	19.00	$976.98	$495.39	$195.40
28299	T	Correction of bunion	276	19.00	$976.98	$495.39	$195.40
28300	T	Incision of heel bone	272	16.11	$828.38	$411.09	$165.68
28302	T	Incision of ankle bone	272	16.11	$828.38	$411.09	$165.68
28304	T	Incision of midfoot bones	272	16.11	$828.38	$411.09	$165.68
28305	T	Incise/graft midfoot bones	272	16.11	$828.38	$411.09	$165.68
28306	T	Incision of metatarsal	272	16.11	$828.38	$411.09	$165.68
28307	T	Incision of metatarsal	272	16.11	$828.38	$411.09	$165.68
28308	T	Incision of metatarsal	272	16.11	$828.38	$411.09	$165.68
28309	T	Incision of metatarsals	272	16.11	$828.38	$411.09	$165.68
28310	T	Revision of big toe	271	14.12	$726.05	$365.44	$145.21
28312	T	Revision of toe	271	14.12	$726.05	$365.44	$145.21
28313	T	Repair deformity of toe	271	14.12	$726.05	$365.44	$145.21
28315	T	Removal of sesamoid bone	271	14.12	$726.05	$365.44	$145.21
28320	T	Repair of foot bones	272	16.11	$828.38	$411.09	$165.68
28322	T	Repair of metatarsals	272	16.11	$828.38	$411.09	$165.68
28340	T	Resect enlarged toe tissue	271	14.12	$726.05	$365.44	$145.21
28341	T	Resect enlarged toe	271	14.12	$726.05	$365.44	$145.21
28344	T	Repair extra toe(s)	272	16.11	$828.38	$411.09	$165.68
28345	T	Repair webbed toe(s)	272	16.11	$828.38	$411.09	$165.68
28360	T	Reconstruct cleft foot	272	16.11	$828.38	$411.09	$165.68
28400	T	Treatment of heel fracture	209	1.94	$99.75	$37.74	$19.95
28405	T	Treatment of heel fracture	209	1.94	$99.75	$37.74	$19.95
28406	T	Treatment of heel fracture	216	20.09	$1,033.03	$524.09	$206.61
28415	T	Repair of heel fracture	216	20.09	$1,033.03	$524.09	$206.61
28420	T	Repair/graft heel fracture	216	20.09	$1,033.03	$524.09	$206.61
28430	T	Treatment of ankle fracture	209	1.94	$99.75	$37.74	$19.95
28435	T	Treatment of ankle fracture	209	1.94	$99.75	$37.74	$19.95
28436	T	Treatment of ankle fracture	216	20.09	$1,033.03	$524.09	$206.61
28445	T	Repair of ankle fracture	216	20.09	$1,033.03	$524.09	$206.61
28450	T	Treat midfoot fracture, each	209	1.94	$99.75	$37.74	$19.95

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[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
28455	T	Treat midfoot fracture, each	209	1.94	$99.75	$37.74	$19.95
28456	T	Repair midfoot fracture	216	20.09	$1,033.03	$524.09	$206.61
28465	T	Repair midfoot fracture,each	216	20.09	$1,033.03	$524.09	$206.61
28470	T	Treat metatarsal fracture	209	1.94	$99.75	$37.74	$19.95
28475	T	Treat metatarsal fracture	209	1.94	$99.75	$37.74	$19.95
28476	T	Repair metatarsal fracture	216	20.09	$1,033.03	$524.09	$206.61
28485	T	Repair metatarsal fracture	216	20.09	$1,033.03	$524.09	$206.61
28490	T	Treat big toe fracture	207	1.70	$87.41	$32.32	$17.48
28495	T	Treat big toe fracture	207	1.70	$87.41	$32.32	$17.48
28496	T	Repair big toe fracture	216	20.09	$1,033.03	$524.09	$206.61
28505	T	Repair big toe fracture	216	20.09	$1,033.03	$524.09	$206.61
28510	T	Treatment of toe fracture	207	1.70	$87.41	$32.32	$17.48
28515	T	Treatment of toe fracture	207	1.70	$87.41	$32.32	$17.48
28525	T	Repair of toe fracture	216	20.09	$1,033.03	$524.09	$206.61
28530	T	Treat sesamoid bone fracture	209	1.94	$99.75	$37.74	$19.95
28531	T	Treat sesamoid bone fracture	216	20.09	$1,033.03	$524.09	$206.61
28540	T	Treat foot dislocation	209	1.94	$99.75	$37.74	$19.95
28545	T	Treat foot dislocation	210	10.06	$517.29	$279.34	$103.46
28546	T	Treat foot dislocation	216	20.09	$1,033.03	$524.09	$206.61
28555	T	Repair foot dislocation	216	20.09	$1,033.03	$524.09	$206.61
28570	T	Treat foot dislocation	209	1.94	$99.75	$37.74	$19.95
28575	T	Treat foot dislocation	210	10.06	$517.29	$279.34	$103.46
28576	T	Treat foot dislocation	216	20.09	$1,033.03	$524.09	$206.61
28585	T	Repair foot dislocation	216	20.09	$1,033.03	$524.09	$206.61
28600	T	Treat foot dislocation	209	1.94	$99.75	$37.74	$19.95
28605	T	Treat foot dislocation	210	10.06	$517.29	$279.34	$103.46
28606	T	Treat foot dislocation	216	20.09	$1,033.03	$524.09	$206.61
28615	T	Repair foot dislocation	216	20.09	$1,033.03	$524.09	$206.61
28630	T	Treat toe dislocation	207	1.70	$87.41	$32.32	$17.48
28635	T	Treat toe dislocation	210	10.06	$517.29	$279.34	$103.46
28636	T	Treat toe dislocation	216	20.09	$1,033.03	$524.09	$206.61
28645	T	Repair toe dislocation	216	20.09	$1,033.03	$524.09	$206.61
28660	T	Treat toe dislocation	207	1.70	$87.41	$32.32	$17.48
28665	T	Treat toe dislocation	210	10.06	$517.29	$279.34	$103.46
28666	T	Treat toe dislocation	216	20.09	$1,033.03	$524.09	$206.61
28675	T	Repair of toe dislocation	216	20.09	$1,033.03	$524.09	$206.61
28705	T	Fusion of foot bones	272	16.11	$828.38	$411.09	$165.68
28715	T	Fusion of foot bones	272	16.11	$828.38	$411.09	$165.68
28725	T	Fusion of foot bones	272	16.11	$828.38	$411.09	$165.68
28730	T	Fusion of foot bones	272	16.11	$828.38	$411.09	$165.68
28735	T	Fusion of foot bones	272	16.11	$828.38	$411.09	$165.68
28737	T	Revision of foot bones	271	14.12	$726.05	$365.44	$145.21
28740	T	Fusion of foot bones	272	16.11	$828.38	$411.09	$165.68
28750	T	Fusion of big toe joint	271	14.12	$726.05	$365.44	$145.21
28755	T	Fusion of big toe joint	271	14.12	$726.05	$365.44	$145.21
28760	T	Fusion of big toe joint	272	16.11	$828.38	$411.09	$165.68
28800	C	Amputation of midfoot					
28805	C	Amputation thru metatarsal					
28810	T	Amputation toe & metatarsal	271	14.12	$726.05	$365.44	$145.21
28820	T	Amputation of toe	271	14.12	$726.05	$365.44	$145.21
28825	T	Partial amputation of toe	271	14.12	$726.05	$365.44	$145.21
28899	T	Foot/toes surgery procedure	207	1.70	$87.41	$32.32	$17.48
29000	N	Application of body cast					
29010	N	Application of body cast					
29015	N	Application of body cast					
29020	N	Application of body cast					
29025	N	Application of body cast					
29035	N	Application of body cast					
29040	N	Application of body cast					
29044	N	Application of body cast					
29046	N	Application of body cast					
29049	N	Application of figure eight					
29055	N	Application of shoulder cast					
29058	N	Application of shoulder cast					
29065	N	Application of long arm cast					
29075	N	Application of forearm cast					
29085	N	Apply hand/wrist cast					
29105	N	Apply long arm splint					
29125	N	Apply forearm splint					
29126	N	Apply forearm splint					
29130	N	Application of finger splint					
29131	N	Application of finger splint					
29200	N	Strapping of chest					
29220	N	Strapping of low back					
29240	N	Strapping of shoulder					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
29260	N	Strapping of elbow or wrist					
29280	N	Strapping of hand or finger					
29305	N	Application of hip cast					
29325	N	Application of hip casts					
29345	N	Application of long leg cast					
29355	N	Application of long leg cast					
29358	N	Apply long leg cast brace					
29365	N	Application of long leg cast					
29405	N	Apply short leg cast					
29425	N	Apply short leg cast					
29435	N	Apply short leg cast					
29440	N	Addition of walker to cast					
29445	N	Apply rigid leg cast					
29450	N	Application of leg cast					
29505	N	Application long leg splint					
29515	N	Application lower leg splint					
29520	N	Strapping of hip					
29530	N	Strapping of knee					
29540	N	Strapping of ankle					
29550	N	Strapping of toes					
29580	N	Application of paste boot					
29590	N	Application of foot splint					
29700	N	Removal/revision of cast					
29705	N	Removal/revision of cast					
29710	N	Removal/revision of cast					
29715	N	Removal/revision of cast					
29720	N	Repair of body cast					
29730	N	Windowing of cast					
29740	N	Wedging of cast					
29750	N	Wedging of clubfoot cast					
29799	N	Casting/strapping procedure					
29800	T	Jaw arthroscopy/surgery	280	22.15	$1,138.95	$581.72	$227.79
29804	T	Jaw arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29815	T	Shoulder arthroscopy	280	22.15	$1,138.95	$581.72	$227.79
29819	T	Shoulder arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29820	T	Shoulder arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29821	T	Shoulder arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29822	T	Shoulder arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29823	T	Shoulder arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29825	T	Shoulder arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29826	T	Shoulder arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29830	T	Elbow arthroscopy	280	22.15	$1,138.95	$581.72	$227.79
29834	T	Elbow arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29835	T	Elbow arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29836	T	Elbow arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29837	T	Elbow arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29838	T	Elbow arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29840	T	Wrist arthroscopy	280	22.15	$1,138.95	$581.72	$227.79
29843	T	Wrist arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29844	T	Wrist arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29845	T	Wrist arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29846	T	Wrist arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29847	T	Wrist arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29848	T	Wrist endoscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29850	T	Knee arthroscopy/surgery	286	27.69	$1,423.82	$791.90	$284.76
29851	T	Knee arthroscopy/surgery	286	27.69	$1,423.82	$791.90	$284.76
29855	T	Tibial arthroscopy/surgery	286	27.69	$1,423.82	$791.90	$284.76
29856	T	Tibial arthroscopy/surgery	286	27.69	$1,423.82	$791.90	$284.76
29860	T	Hip arthroscopy, dx	281	22.37	$1,150.27	$589.18	$230.05
29861	T	Hip arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29862	T	Hip arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29863	T	Hip arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29870	T	Knee arthroscopy, diagnostic	280	22.15	$1,138.95	$581.72	$227.79
29871	T	Knee arthroscopy/drainage	282	23.65	$1,216.08	$609.97	$243.22
29874	T	Knee arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29875	T	Knee arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29876	T	Knee arthroscopy/surgery	282	23.65	$1,216.08	$609.97	$243.22
29877	T	Knee arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29879	T	Knee arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29880	T	Knee arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29881	T	Knee arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29882	T	Knee arthroscopy/surgery	282	23.65	$1,216.08	$609.97	$243.22
29883	T	Knee arthroscopy/surgery	282	23.65	$1,216.08	$609.97	$243.22
29884	T	Knee arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29885	T	Knee arthroscopy/surgery	282	23.65	$1,216.08	$609.97	$243.22

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
29886	T	Knee arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29887	T	Knee arthroscopy/surgery	282	23.65	$1,216.08	$609.97	$243.22
29888	T	Knee arthroscopy/surgery	286	27.69	$1,423.82	$791.90	$284.76
29889	T	Knee arthroscopy/surgery	286	27.69	$1,423.82	$791.90	$284.76
29891	T	Ankle arthroscopy/surgery	282	23.65	$1,216.08	$609.97	$243.22
29892	T	Ankle arthroscopy/surgery	286	27.69	$1,423.82	$791.90	$284.76
29893	T	Scope, plantar fasciotomy	271	14.12	$726.05	$365.44	$145.21
29894	T	Ankle arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29895	T	Ankle arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29897	T	Ankle arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29898	T	Ankle arthroscopy/surgery	281	22.37	$1,150.27	$589.18	$230.05
29909	T	Arthroscopy of joint	280	22.15	$1,138.95	$581.72	$227.79
30000	T	Drainage of nose lesion	311	1.41	$72.50	$20.57	$14.50
30020	T	Drainage of nose lesion	311	1.41	$72.50	$20.57	$14.50
30100	T	Intranasal biopsy	311	1.41	$72.50	$20.57	$14.50
30110	T	Removal of nose polyp(s)	311	1.41	$72.50	$20.57	$14.50
30115	T	Removal of nose polyp(s)	313	15.46	$794.95	$407.70	$158.99
30117	T	Removal of intranasal lesion	311	1.41	$72.50	$20.57	$14.50
30118	T	Removal of intranasal lesion	313	15.46	$794.95	$407.70	$158.99
30120	T	Revision of nose	313	15.46	$794.95	$407.70	$158.99
30124	T	Removal of nose lesion	311	1.41	$72.50	$20.57	$14.50
30125	T	Removal of nose lesion	313	15.46	$794.95	$407.70	$158.99
30130	T	Removal of turbinate bones	313	15.46	$794.95	$407.70	$158.99
30140	T	Removal of turbinate bones	313	15.46	$794.95	$407.70	$158.99
30150	T	Partial removal of nose	313	15.46	$794.95	$407.70	$158.99
30160	T	Removal of nose	313	15.46	$794.95	$407.70	$158.99
30200	T	Injection treatment of nose	347	2.57	$132.15	$62.38	$26.43
30210	T	Nasal sinus therapy	311	1.41	$72.50	$20.57	$14.50
30220	T	Insert nasal septal button	311	1.41	$72.50	$20.57	$14.50
30300	T	Remove nasal foreign body	311	1.41	$72.50	$20.57	$14.50
30310	T	Remove nasal foreign body	313	15.46	$794.95	$407.70	$158.99
30320	T	Remove nasal foreign body	313	15.46	$794.95	$407.70	$158.99
30400	T	Reconstruction of nose	314	25.15	$1,293.21	$687.72	$258.64
30410	T	Reconstruction of nose	314	25.15	$1,293.21	$687.72	$258.64
30420	T	Reconstruction of nose	314	25.15	$1,293.21	$687.72	$258.64
30430	T	Revision of nose	313	15.46	$794.95	$407.70	$158.99
30435	T	Revision of nose	314	25.15	$1,293.21	$687.72	$258.64
30450	T	Revision of nose	314	25.15	$1,293.21	$687.72	$258.64
30460	T	Revision of nose	314	25.15	$1,293.21	$687.72	$258.64
30462	T	Revision of nose	314	25.15	$1,293.21	$687.72	$258.64
30520	T	Repair of nasal septum	313	15.46	$794.95	$407.70	$158.99
30540	T	Repair nasal defect	313	15.46	$794.95	$407.70	$158.99
30545	T	Repair nasal defect	314	25.15	$1,293.21	$687.72	$258.64
30560	T	Release of nasal adhesions	311	1.41	$72.50	$20.57	$14.50
30580	T	Repair upper jaw fistula	313	15.46	$794.95	$407.70	$158.99
30600	T	Repair mouth/nose fistula	313	15.46	$794.95	$407.70	$158.99
30620	T	Intranasal reconstruction	313	15.46	$794.95	$407.70	$158.99
30630	T	Repair nasal septum defect	313	15.46	$794.95	$407.70	$158.99
30801	T	Cauterization inner nose	312	7.07	$363.54	$170.86	$72.71
30802	T	Cauterization inner nose	312	7.07	$363.54	$170.86	$72.71
30901	T	Control of nosebleed	318	2.07	$106.44	$38.87	$21.29
30903	T	Control of nosebleed	318	2.07	$106.44	$38.87	$21.29
30905	T	Control of nosebleed	318	2.07	$106.44	$38.87	$21.29
30906	T	Repeat control of nosebleed	318	2.07	$106.44	$38.87	$21.29
30915	T	Ligation nasal sinus artery	367	17.02	$875.17	$441.15	$175.03
30920	T	Ligation upper jaw artery	367	17.02	$875.17	$441.15	$175.03
30930	T	Therapy fracture of nose	312	7.07	$363.54	$170.86	$72.71
30999	T	Nasal surgery procedure	318	2.07	$106.44	$38.87	$21.29
31000	T	Irrigation maxillary sinus	311	1.41	$72.50	$20.57	$14.50
31002	T	Irrigation sphenoid sinus	311	1.41	$72.50	$20.57	$14.50
31020	T	Exploration maxillary sinus	313	15.46	$794.95	$407.70	$158.99
31030	T	Exploration maxillary sinus	313	15.46	$794.95	$407.70	$158.99
31032	T	Explore sinus,remove polyps	313	15.46	$794.95	$407.70	$158.99
31040	T	Exploration behind upper jaw	314	25.15	$1,293.21	$687.72	$258.64
31050	T	Exploration sphenoid sinus	313	15.46	$794.95	$407.70	$158.99
31051	T	Sphenoid sinus surgery	313	15.46	$794.95	$407.70	$158.99
31070	T	Exploration of frontal sinus	313	15.46	$794.95	$407.70	$158.99
31075	T	Exploration of frontal sinus	314	25.15	$1,293.21	$687.72	$258.64
31080	T	Removal of frontal sinus	314	25.15	$1,293.21	$687.72	$258.64
31081	T	Removal of frontal sinus	314	25.15	$1,293.21	$687.72	$258.64
31084	T	Removal of frontal sinus	314	25.15	$1,293.21	$687.72	$258.64
31085	T	Removal of frontal sinus	314	25.15	$1,293.21	$687.72	$258.64
31086	T	Removal of frontal sinus	314	25.15	$1,293.21	$687.72	$258.64
31087	T	Removal of frontal sinus	314	25.15	$1,293.21	$687.72	$258.64
31090	T	Exploration of sinuses	314	25.15	$1,293.21	$687.72	$258.64

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
31200	T	Removal of ethmoid sinus	313	15.46	$794.95	$407.70	$158.99
31201	T	Removal of ethmoid sinus	314	25.15	$1,293.21	$687.72	$258.64
31205	T	Removal of ethmoid sinus	314	25.15	$1,293.21	$687.72	$258.64
31225	C	Removal of upper jaw					
31230	C	Removal of upper jaw					
31231	T	Nasal endoscopy, dx	331	0.57	$29.31	$14.01	$5.86
31233	T	Nasal/sinus endoscopy, dx	332	9.67	$497.23	$242.72	$99.45
31235	T	Nasal/sinus endoscopy, dx	332	9.67	$497.23	$242.72	$99.45
31237	T	Nasal/sinus endoscopy, surg	332	9.67	$497.23	$242.72	$99.45
31238	T	Nasal/sinus endoscopy, surg	332	9.67	$497.23	$242.72	$99.45
31239	T	Nasal/sinus endoscopy, surg	333	16.81	$864.37	$461.04	$172.87
31240	T	Nasal/sinus endoscopy, surg	332	9.67	$497.23	$242.72	$99.45
31254	T	Revision of ethmoid sinus	333	16.81	$864.37	$461.04	$172.87
31255	T	Removal of ethmoid sinus	333	16.81	$864.37	$461.04	$172.87
31256	T	Exploration maxillary sinus	333	16.81	$864.37	$461.04	$172.87
31267	T	Endoscopy, maxillary sinus	333	16.81	$864.37	$461.04	$172.87
31276	T	Sinus surgical endoscopy	333	16.81	$864.37	$461.04	$172.87
31287	T	Nasal/sinus endoscopy, surg	333	16.81	$864.37	$461.04	$172.87
31288	T	Nasal/sinus endoscopy, surg	333	16.81	$864.37	$461.04	$172.87
31290	C	Nasal/sinus endoscopy, surg					
31291	C	Nasal/sinus endoscopy, surg					
31292	C	Nasal/sinus endoscopy, surg					
31293	C	Nasal/sinus endoscopy, surg					
31294	C	Nasal/sinus endoscopy, surg					
31299	T	Sinus surgery procedure	331	0.57	$29.31	$14.01	$5.86
31300	T	Removal of larynx lesion	314	25.15	$1,293.21	$687.72	$258.64
31320	T	Diagnostic incision larynx	313	15.46	$794.95	$407.70	$158.99
31360	C	Removal of larynx					
31365	C	Removal of larynx					
31367	C	Partial removal of larynx					
31368	C	Partial removal of larynx					
31370	C	Partial removal of larynx					
31375	C	Partial removal of larynx					
31380	C	Partial removal of larynx					
31382	C	Partial removal of larynx					
31390	C	Removal of larynx & pharynx					
31395	C	Reconstruct larynx & pharynx					
31400	T	Revision of larynx	314	25.15	$1,293.21	$687.72	$258.64
31420	T	Removal of epiglottis	314	25.15	$1,293.21	$687.72	$258.64
31500	S	Insert emergency airway	947	4.11	$211.34	$106.22	$42.27
31502	T	Change of windpipe airway	470	2.19	$112.61	$54.92	$22.52
31505	T	Diagnostic laryngoscopy	331	0.57	$29.31	$14.01	$5.86
31510	T	Laryngoscopy with biopsy	332	9.67	$497.23	$242.72	$99.45
31511	T	Remove foreign body, larynx	332	9.67	$497.23	$242.72	$99.45
31512	T	Removal of larynx lesion	332	9.67	$497.23	$242.72	$99.45
31513	T	Injection into vocal cord	332	9.67	$497.23	$242.72	$99.45
31515	T	Laryngoscopy for aspiration	332	9.67	$497.23	$242.72	$99.45
31520	T	Diagnostic laryngoscopy	332	9.67	$497.23	$242.72	$99.45
31525	T	Diagnostic laryngoscopy	332	9.67	$497.23	$242.72	$99.45
31526	T	Diagnostic laryngoscopy	332	9.67	$497.23	$242.72	$99 45
31527	T	Laryngoscopy for treatment	333	16.81	$864.37	$461.04	$172.87
31528	T	Laryngoscopy and dilatation	332	9.67	$497.23	$242.72	$99.45
31529	T	Laryngoscopy and dilatation	332	9.67	$497.23	$242.72	$99.45
31530	T	Operative laryngoscopy	333	16.81	$864.37	$461.04	$172.87
31531	T	Operative laryngoscopy	333	16.81	$864.37	$461.04	$172.87
31535	T	Operative laryngoscopy	333	16.81	$864.37	$461.04	$172.87
31536	T	Operative laryngoscopy	333	16.81	$864.37	$461.04	$172.87
31540	T	Operative laryngoscopy	333	16.81	$864.37	$461.04	$172.87
31541	T	Operative laryngoscopy	333	16.81	$864.37	$461.04	$172.87
31560	T	Operative laryngoscopy	333	16.81	$864.37	$461.04	$172.87
31561	T	Operative laryngoscopy	333	16.81	$864.37	$461.04	$172.87
31570	T	Laryngoscopy with injection	333	16.81	$864.37	$461.04	$172.87
31571	T	Laryngoscopy with injection	333	16.81	$864.37	$461.04	$172.87
31575	T	Diagnostic laryngoscopy	331	0.57	$29.31	$14.01	$5.86
31576	T	Laryngoscopy with biopsy	332	9.67	$497.23	$242.72	$99.45
31577	T	Remove foreign body, larynx	332	9.67	$497.23	$242.72	$99.45
31578	T	Removal of larynx lesion	332	9.67	$497.23	$242.72	$99.45
31579	T	Diagnostic laryngoscopy	331	0.57	$29.31	$14.01	$5.86
31580	C	Revision of larynx					
31582	C	Revision of larynx					
31584	C	Repair of larynx fracture					
31585	T	Repair of larynx fracture	207	1.70	$87.41	$32.32	$17.48
31586	T	Repair of larynx fracture	209	1.94	$99.75	$37.74	$19.95
31587	C	Revision of larynx					
31588	T	Revision of larynx	314	25.15	$1,293.21	$687.72	$258.64

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
31590	T	Reinnervate larynx	314	25.15	$1,293.21	$687.72	$258.64
31595	T	Larynx nerve surgery	313	15.46	$794.95	$407.70	$158.99
31599	T	Larynx surgery procedure	207	1.70	$87.41	$32.32	$17.48
31600	C	Incision of windpipe					
31601	C	Incision of windpipe					
31603	T	Incision of windpipe	311	1.41	$72.50	$20.57	$14.50
31605	T	Incision of windpipe	311	1.41	$72.50	$20.57	$14.50
31610	C	Incision of windpipe					
31611	T	Surgery/speech prosthesis	313	15.46	$794.95	$407.70	$158.99
31612	T	Puncture/clear windpipe	312	7.07	$363.54	$170.86	$72.71
31613	T	Repair windpipe opening	313	15.46	$794.95	$407.70	$158.99
31614	T	Repair windpipe opening	313	15.46	$794.95	$407.70	$158.99
31615	T	Visualization of windpipe	336	7.24	$372.28	$195.49	$74.46
31622	T	Dx bronchoscope/wash	336	7.24	$372.28	$195.49	$74.46
31625	T	Bronchoscopy with biopsy	336	7.24	$372.28	$195.49	$74.46
31628	T	Bronchoscopy with biopsy	336	7.24	$372.28	$195.49	$74.46
31629	T	Bronchoscopy with biopsy	336	7.24	$372.28	$195.49	$74.46
31630	T	Bronchoscopy with repair	336	7.24	$372.28	$195.49	$74.46
31631	T	Bronchoscopy with dilation	336	7.24	$372.28	$195.49	$74.46
31635	T	Remove foreign body, airway	336	7.24	$372.28	$195.49	$74.46
31640	T	Bronchoscopy & remove lesion	336	7.24	$372.28	$195.49	$74.46
31641	T	Bronchoscopy, treat blockage	336	7.24	$372.28	$195.49	$74.46
31645	T	Bronchoscopy, clear airways	336	7.24	$372.28	$195.49	$74.46
31646	T	Bronchoscopy,reclear airways	336	7.24	$372.28	$195.49	$74.46
31656	T	Bronchoscopy,inject for xray	336	7.24	$372.28	$195.49	$74.46
31700	T	Insertion of airway catheter	332	9.67	$497.23	$242.72	$99.45
31708	T	Instill airway contrast dye	347	2.57	$132.15	$62.38	$26.43
31710	T	Insertion of airway catheter	347	2.57	$132.15	$62.38	$26.43
31715	T	Injection for bronchus x-ray	347	2.57	$132.15	$62.38	$26.43
31717	T	Bronchial brush biopsy	332	9.67	$497.23	$242.72	$99.45
31720	T	Clearance of airways	332	9.67	$497.23	$242.72	$99.45
31725	C	Clearance of airways					
31730	T	Intro windpipe wire/tube	332	9.67	$497.23	$242.72	$99.45
31750	T	Repair of windpipe	314	25.15	$1,293.21	$687.72	$258.64
31755	T	Repair of windpipe	314	25.15	$1,293.21	$687.72	$258.64
31760	C	Repair of windpipe					
31766	C	Reconstruction of windpipe					
31770	C	Repair/graft of bronchus					
31775	C	Reconstruct bronchus					
31780	C	Reconstruct windpipe					
31781	C	Reconstruct windpipe					
31785	C	Remove windpipe lesion					
31786	C	Remove windpipe lesion					
31800	C	Repair of windpipe injury					
31805	C	Repair of windpipe injury					
31820	T	Closure of windpipe lesion	313	15.46	$794.95	$407.70	$158.99
31825	T	Repair of windpipe defect	313	15.46	$794.95	$407.70	$158.99
31830	T	Revise windpipe scar	313	15.46	$794.95	$407.70	$158.99
31899	T	Airways surgical procedure	336	7.24	$372.28	$195.49	$74.46
32000	T	Drainage of chest	320	3.09	$158.89	$80.91	$31.78
32002	T	Treatment of collapsed lung	320	3.09	$158.89	$80.91	$31.78
32005	C	Treat lung lining chemically					
32020	T	Insertion of chest tube	320	3.09	$158.89	$80.91	$31.78
32035	C	Exploration of chest					
32036	C	Exploration of chest					
32095	C	Biopsy through chest wall					
32100	C	Exploration/biopsy of chest					
32110	C	Explore/repair chest					
32120	C	Re-exploration of chest					
32124	C	Explore chest,free adhesions					
32140	C	Removal of lung lesion(s)					
32141	C	Remove/treat lung lesions					
32150	C	Removal of lung lesion(s)					
32151	C	Remove lung foreign body					
32160	C	Open chest heart massage					
32200	C	Open drainage, lung lesion					
32201	C	Percut drainage, lung lesion					
32215	C	Treat chest lining					
32220	C	Release of lung					
32225	C	Partial release of lung					
32310	C	Removal of chest lining					
32320	C	Free/remove chest lining					
32400	T	Needle biopsy chest lining	122	4.59	$236.02	$113.00	$47.20
32402	C	Open biopsy chest lining					
32405	T	Biopsy, lung or mediastinum	122	4.59	$236.02	$113.00	$47.20

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
32420	T	Puncture/clear lung	320	3.09	$158.89	$80.91	$31.78
32440	C	Removal of lung					
32442	C	Sleeve pneumonectomy					
32445	C	Removal of lung					
32480	C	Partial removal of lung					
32482	C	Bilobectomy					
32484	C	Segmentectomy					
32486	C	Sleeve lobectomy					
32488	C	Completion pneumonectomy					
32491	C	Lung volume reduction					
32500	C	Partial removal of lung					
32501	C	Repair bronchus (add-on)					
32520	C	Remove lung & revise chest					
32522	C	Remove lung & revise chest					
32525	C	Remove lung & revise chest					
32540	C	Removal of lung lesion					
32601	C	Thoracoscopy, diagnostic					
32602	C	Thoracoscopy, diagnostic					
32603	C	Thoracoscopy, diagnostic					
32604	C	Thoracoscopy, diagnostic					
32605	C	Thoracoscopy, diagnostic					
32606	C	Thoracoscopy, diagnostic					
32650	C	Thoracoscopy, surgical					
32651	C	Thoracoscopy, surgical					
32652	C	Thoracoscopy, surgical					
32653	C	Thoracoscopy, surgical					
32654	C	Thoracoscopy, surgical					
32655	C	Thoracoscopy, surgical					
32656	C	Thoracoscopy, surgical					
32657	C	Thoracoscopy, surgical					
32658	C	Thoracoscopy, surgical					
32659	C	Thoracoscopy, surgical					
32660	C	Thoracoscopy, surgical					
32661	C	Thoracoscopy, surgical					
32662	C	Thoracoscopy, surgical					
32663	C	Thoracoscopy, surgical					
32664	C	Thoracoscopy, surgical					
32665	C	Thoracoscopy, surgical					
32800	C	Repair lung hernia					
32810	C	Close chest after drainage					
32815	C	Close bronchial fistula					
32820	C	Reconstruct injured chest					
32850	C	Donor pneumonectomy					
32851	C	Lung transplant, single					
32852	C	Lung transplant w/bypass					
32853	C	Lung transplant, double					
32854	C	Lung transplant w/bypass					
32900	C	Removal of rib(s)					
32905	C	Revise & repair chest wall					
32906	C	Revise & repair chest wall					
32940	C	Revision of lung					
32960	T	Therapeutic pneumothorax	320	3.09	$158.89	$80.91	$31.78
32999	T	Chest surgery procedure	320	3.09	$158.89	$80.91	$31.78
33010	T	Drainage of heart sac	320	3.09	$158.89	$80.91	$31.78
33011	T	Repeat drainage of heart sac	320	3.09	$158.89	$80.91	$31.78
33015	C	Incision of heart sac					
33020	C	Incision of heart sac					
33025	C	Incision of heart sac					
33030	C	Partial removal of heart sac					
33031	C	Partial removal of heart sac					
33050	C	Removal of heart sac lesion					
33120	C	Removal of heart lesion					
33130	C	Removal of heart lesion					
33200	C	Insertion of heart pacemaker					
33201	C	Insertion of heart pacemaker					
33206	C	Insertion of heart pacemaker					
33207	C	Insertion of heart pacemaker					
33208	C	Insertion of heart pacemaker					
33210	C	Insertion of heart electrode					
33211	C	Insertion of heart electrode					
33212	C	Insertion of pulse generator					
33213	C	Insertion of pulse generator					
33214	C	Upgrade of pacemaker system					
33216	C	Revision implanted electrode					
33217	C	Insert/revise electrode					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
33218	C	Repair pacemaker electrodes					
33220	C	Repair pacemaker electrode					
33222	T	Pacemaker aicd pocket	360	6.04	$310.58	$138.54	$62.12
33223	T	Pacemaker aicd pocket	360	6.04	$310.58	$138.54	$62.12
33233	C	Removal of pacemaker system					
33234	C	Removal of pacemaker system					
33235	C	Removal pacemaker electrode					
33236	C	Remove electrode/thoracotomy					
33237	C	Remove electrode/thoracotomy					
33238	C	Remove electrode/thoracotomy					
33240	C	Insert/replace pulse gener					
33241	C	Remove pulse generator only					
33242	C	Repair pulse generator/leads					
33243	C	Remove generator/thoracotomy					
33244	C	Remove generator					
33245	C	Implant heart defibrillator					
33246	C	Implant heart defibrillator					
33247	C	Insert/replace leads					
33249	C	Insert/replace leads/gener					
33250	C	Ablate heart dysrhythm focus					
33251	C	Ablate heart dysrhythm focus					
33253	C	Reconstruct atria					
33261	C	Ablate heart dysrhythm focus					
33300	C	Repair of heart wound					
33305	C	Repair of heart wound					
33310	C	Exploratory heart surgery					
33315	C	Exploratory heart surgery					
33320	C	Repair major blood vessel(s)					
33321	C	Repair major vessel					
33322	C	Repair major blood vessel(s)					
33330	C	Insert major vessel graft					
33332	C	Insert major vessel graft					
33335	C	Insert major vessel graft					
33400	C	Repair of aortic valve					
33401	C	Valvuloplasty, open					
33403	C	Valvuloplasty, w/cp bypass					
33404	C	Prepare heart-aorta conduit					
33405	C	Replacement of aortic valve					
33406	C	Replacement, aortic valve					
33411	C	Replacement of aortic valve					
33412	C	Replacement of aortic valve					
33413	C	Replacement, aortic valve					
33414	C	Repair, aortic valve					
33415	C	Revision, subvalvular tissue					
33416	C	Revise ventricle muscle					
33417	C	Repair of aortic valve					
33420	C	Revision of mitral valve					
33422	C	Revision of mitral valve					
33425	C	Repair of mitral valve					
33426	C	Repair of mitral valve					
33427	C	Repair of mitral valve					
33430	C	Replacement of mitral valve					
33460	C	Revision of tricuspid valve					
33463	C	Valvuloplasty, tricuspid					
33464	C	Valvuloplasty, tricuspid					
33465	C	Replace tricuspid valve					
33468	C	Revision of tricuspid valve					
33470	C	Revision of pulmonary valve					
33471	C	Valvotomy, pulmonary valve					
33472	C	Revision of pulmonary valve					
33474	C	Revision of pulmonary valve					
33475	C	Replacement, pulmonary valve					
33476	C	Revision of heart chamber					
33478	C	Revision of heart chamber					
33496	C	Repair, prosth valve clot					
33500	C	Repair heart vessel fistula					
33501	C	Repair heart vessel fistula					
33502	C	Coronary artery correction					
33503	C	Coronary artery graft					
33504	C	Coronary artery graft					
33505	C	Repair artery w/tunnel					
33506	C	Repair artery, translocation					
33510	C	CABG, vein, single					
33511	C	CABG, vein, two					
33512	C	CABG, vein, three					

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CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
33513	C	CABG, vein, four					
33514	C	CABG, vein, five					
33516	C	CABG, vein, six+					
33517	C	CABG, artery-vein, single					
33518	C	CABG, artery-vein, two					
33519	C	CABG, artery-vein, three					
33521	C	CABG, artery-vein, four					
33522	C	CABG, artery-vein, five					
33523	C	CABG, artery-vein, six+					
33530	C	Coronary artery, bypass/reop					
33533	C	CABG, arterial, single					
33534	C	CABG, arterial, two					
33535	C	CABG, arterial, three					
33536	C	CABG, arterial, four+					
33542	C	Removal of heart lesion					
33545	C	Repair of heart damage					
33572	C	Open coronary endarterectomy					
33600	C	Closure of valve					
33602	C	Closure of valve					
33606	C	Anastomosis/artery-aorta					
33608	C	Repair anomaly w/conduit					
33610	C	Repair by enlargement					
33611	C	Repair double ventricle					
33612	C	Repair double ventricle					
33615	C	Repair (simple fontan)					
33617	C	Repair by modified fontan					
33619	C	Repair single ventricle					
33641	C	Repair heart septum defect					
33645	C	Revision of heart veins					
33647	C	Repair heart septum defects					
33660	C	Repair of heart defects					
33665	C	Repair of heart defects					
33670	C	Repair of heart chambers					
33681	C	Repair heart septum defect					
33684	C	Repair heart septum defect					
33688	C	Repair heart septum defect					
33690	C	Reinforce pulmonary artery					
33692	C	Repair of heart defects					
33694	C	Repair of heart defects					
33697	C	Repair of heart defects					
33702	C	Repair of heart defects					
33710	C	Repair of heart defects					
33720	C	Repair of heart defect					
33722	C	Repair of heart defect					
33730	C	Repair heart-vein defect(s)					
33732	C	Repair heart-vein defect					
33735	C	Revision of heart chamber					
33736	C	Revision of heart chamber					
33737	C	Revision of heart chamber					
33750	C	Major vessel shunt					
33755	C	Major vessel shunt					
33762	C	Major vessel shunt					
33764	C	Major vessel shunt & graft					
33766	C	Major vessel shunt					
33767	C	Major vessel shunt					
33770	C	Repair great vessels defect					
33771	C	Repair great vessels defect					
33774	C	Repair great vessels defect					
33775	C	Repair great vessels defect					
33776	C	Repair great vessels defect					
33777	C	Repair great vessels defect					
33778	C	Repair great vessels defect					
33779	C	Repair great vessels defect					
33780	C	Repair great vessels defect					
33781	C	Repair great vessels defect					
33786	C	Repair arterial trunk					
33788	C	Revision of pulmonary artery					
33800	C	Aortic suspension					
33802	C	Repair vessel defect					
33803	C	Repair vessel defect					
33813	C	Repair septal defect					
33814	C	Repair septal defect					
33820	C	Revise major vessel					
33822	C	Revise major vessel					
33824	C	Revise major vessel					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
33840	C	Remove aorta constriction					
33845	C	Remove aorta constriction					
33851	C	Remove aorta constriction					
33852	C	Repair septal defect					
33853	C	Repair septal defect					
33860	C	Ascending aorta graft					
33861	C	Ascending aorta graft					
33863	C	Ascending aorta graft					
33870	C	Transverse aortic arch graft					
33875	C	Thoracic aorta graft					
33877	C	Thoracoabdominal graft					
33910	C	Remove lung artery emboli					
33915	C	Remove lung artery emboli					
33916	C	Surgery of great vessel					
33917	C	Repair pulmonary artery					
33918	C	Repair pulmonary atresia					
33919	C	Repair pulmonary atresia					
33920	C	Repair pulmonary atresia					
33922	C	Transect pulmonary artery					
33924	C	Remove pulmonary shunt					
33930	C	Removal of donor heart/lung					
33935	C	Transplantation, heart/lung					
33940	C	Removal of donor heart					
33945	C	Transplantation of heart					
33960	C	External circulation assist					
33961	C	External circulation assist					
33970	C	Aortic circulation assist					
33971	C	Aortic circulation assist					
33973	C	Insert balloon device					
33974	C	Remove intra-aortic balloon					
33975	C	Implant ventricular device					
33976	C	Implant ventricular device					
33977	C	Remove ventricular device					
33978	C	Remove ventricular device					
33999	T	Cardiac surgery procedure	320	3.09	$158.89	$80.91	$31.78
34001	C	Removal of artery clot					
34051	C	Removal of artery clot					
34101	C	Removal of artery clot					
34111	C	Removal of arm artery clot					
34151	C	Removal of artery clot					
34201	C	Removal of artery clot					
34203	C	Removal of leg artery clot					
34401	C	Removal of vein clot					
34421	C	Removal of vein clot					
34451	C	Removal of vein clot					
34471	C	Removal of vein clot					
34490	C	Removal of vein clot					
34501	C	Repair valve, femoral vein					
34502	C	Reconstruct, vena cava					
34510	C	Transposition of vein valve					
34520	C	Cross-over vein graft					
34530	C	Leg vein fusion					
35001	C	Repair defect of artery					
35002	C	Repair artery rupture, neck					
35005	C	Repair defect of artery					
35011	C	Repair defect of artery					
35013	C	Repair artery rupture, arm					
35021	C	Repair defect of artery					
35022	C	Repair artery rupture, chest					
35045	C	Repair defect of arm artery					
35081	C	Repair defect of artery					
35082	C	Repair artery rupture, aorta					
35091	C	Repair defect of artery					
35092	C	Repair artery rupture, aorta					
35102	C	Repair defect of artery					
35103	C	Repair artery rupture, groin					
35111	C	Repair defect of artery					
35112	C	Repair artery rupture,spleen					
35121	C	Repair defect of artery					
35122	C	Repair artery rupture, belly					
35131	C	Repair defect of artery					
35132	C	Repair artery rupture, groin					
35141	C	Repair defect of artery					
35142	C	Repair artery rupture, thigh					
35151	C	Repair defect of artery					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
35152	C	Repair artery rupture, knee					
35161	C	Repair defect of artery					
35162	C	Repair artery rupture					
35180	C	Repair blood vessel lesion					
35182	C	Repair blood vessel lesion					
35184	C	Repair blood vessel lesion					
35188	T	Repair blood vessel lesion	368	22.59	$1,161.58	$647.49	$232.32
35189	C	Repair blood vessel lesion					
35190	C	Repair blood vessel lesion					
35201	C	Repair blood vessel lesion					
35206	C	Repair blood vessel lesion					
35207	T	Repair blood vessel lesion	368	22.59	$1,161.58	$647.49	$232.32
35211	C	Repair blood vessel lesion					
35216	C	Repair blood vessel lesion					
35221	C	Repair blood vessel lesion					
35226	C	Repair blood vessel lesion					
35231	C	Repair blood vessel lesion					
35236	C	Repair blood vessel lesion					
35241	C	Repair blood vessel lesion					
35246	C	Repair blood vessel lesion					
35251	C	Repair blood vessel lesion					
35256	C	Repair blood vessel lesion					
35261	C	Repair blood vessel lesion					
35266	C	Repair blood vessel lesion					
35271	C	Repair blood vessel lesion					
35276	C	Repair blood vessel lesion					
35281	C	Repair blood vessel lesion					
35286	C	Repair blood vessel lesion					
35301	C	Rechanneling of artery					
35311	C	Rechanneling of artery					
35321	C	Rechanneling of artery					
35331	C	Rechanneling of artery					
35341	C	Rechanneling of artery					
35351	C	Rechanneling of artery					
35355	C	Rechanneling of artery					
35361	C	Rechanneling of artery					
35363	C	Rechanneling of artery					
35371	C	Rechanneling of artery					
35372	C	Rechanneling of artery					
35381	C	Rechanneling of artery					
35390	C	Reoperation, carotid add-on					
35400	C	Angioscopy					
35450	C	Repair arterial blockage					
35452	C	Repair arterial blockage					
35454	C	Repair arterial blockage					
35456	C	Repair arterial blockage					
35458	C	Repair arterial blockage					
35459	C	Repair arterial blockage					
35460	C	Repair venous blockage					
35470	C	Repair arterial blockage					
35471	C	Repair arterial blockage					
35472	C	Repair arterial blockage					
35473	C	Repair arterial blockage					
35474	C	Repair arterial blockage					
35475	C	Repair arterial blockage					
35476	C	Repair venous blockage					
35480	C	Atherectomy, open					
35481	C	Atherectomy, open					
35482	C	Atherectomy, open					
35483	C	Atherectomy, open					
35484	C	Atherectomy, open					
35485	C	Atherectomy, open					
35490	C	Atherectomy, percutaneous					
35491	C	Atherectomy, percutaneous					
35492	C	Atherectomy, percutaneous					
35493	C	Atherectomy, percutaneous					
35494	C	Atherectomy, percutaneous					
35495	C	Atherectomy, percutaneous					
35501	C	Artery bypass graft					
35506	C	Artery bypass graft					
35507	C	Artery bypass graft					
35508	C	Artery bypass graft					
35509	C	Artery bypass graft					
35511	C	Artery bypass graft					
35515	C	Artery bypass graft					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
35516	C	Artery bypass graft					
35518	C	Artery bypass graft					
35521	C	Artery bypass graft					
35526	C	Artery bypass graft					
35531	C	Artery bypass graft					
35533	C	Artery bypass graft					
35536	C	Artery bypass graft					
35541	C	Artery bypass graft					
35546	C	Artery bypass graft					
35548	C	Artery bypass graft					
35549	C	Artery bypass graft					
35551	C	Artery bypass graft					
35556	C	Artery bypass graft					
35558	C	Artery bypass graft					
35560	C	Artery bypass graft					
35563	C	Artery bypass graft					
35565	C	Artery bypass graft					
35566	C	Artery bypass graft					
35571	C	Artery bypass graft					
35582	C	Vein bypass graft					
35583	C	Vein bypass graft					
35585	C	Vein bypass graft					
35587	C	Vein bypass graft					
35601	C	Artery bypass graft					
35606	C	Artery bypass graft					
35612	C	Artery bypass graft					
35616	C	Artery bypass graft					
35621	C	Artery bypass graft					
35623	C	Bypass graft, not vein					
35626	C	Artery bypass graft					
35631	C	Artery bypass graft					
35636	C	Artery bypass graft					
35641	C	Artery bypass graft					
35642	C	Artery bypass graft					
35645	C	Artery bypass graft					
35646	C	Artery bypass graft					
35650	C	Artery bypass graft					
35651	C	Artery bypass graft					
35654	C	Artery bypass graft					
35656	C	Artery bypass graft					
35661	C	Artery bypass graft					
35663	C	Artery bypass graft					
35665	C	Artery bypass graft					
35666	C	Artery bypass graft					
35671	C	Artery bypass graft					
35681	C	Composite bypass graft					
35691	C	Arterial transposition					
35693	C	Arterial transposition					
35694	C	Arterial transposition					
35695	C	Arterial transposition					
35700	C	Reoperation, bypass graft					
35701	C	Exploration, carotid artery					
35721	C	Exploration, femoral artery					
35741	C	Exploration popliteal artery					
35761	C	Exploration of artery/vein					
35800	C	Explore neck vessels					
35820	C	Explore chest vessels					
35840	C	Explore abdominal vessels					
35860	C	Explore limb vessels					
35870	C	Repair vessel graft defect					
35875	T	Removal of clot in graft	368	22.59	$1,161.58	$647.49	$232.32
35876	T	Removal of clot in graft	368	22.59	$1,161.58	$647.49	$232.32
35901	C	Excision, graft, neck					
35903	C	Excision, graft, extremity					
35905	C	Excision, graft, thorax					
35907	C	Excision, graft, abdomen					
36000	N	Place needle in vein					
36005	T	Injection, venography	347	2.57	$132.15	$62.38	$26.43
36010	T	Place catheter in vein	342	2.61	$134.21	$68.70	$26.84
36011	T	Place catheter in vein	342	2.61	$134.21	$68.70	$26.84
36012	T	Place catheter in vein	342	2.61	$134.21	$68.70	$26.84
36013	T	Place catheter in artery	342	2.61	$134.21	$68.70	$26.84
36014	T	Place catheter in artery	342	2.61	$134.21	$68.70	$26.84
36015	T	Place catheter in artery	342	2.61	$134.21	$68.70	$26.84
36100	T	Establish access to artery	342	2.61	$134.21	$68.70	$26.84

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
36120	T	Establish access to artery	342	2.61	$134.21	$68.70	$26.84
36140	T	Establish access to artery	342	2.61	$134.21	$68.70	$26.84
36145	N	Artery to vein shunt					
36160	T	Establish access to aorta	342	2.61	$134.21	$68.70	$26.84
36200	T	Place catheter in aorta	342	2.61	$134.21	$68.70	$26.84
36215	T	Place catheter in artery	343	8.76	$450.44	$240.24	$90.09
36216	T	Place catheter in artery	343	8.76	$450.44	$240.24	$90.09
36217	T	Place catheter in artery	343	8.76	$450.44	$240.24	$90.09
36218	T	Place catheter in artery	343	8.76	$450.44	$240.24	$90.09
36245	T	Place catheter in artery	343	8.76	$450.44	$240.24	$90.09
36246	T	Place catheter in artery	343	8.76	$450.44	$240.24	$90.09
36247	T	Place catheter in artery	343	8.76	$450.44	$240.24	$90.09
36248	T	Place catheter in artery	343	8.76	$450.44	$240.24	$90.09
36260	T	Insertion of infusion pump	368	22.59	$1,161.58	$647.49	$232.32
36261	T	Revision of infusion pump	360	6.04	$310.58	$138.54	$62.12
36262	T	Removal of infusion pump	360	6.04	$310.58	$138.54	$62.12
36299	T	Vessel injection procedure	360	6.04	$310.58	$138.54	$62.12
36400	N	Drawing blood					
36405	N	Drawing blood					
36406	N	Drawing blood					
36410	T	Drawing blood	341	0.09	$4.63	$2.49	$0.93
36415	E	Drawing blood					
36420	T	Establish access to vein	341	0.09	$4.63	$2.49	$0.93
36425	T	Establish access to vein	341	0.09	$4.63	$2.49	$0.93
36430	T	Blood transfusion service	369	6.33	$325.49	$155.49	$65.10
36440	T	Blood transfusion service	369	6.33	$325.49	$155.49	$65.10
36450	T	Exchange transfusion service	369	6.33	$325.49	$155.49	$65.10
36455	T	Exchange transfusion service	369	6.33	$325.49	$155.49	$65.10
36460	T	Transfusion service, fetal	369	6.33	$325.49	$155.49	$65.10
36468	T	Injection(s); spider veins	339	0.98	$50.39	$19.66	$10.08
36469	T	Injection(s); spider veins	339	0.98	$50.39	$19.66	$10.08
36470	T	Injection therapy of vein	339	0.98	$50.39	$19.66	$10.08
36471	T	Injection therapy of veins	339	0.98	$50.39	$19.66	$10.08
36481	T	Insertion of catheter, vein	343	8.76	$450.44	$240.24	$90.09
36488	T	Insertion of catheter, vein	346	4.63	$238.07	$121.59	$47.61
36489	T	Insertion of catheter, vein	346	4.63	$238.07	$121.59	$47.61
36490	T	Insertion of catheter, vein	346	4.63	$238.07	$121.59	$47.61
36491	T	Insertion of catheter, vein	346	4.63	$238.07	$121.59	$47.61
36493	T	Repositioning of cvc	346	4.63	$238.07	$121.59	$47.61
36500	T	Insertion of catheter, vein	342	2.61	$134.21	$68.70	$26.84
36510	C	Insertion of catheter, vein					
36520	T	Plasma and/or cell exchange	369	6.33	$325.49	$155.49	$65.10
36522	T	Photopheresis	369	6.33	$325.49	$155.49	$65.10
36530	T	Insertion of infusion pump	368	22.59	$1,161.58	$647.49	$232.32
36531	T	Revision of infusion pump	360	6.04	$310.58	$138.54	$62.12
36532	T	Removal of infusion pump	360	6.04	$310.58	$138.54	$62.12
36533	T	Insertion of access port	368	22.59	$1,161.58	$647.49	$232.32
36534	T	Revision of access port	360	6.04	$310.58	$138.54	$62.12
36535	T	Removal of access port	360	6.04	$310.58	$138.54	$62.12
36600	N	Withdrawal of arterial blood					
36620	T	Insertion catheter, artery	342	2.61	$134.21	$68.70	$26.84
36625	T	Insertion catheter, artery	342	2.61	$134.21	$68.70	$6.84
36640	T	Insertion catheter, artery	346	4.63	$238.07	$121.59	$47.61
36660	C	Insertion catheter, artery					
36680	X	Insert needle, bone cavity	906	1.93	$99.24	$57.18	$19.85
36800	T	Insertion of cannula	368	22.59	$1,161.58	$647.49	$232.32
36810	T	Insertion of cannula	368	22.59	$1,161.58	$647.49	$232.32
36815	T	Insertion of cannula	368	22.59	$1,161.58	$647.49	$232.32
36821	T	Artery-vein fusion	368	22.59	$1,161.58	$647.49	$232.32
36822	C	Insertion of cannula(s)					
36825	T	Artery-vein graft	368	22.59	$1,161.58	$647.49	$232.32
36830	T	Artery-vein graft	368	22.59	$1,161.58	$647.49	$232.32
36832	T	Av fistula revision	368	22.59	$1,161.58	$647.49	$232.32
36834	C	Repair A-V aneurysm					
36835	T	Artery to vein shunt	368	22.59	$1,161.58	$647.49	$232.32
36860	T	External cannula declotting	368	22.59	$1,161.58	$647.49	$232.32
36861	T	Cannula declotting	368	22.59	$1,161.58	$647.49	$232.32
37140	C	Revision of circulation					
37145	C	Revision of circulation					
37160	C	Revision of circulation					
37180	C	Revision of circulation					
37181	C	Splice spleen/kidney veins					
37195	C	Thrombolytic therapy, stroke					
37200	C	Transcatheter biopsy					
37201	C	Transcatheter therapy infuse					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
37202	C	Transcatheter therapy infuse					
37203	T	Transcatheter retrieval	360	6.04	$310.58	$138.54	$62.12
37204	C	Transcatheter occlusion					
37205	C	Transcatheter stent					
37206	C	Transcatheter stent add-on					
37207	C	Transcatheter stent					
37208	C	Transcatheter stent add-on					
37209	C	Exchange arterial catheter					
37250	C	Intravascular us					
37251	C	Intravascular us					
37565	C	Ligation of neck vein					
37600	C	Ligation of neck artery					
37605	C	Ligation of neck artery					
37606	C	Ligation of neck artery					
37607	T	Ligation of fistula	368	22.59	$1,161.58	$647.49	$232.32
37609	T	Temporal artery procedure	162	5.59	$287.44	$125.66	$57.49
37615	C	Ligation of neck artery					
37616	C	Ligation of chest artery					
37617	C	Ligation of abdomen artery					
37618	T	Ligation of extremity artery	367	17.02	$875.17	$441.15	$175.03
37620	C	Revision of major vein					
37650	T	Revision of major vein	367	17.02	$875.17	$441.15	$175.03
37660	C	Revision of major vein					
37700	T	Revise leg vein	367	17.02	$875.17	$441.15	$175.03
37720	T	Removal of leg vein	367	17.02	$875.17	$441.15	$175.03
37730	T	Removal of leg veins	367	17.02	$875.17	$441.15	$175.03
37735	T	Removal of leg veins/lesion	367	17.02	$875.17	$441.15	$175.03
37760	T	Revision of leg veins	367	17.02	$875.17	$441.15	$175.03
37780	T	Revision of leg vein	367	17.02	$875.17	$441.15	$175.03
37785	T	Revise secondary varicosity	367	17.02	$875.17	$441.15	$175.03
37788	C	Revascularization, penis					
37790	T	Penile venous occlusion	537	28.65	$1,473.18	$872.36	$294.64
37799	T	Vascular surgery procedure	162	5.59	$287.44	$125.66	$57.49
38100	C	Removal of spleen, total					
38101	C	Removal of spleen, partial					
38102	C	Removal of spleen, total					
38115	C	Repair of ruptured spleen					
38200	T	Injection for spleen x-ray	347	2.57	$132.15	$62.38	$26.43
38230	T	Bone marrow collection	369	6.33	$325.49	$155.49	$65.10
38231	T	Stem cell collection	369	6.33	$325.49	$155.49	$65.10
38240	C	Bone marrow/stem transplant					
38241	C	Bone marrow/stem transplant					
38300	T	Drainage lymph node lesion	132	5.63	$289.49	$132.89	$57.90
38305	T	Drainage lymph node lesion	132	5.63	$289.49	$132.89	$57.90
38308	T	Incision of lymph channels	396	12.98	$667.43	$334.48	$133.49
38380	C	Thoracic duct procedure					
38381	C	Thoracic duct procedure					
38382	C	Thoracic duct procedure					
38500	T	Biopsy/removal,lymph node(s)	396	12.98	$667.43	$334.48	$133.49
38505	T	Needle biopsy, lymph node(s)	122	4.59	$236.02	$113.00	$47.20
38510	T	Biopsy/removal,lymph node(s)	396	12.98	$667.43	$334.48	$133.49
38520	T	Biopsy/removal,lymph node(s)	396	12.98	$667.43	$334.48	$133.49
38525	T	Biopsy/removal,lymph node(s)	396	12.98	$667.43	$334.48	$133.49
38530	T	Biopsy/removal,lymph node(s)	396	12.98	$667.43	$334.48	$133.49
38542	T	Explore deep node(s), neck	397	19.12	$983.15	$542.17	$196.63
38550	T	Removal neck/armpit lesion	396	12.98	$667.43	$334.48	$133.49
38555	T	Removal neck/armpit lesion	397	19.12	$983.15	$542.17	$196.63
38562	C	Removal, pelvic lymph nodes					
38564	C	Removal, abdomen lymph nodes					
38700	C	Removal of lymph nodes, neck					
38720	C	Removal of lymph nodes, neck					
38724	C	Removal of lymph nodes, neck					
38740	T	Remove armpit lymph nodes	397	19.12	$983.15	$542.17	$196.63
38745	T	Remove armpits lymph nodes	397	19.12	$983.15	$542.17	$196.63
38746	C	Remove thoracic lymph nodes					
38747	C	Remove abdominal lymph nodes					
38760	T	Remove groin lymph nodes	397	19.12	$983.15	$542.17	$196.63
38765	C	Remove groin lymph nodes					
38770	C	Remove pelvis lymph nodes					
38780	C	Remove abdomen lymph nodes					
38790	T	Injection for lymphatic xray	347	2.57	$132.15	$62.38	$26.43
38794	T	Access thoracic lymph duct	342	2.61	$134.21	$68.70	$26.84
38999	T	Blood/lymph system procedure	132	5.63	$289.49	$132.89	$57.90
39000	C	Exploration of chest					
39010	C	Exploration of chest					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
39200	C	Removal chest lesion					
39220	C	Removal chest lesion					
39400	C	Visualization of chest					
39499	C	Chest procedure					
39501	C	Repair diaphragm laceration					
39502	C	Repair paraesophageal hernia					
39503	C	Repair of diaphragm hernia					
39520	C	Repair of diaphragm hernia					
39530	C	Repair of diaphragm hernia					
39531	C	Repair of diaphragm hernia					
39540	C	Repair of diaphragm hernia					
39541	C	Repair of diaphragm hernia					
39545	C	Revision of diaphragm					
39599	C	Diaphragm surgery procedure					
40490	T	Biopsy of lip	311	1.41	$72.50	$20.57	$14.50
40500	T	Partial excision of lip	313	15.46	$794.95	$407.70	$158.99
40510	T	Partial excision of lip	313	15.46	$794.95	$407.70	$158.99
40520	T	Partial excision of lip	313	15.46	$794.95	$407.70	$158.99
40525	T	Reconstruct lip with flap	313	15.46	$794.95	$407.70	$158.99
40527	T	Reconstruct lip with flap	313	15.46	$794.95	$407.70	$158.99
40530	T	Partial removal of lip	313	15.46	$794.95	$407.70	$158.99
40650	T	Repair lip	313	15.46	$794.95	$407.70	$158.99
40652	T	Repair lip	313	15.46	$794.95	$407.70	$158.99
40654	T	Repair lip	313	15.46	$794.95	$407.70	$158.99
40700	T	Repair cleft lip/nasal	314	25.15	$1,293.21	$687.72	$258.64
40701	T	Repair cleft lip/nasal	314	25.15	$1,293.21	$687.72	$258.64
40702	T	Repair cleft lip/nasal	314	25.15	$1,293.21	$687.72	$258.64
40720	T	Repair cleft lip/nasal	314	25.15	$1,293.21	$687.72	$258.64
40761	T	Repair cleft lip/nasal	314	25.15	$1,293.21	$687.72	$258.64
40799	T	Lip surgery procedure	311	1.41	$72.50	$20.57	$14.50
40800	T	Drainage of mouth lesion	311	1.41	$72.50	$20.57	$14.50
40801	T	Drainage of mouth lesion	311	1.41	$72.50	$20.57	$14.50
40804	T	Removal foreign body, mouth	311	1.41	$72.50	$20.57	$14.50
40805	T	Removal foreign body, mouth	311	1.41	$72.50	$20.57	$14.50
40806	T	Incision of lip fold	311	1.41	$72.50	$20.57	$14.50
40808	T	Biopsy of mouth lesion	311	1.41	$72.50	$20.57	$14.50
40810	T	Excision of mouth lesion	311	1.41	$72.50	$20.57	$14.50
40812	T	Excise/repair mouth lesion	311	1.41	$72.50	$20.57	$14.50
40814	T	Excise/repair mouth lesion	313	15.46	$794.95	$407.70	$158.99
40816	T	Excision of mouth lesion	313	15.46	$794.95	$407.70	$158.99
40818	T	Excise oral mucosa for graft	313	15.46	$794.95	$407.70	$158.99
40819	T	Excise lip or cheek fold	313	15.46	$794.95	$407.70	$158.99
40820	T	Treatment of mouth lesion	311	1.41	$72.50	$20.57	$14.50
40830	T	Repair mouth laceration	312	7.07	$363.54	$170.86	$72.71
40831	T	Repair mouth laceration	312	7.07	$363.54	$170.86	$72.71
40840	T	Reconstruction of mouth	313	15.46	$794.95	$407.70	$158.99
40842	T	Reconstruction of mouth	313	15.46	$794.95	$407.70	$158.99
40843	T	Reconstruction of mouth	314	25.15	$1,293.21	$687.72	$258.64
40844	T	Reconstruction of mouth	314	25.15	$1,293.21	$687.72	$258.64
40845	T	Reconstruction of mouth	314	25.15	$1,293.21	$687.72	$258.64
40899	T	Mouth surgery procedure	311	1.41	$72.50	$20.57	$14.50
41000	T	Drainage of mouth lesion	311	1.41	$72.50	$20.57	$14.50
41005	T	Drainage of mouth lesion	311	1.41	$72.50	$20.57	$14.50
41006	T	Drainage of mouth lesion	313	15.46	$794.95	$407.70	$158.99
41007	T	Drainage of mouth lesion	313	15.46	$794.95	$407.70	$158.99
41008	T	Drainage of mouth lesion	313	15.46	$794.95	$407.70	$158.99
41009	T	Drainage of mouth lesion	313	15.46	$794.95	$407.70	$158.99
41010	T	Incision of tongue fold	313	15.46	$794.95	$407.70	$158.99
41015	T	Drainage of mouth lesion	313	15.46	$794.95	$407.70	$158.99
41016	T	Drainage of mouth lesion	313	15.46	$794.95	$407.70	$158.99
41017	T	Drainage of mouth lesion	313	15.46	$794.95	$407.70	$158.99
41018	T	Drainage of mouth lesion	313	15.46	$794.95	$407.70	$158.99
41100	T	Biopsy of tongue	311	1.41	$72.50	$20.57	$14.50
41105	T	Biopsy of tongue	311	1.41	$72.50	$20.57	$14.50
41108	T	Biopsy of floor of mouth	311	1.41	$72.50	$20.57	$14.50
41110	T	Excision of tongue lesion	311	1.41	$72.50	$20.57	$14.50
41112	T	Excision of tongue lesion	313	15.46	$794.95	$407.70	$158.99
41113	T	Excision of tongue lesion	313	15.46	$794.95	$407.70	$158.99
41114	T	Excision of tongue lesion	313	15.46	$794.95	$407.70	$158.99
41115	T	Excision of tongue fold	311	1.41	$72.50	$20.57	$14.50
41116	T	Excision of mouth lesion	313	15.46	$794.95	$407.70	$158.99
41120	T	Partial removal of tongue	313	15.46	$794.95	$407.70	$158.99
41130	C	Partial removal of tongue					
41135	C	Tongue and neck surgery					
41140	C	Removal of tongue					

[1] This APC assignment will not apply to services furnished under a partial hospitalization program. Instead, services furnished as part of a partial hospitalization program are paid on a per-diem basis via APC 020.

[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
41145	C	Tongue removal; neck surgery	.....	.....	.....	.....	.....
41150	C	Tongue, mouth, jaw surgery	.....	.....	.....	.....	.....
41153	C	Tongue, mouth, neck surgery	.....	.....	.....	.....	.....
41155	C	Tongue, jaw, & neck surgery	.....	.....	.....	.....	.....
41250	T	Repair tongue laceration	312	7.07	$363.54	$170.86	$72.71
41251	T	Repair tongue laceration	312	7.07	$363.54	$170.86	$72.71
41252	T	Repair tongue laceration	312	7.07	$363.54	$170.86	$72.71
41500	T	Fixation of tongue	312	7.07	$363.54	$170.86	$72.71
41510	T	Tongue to lip surgery	312	7.07	$363.54	$170.86	$72.71
41520	T	Reconstruction, tongue fold	313	15.46	$794.95	$407.70	$158.99
41599	T	Tongue and mouth surgery	311	1.41	$72.50	$20.57	$14.50
41800	T	Drainage of gum lesion	312	7.07	$363.54	$170.86	$72.71
41805	T	Removal foreign body, gum	311	1.41	$72.50	$20.57	$14.50
41806	T	Removal foreign body,jawbone	311	1.41	$72.50	$20.57	$14.50
41820	T	Excision, gum, each quadrant	311	1.41	$72.50	$20.57	$14.50
41821	T	Excision of gum flap	311	1.41	$72.50	$20.57	$14.50
41822	T	Excision of gum lesion	231	11.31	$581.56	$286.79	$116.31
41823	T	Excision of gum lesion	231	11.31	$581.56	$286.79	$116.31
41825	T	Excision of gum lesion	311	1.41	$72.50	$20.57	$14.50
41826	T	Excision of gum lesion	311	1.41	$72.50	$20.57	$14.50
41827	T	Excision of gum lesion	313	15.46	$794.95	$407.70	$158.99
41828	T	Excision of gum lesion	311	1.41	$72.50	$20.57	$14.50
41830	T	Removal of gum tissue	311	1.41	$72.50	$20.57	$14.50
41850	T	Treatment of gum lesion	311	1.41	$72.50	$20.57	$14.50
41870	T	Gum graft	311	1.41	$72.50	$20.57	$14.50
41872	T	Repair gum	311	1.41	$72.50	$20.57	$14.50
41874	T	Repair tooth socket	311	1.41	$72.50	$20.57	$14.50
41899	T	Dental surgery procedure	311	1.41	$72.50	$20.57	$14.50
42000	T	Drainage mouth roof lesion	311	1.41	$72.50	$20.57	$14.50
42100	T	Biopsy roof of mouth	311	1.41	$72.50	$20.57	$14.50
42104	T	Excision lesion, mouth roof	311	1.41	$72.50	$20.57	$14.50
42106	T	Excision lesion, mouth roof	311	1.41	$72.50	$20.57	$14.50
42107	T	Excision lesion, mouth roof	313	15.46	$794.95	$407.70	$158.99
42120	T	Remove palate/lesion	313	15.46	$794.95	$407.70	$158.99
42140	T	Excision of uvula	311	1.41	$72.50	$20.57	$14.50
42145	C	Repair, palate,pharynx/uvula	.....	.....	.....	.....	.....
42160	T	Treatment mouth roof lesion	311	1.41	$72.50	$20.57	$14.50
42180	T	Repair palate	313	15.46	$794.95	$407.70	$158.99
42182	T	Repair palate	313	15.46	$794.95	$407.70	$158.99
42200	T	Reconstruct cleft palate	313	15.46	$794.95	$407.70	$158.99
42205	T	Reconstruct cleft palate	313	15.46	$794.95	$407.70	$158.99
42210	T	Reconstruct cleft palate	314	25.15	$1,293.21	$687.72	$258.64
42215	T	Reconstruct cleft palate	313	15.46	$794.95	$407.70	$158.99
42220	T	Reconstruct cleft palate	313	15.46	$794.95	$407.70	$158.99
42225	T	Reconstruct cleft palate	314	25.15	$1,293.21	$687.72	$258.64
42226	T	Lengthening of palate	314	25.15	$1,293.21	$687.72	$258.64
42227	T	Lengthening of palate	314	25.15	$1,293.21	$687.72	$258.64
42235	T	Repair palate	313	15.46	$794.95	$407.70	$158.99
42260	T	Repair nose to lip fistula	313	15.46	$794.95	$407.70	$158.99
42280	T	Preparation, palate mold	311	1.41	$72.50	$20.57	$14.50
42281	T	Insertion, palate prosthesis	311	1.41	$72.50	$20.57	$14.50
42299	T	Palate/uvula surgery	311	1.41	$72.50	$20.57	$14.50
42300	T	Drainage of salivary gland	312	7.07	$363.54	$170.86	$72.71
42305	T	Drainage of salivary gland	312	7.07	$363.54	$170.86	$72.71
42310	T	Drainage of salivary gland	312	7.07	$363.54	$170.86	$72.71
42320	T	Drainage of salivary gland	312	7.07	$363.54	$170.86	$72.71
42325	T	Create salivary cyst drain	313	15.46	$794.95	$407.70	$158.99
42326	T	Create salivary cyst drain	313	15.46	$794.95	$407.70	$158.99
42330	T	Removal of salivary stone	311	1.41	$72.50	$20.57	$14.50
42335	T	Removal of salivary stone	311	1.41	$72.50	$20.57	$14.50
42340	T	Removal of salivary stone	313	15.46	$794.95	$407.70	$158.99
42400	T	Biopsy of salivary gland	122	4.59	$236.02	$113.00	$47.20
42405	T	Biopsy of salivary gland	312	7.07	$363.54	$170.86	$72.71
42408	T	Excision of salivary cyst	313	15.46	$794.95	$407.70	$158.99
42409	T	Drainage of salivary cyst	313	15.46	$794.95	$407.70	$158.99
42410	T	Excise parotid gland/lesion	313	15.46	$794.95	$407.70	$158.99
42415	T	Excise parotid gland/lesion	314	25.15	$1,293.21	$687.72	$258.64
42420	T	Excise parotid gland/lesion	314	25.15	$1,293.21	$687.72	$258.64
42425	T	Excise parotid gland/lesion	314	25.15	$1,293.21	$687.72	$258.64
42426	C	Excise parotid gland/lesion	.....	.....	.....	.....	.....
42440	T	Excision submaxillary gland	313	15.46	$794.95	$407.70	$158.99
42450	T	Excision sublingual gland	313	15.46	$794 95	$407.70	$158.99
42500	T	Repair salivary duct	313	15.46	$794.95	$407.70	$158.99
42505	T	Repair salivary duct	313	15.46	$794.95	$407.70	$158.99
42507	T	Parotid duct diversion	313	15.46	$794.95	$407.70	$158.99

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
42508	T	Parotid duct diversion	313	15.46	$794.95	$407.70	$158.99
42509	T	Parotid duct diversion	314	25.15	$1,293.21	$687.72	$258.64
42510	T	Parotid duct diversion	313	15.46	$794.95	$407.70	$158.99
42550	T	Injection for salivary x-ray	347	2.57	$132.15	$62.38	$26.43
42600	T	Closure of salivary fistula	313	15.46	$794.95	$407.70	$158.99
42650	T	Dilation of salivary duct	311	1.41	$72.50	$20.57	$14.50
42660	T	Dilation of salivary duct	311	1.41	$72.50	$20.57	$14.50
42665	T	Ligation of salivary duct	311	1.41	$72.50	$20.57	$14.50
42699	T	Salivary surgery procedure	311	1.41	$72.50	$20.57	$14.50
42700	T	Drainage of tonsil abscess	312	7.07	$363.54	$170.86	$72.71
42720	T	Drainage of throat abscess	312	7.07	$363.54	$170.86	$72.71
42725	T	Drainage of throat abscess	313	15.46	$794.95	$407.70	$158.99
42800	T	Biopsy of throat	312	7.07	$363.54	$170.86	$72.71
42802	T	Biopsy of throat	312	7.07	$363.54	$170.86	$72.71
42804	T	Biopsy of upper nose/throat	312	7.07	$363.54	$170.86	$72.71
42806	T	Biopsy of upper nose/throat	312	7.07	$363.54	$170.86	$72.71
42808	T	Excise pharynx lesion	312	7.07	$363.54	$170.86	$72.71
42809	T	Remove pharynx foreign body	151	1.63	$83.81	$33.22	$16.76
42810	T	Excision of neck cyst	313	15.46	$794.95	$407.70	$158.99
42815	T	Excision of neck cyst	313	15.46	$794.95	$407.70	$158.99
42820	T	Remove tonsils and adenoids	319	16.20	$833.00	$463.53	$166.60
42821	T	Remove tonsils and adenoids	319	16.20	$833.00	$463.53	$166.60
42825	T	Removal of tonsils	319	16.20	$833.00	$463.53	$166.60
42826	T	Removal of tonsils	319	16.20	$833.00	$463.53	$166.60
42830	T	Removal of adenoids	319	16.20	$833.00	$463.53	$166.60
42831	T	Removal of adenoids	319	16.20	$833.00	$463.53	$166.60
42835	T	Removal of adenoids	319	16.20	$833.00	$463.53	$166.60
42836	T	Removal of adenoids	319	16.20	$833.00	$463.53	$166.60
42842	T	Extensive surgery of throat	314	25.15	$1,293.21	$687.72	$258.64
42844	T	Extensive surgery of throat	314	25.15	$1,293.21	$687.72	$258.64
42845	C	Extensive surgery of throat	.....	.....	.....	.....	.....
42860	T	Excision of tonsil tags	319	16.20	$833.00	$463.53	$166.60
42870	T	Excision of lingual tonsil	319	16.20	$833.00	$463.53	$166.60
[2] 42880	C	Excise nose/throat lesion	.....	.....	.....	.....	.....
42890	T	Partial removal of pharynx	314	25.15	$1,293.21	$687.72	$258.64
42892	T	Revision of pharyngeal walls	314	25.15	$1,293.21	$687.72	$258.64
42894	C	Revision of pharyngeal walls	.....	.....	.....	.....	.....
42900	T	Repair throat wound	313	15.46	$794.95	$407.70	$158.99
42950	T	Reconstruction of throat	313	15.46	$794.95	$407.70	$158.99
42953	C	Repair throat, esophagus	.....	.....	.....	.....	.....
42955	T	Surgical opening of throat	313	15.46	$794.95	$407.70	$158.99
42960	T	Control throat bleeding	318	2.07	$106.44	$38.87	$21.29
42961	C	Control throat bleeding	.....	.....	.....	.....	.....
42962	T	Control throat bleeding	313	15.46	$794.95	$407.70	$158.99
42970	T	Control nose/throat bleeding	318	2.07	$106.44	$38.87	$21.29
42971	C	Control nose/throat bleeding	.....	.....	.....	.....	.....
42972	T	Control nose/throat bleeding	313	15.46	$794.95	$407.70	$158.99
42999	T	Throat surgery procedure	318	2.07	$106.44	$38.87	$21.29
43020	T	Incision of esophagus	313	15.46	$794.95	$407.70	$158.99
43030	T	Throat muscle surgery	313	15.46	$794.95	$407.70	$158.99
43045	C	Incision of esophagus	.....	.....	.....	.....	.....
43100	C	Excision of esophagus lesion	.....	.....	.....	.....	.....
43101	C	Excision of esophagus lesion	.....	.....	.....	.....	.....
43107	C	Removal of esophagus	.....	.....	.....	.....	.....
43108	C	Removal of esophagus	.....	.....	.....	.....	.....
43112	C	Removal of esophagus	.....	.....	.....	.....	.....
43113	C	Removal of esophagus	.....	.....	.....	.....	.....
43116	C	Partial removal of esophagus	.....	.....	.....	.....	.....
43117	C	Partial removal of esophagus	.....	.....	.....	.....	.....
43118	C	Partial removal of esophagus	.....	.....	.....	.....	.....
43121	C	Partial removal of esophagus	.....	.....	.....	.....	.....
43122	C	Parital removal of esophagus	.....	.....	.....	.....	.....
43123	C	Partial removal of esophagus	.....	.....	.....	.....	.....
43124	C	Removal of esophagus	.....	.....	.....	.....	.....
43130	C	Removal of esophagus pouch	.....	.....	.....	.....	.....
43135	C	Removal of esophagus pouch	.....	.....	.....	.....	.....
43200	T	Esophagus endoscopy	417	6.35	$326.52	$179.22	$65.30
43202	T	Esophagus endoscopy, biopsy	417	6.35	$326.52	$179.22	$65.30
43204	T	Esophagus endoscopy & inject	407	6.89	$354.28	$189.39	$70.86
43205	T	Esophagus endoscopy/ligation	407	6.89	$354.28	$189.39	$70.86
43215	T	Esophagus endoscopy	407	6.89	$354.28	$189.39	$70.86
43216	T	Esophagus endoscopy/lesion	407	6.89	$354.28	$189.39	$70.86
43217	T	Esophagus endoscopy	407	6.89	$354.28	$189.39	$70.86
43219	T	Esophagus endoscopy	449	7.63	$392.33	$213.57	$78.47
43220	T	Esophagus endoscopy,dilation	407	6.89	$354.28	$189.39	$70.86

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[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
43226	T	Esophagus endoscopy,dilation	407	6.89	$354.28	$189.39	$70.86
43227	T	Esophagus endoscopy, repair	407	6.89	$354.28	$189.39	$70.86
43228	T	Esophagus endoscopy,ablation	449	7.63	$392.33	$213.57	$78.47
43234	T	Upper GI endoscopy, exam	417	6.35	$326.52	$179.22	$65.30
43235	T	Upper gi endoscopy,diagnosis	417	6.35	$326.52	$179.22	$65.30
43239	T	Upper GI endoscopy, biopsy	417	6.35	$326.52	$179.22	$65.30
43241	T	Upper GI endoscopy with tube	418	7.44	$382.56	$213.57	$76.51
43243	T	Upper GI endoscopy & inject.	418	7.44	$382.56	$213.57	$76.51
43244	T	Upper GI endoscopy/ligation	418	7.44	$382.56	$213.57	$76.51
43245	T	Operative upper GI endoscopy	418	7.44	$382.56	$213.57	$76.51
43246	T	Place gastrostomy tube	418	7.44	$382.56	$213.57	$76.51
43247	T	Operative upper GI endoscopy	418	7.44	$382.56	$213.57	$76.51
43248	T	Upper GI endoscopy/guidewire	418	7.44	$382.56	$213.57	$76.51
43249	T	Esophagus endoscopy,dilation	418	7.44	$382.56	$213.57	$76.51
43250	T	Upper GI endoscopy/tumor	418	7.44	$382.56	$213.57	$76.51
43251	T	Operative upper GI endoscopy	418	7.44	$382.56	$213.57	$76.51
43255	T	Operative upper GI endoscopy	418	7.44	$382.56	$213.57	$76.51
43258	T	Operative upper GI endoscopy	449	7.63	$392.33	$213.57	$78.47
43259	T	Endoscopic ultrasound exam	449	7.63	$392.33	$213.57	$78.47
43260	T	Endoscopy,bile duct/pancreas	456	9.61	$494.15	$249.05	$98.83
43261	T	Endoscopy,bile duct/pancreas	456	9.61	$494.15	$249.05	$98.83
43262	T	Endoscopy,bile duct/pancreas	456	9.61	$494.15	$249.05	$98.83
43263	T	Endoscopy,bile duct/pancreas	456	9.61	$494.15	$249.05	$98.83
43264	T	Endoscopy,bile duct/pancreas	456	9.61	$494.15	$249.05	$98.83
43265	T	Endoscopy,bile duct/pancreas	456	9.61	$494.15	$249.05	$98.83
43267	T	Endoscopy,bile duct/pancreas	456	9.61	$494.15	$249.05	$98.83
43268	T	Endoscopy,bile duct/pancreas	456	9.61	$494.15	$249.05	$98.83
43269	T	Endoscopy,bile duct/pancreas	456	9.61	$494.15	$249.05	$98.83
43271	T	Endoscopy,bile duct/pancreas	456	9.61	$494.15	$249.05	$98.83
43272	T	Endoscopy,bile duct/pancreas	449	7.63	$392.33	$213.57	$78.47
43300	C	Repair of esophagus					
43305	C	Repair esophagus and fistula					
43310	C	Repair of esophagus					
43312	C	Repair esophagus and fistula					
43320	C	Fuse esophagus & stomach					
43324	C	Revise esophagus & stomach					
43325	C	Revise esophagus & stomach					
43326	C	Revise esophagus & stomach					
43330	C	Repair of esophagus					
43331	C	Repair of esophagus					
43340	C	Fuse esophagus & intestine					
43341	C	Fuse esophagus & intestine					
43350	C	Surgical opening, esophagus					
43351	C	Surgical opening, esophagus					
43352	C	Surgical opening, esophagus					
43360	C	Gastrointestinal repair					
43361	C	Gastrointestinal repair					
43400	C	Ligate esophagus veins					
43401	C	Esophagus surgery for veins					
43405	C	Ligate/staple esophagus					
43410	C	Repair esophagus wound					
43415	C	Repair esophagus wound					
43420	C	Repair esophagus opening					
43425	C	Repair esophagus opening					
43450	T	Dilate esophagus	406	4.17	$214.42	$106.67	$42.88
43453	T	Dilate esophagus	406	4.17	$214.42	$106.67	$42.88
43456	T	Dilate esophagus	406	4.17	$214.42	$106.67	$42.88
43458	T	Dilation of esophagus	406	4.17	$214.42	$106.67	$42.88
43460	C	Pressure treatment esophagus					
43496	C	Free jejunum flap, microvasc					
43499	T	Esophagus surgery procedure	406	4.17	$214.42	$106.67	$42.88
43500	C	Surgical opening of stomach					
43501	C	Surgical repair of stomach					
43502	C	Surgical repair of stomach					
43510	C	Surgical opening of stomach					
43520	C	Incision of pyloric muscle					
43600	T	Biopsy of stomach	417	6.35	$326.52	$179.22	$65.30
43605	C	Biopsy of stomach					
43610	C	Excision of stomach lesion					
43611	C	Excision of stomach lesion					
43620	C	Removal of stomach					
43621	C	Removal of stomach					
43622	C	Removal of stomach					
43631	C	Removal of stomach, partial					
43632	C	Removal stomach, partial					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
43633	C	Removal stomach, partial					
43634	C	Removal stomach, partial					
43635	C	Partial removal of stomach					
43638	C	Partial removal of stomach					
43639	C	Removal stomach, partial					
43640	C	Vagotomy & pylorus repair					
43641	C	Vagotomy & pylorus repair					
43750	T	Place gastrostomy tube	418	7.44	$382.56	$213.57	$76.51
43760	T	Change gastrostomy tube	470	2.19	$112.61	$54.92	$22.52
43761	T	Reposition gastrostomy tube	470	2.19	$112.61	$54.92	$22.52
43800	C	Reconstruction of pylorus					
43810	C	Fusion of stomach and bowel					
43820	C	Fusion of stomach and bowel					
43825	C	Fusion of stomach and bowel					
43830	C	Place gastrostomy tube					
43831	C	Place gastrostomy tube					
43832	C	Place gastrostomy tube					
43840	C	Repair of stomach lesion					
43842	C	Gastroplasty for obesity					
43843	C	Gastroplasty for obesity					
43846	C	Gastric bypass for obesity					
43847	C	Gastric bypass for obesity					
43848	C	Revision gastroplasty					
43850	C	Revise stomach-bowel fusion					
43855	C	Revise stomach-bowel fusion					
43860	C	Revise stomach-bowel fusion					
43865	C	Revise stomach-bowel fusion					
43870	T	Repair stomach opening	182	4.11	$211.34	$92.43	$42.27
43880	C	Repair stomach-bowel fistula					
43999	T	Stomach surgery procedure	470	2.19	$112.61	$54.92	$22.52
44005	C	Freeing of bowel adhesion					
44010	C	Incision of small bowel					
44015	C	Insert needle catheter, bowel					
44020	C	Exploration of small bowel					
44021	C	Decompress small bowel					
44025	C	Incision of large bowel					
44050	C	Reduce bowel obstruction					
44055	C	Correct malrotation of bowel					
44100	T	Biopsy of bowel	417	6.35	$326.52	$179.22	$65.30
44110	C	Excision of bowel lesion(s)					
44111	C	Excision of bowel lesion(s)					
44120	C	Removal of small intestine					
44121	C	Removal of small intestine					
44125	C	Removal of small intestine					
44130	C	Bowel to bowel fusion					
44139	C	Mobilization of colon					
44140	C	Partial removal of colon					
44141	C	Partial removal of colon					
44143	C	Partial removal of colon					
44144	C	Partial removal of colon					
44145	C	Partial removal of colon					
44146	C	Partial removal of colon					
44147	C	Partial removal of colon					
44150	C	Removal of colon					
44151	C	Removal of colon/ileostomy					
44152	C	Removal of colon/ileostomy					
44153	C	Removal of colon/ileostomy					
44155	C	Removal of colon					
44156	C	Removal of colon/ileostomy					
44160	C	Removal of colon					
44300	C	Open bowel to skin					
44310	C	Ileostomy/jejunostomy					
44312	T	Revision of ileostomy	183	11.04	$567.68	$283.18	$113.54
44314	C	Revision of ileostomy					
44316	C	Devise bowel pouch					
44320	C	Colostomy					
44322	C	Colostomy with biopsies					
44340	T	Revision of colostomy	183	11.04	$567.68	$283.18	$113.54
44345	C	Revision of colostomy					
44346	C	Revision of colostomy					
44360	T	Small bowel endoscopy	419	6.83	$351.20	$164.08	$70.24
44361	T	Small bowel endoscopy,biopsy	419	6.83	$351.20	$164.08	$70.24
44363	T	Small bowel endoscopy	419	6.83	$351.20	$164.08	$70.24
44364	T	Small bowel endoscopy	419	6.83	$351.20	$164.08	$70.24
44365	T	Small bowel endoscopy	419	6.83	$351.20	$164.08	$70.24

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
44366	T	Small bowel endoscopy	419	6.83	$351.20	$164.08	$70.24
44369	T	Small bowel endoscopy	449	7.63	$392.33	$213.57	$78.47
44372	T	Small bowel endoscopy	419	6.83	$351.20	$164.08	$70.24
44373	T	Small bowel endoscopy	419	6.83	$351.20	$164.08	$70.24
44376	T	Small bowel endoscopy	419	6.83	$351.20	$164.08	$70.24
44377	T	Small bowel endoscopy	419	6.83	$351.20	$164.08	$70.24
44378	T	Small bowel endoscopy	419	6.83	$351.20	$164.08	$70.24
44380	T	Small bowel endoscopy	426	6.74	$346.57	$185.32	$69.31
44382	T	Small bowel endoscopy	426	6.74	$346.57	$185.32	$69.31
44385	T	Endoscopy of bowel pouch	426	6.74	$346.57	$185.32	$69.31
44386	T	Endoscopy,bowel pouch, biopsy	426	6.74	$346.57	$185.32	$69.31
44388	T	Colon endoscopy	426	6.74	$346.57	$185.32	$69.31
44389	T	Colonoscopy with biopsy	426	6.74	$346.57	$185.32	$69.31
44390	T	Colonoscopy for foreign body	427	8.09	$415.99	$222.84	$83.20
44391	T	Colonoscopy for bleeding	427	8.09	$415.99	$222.84	$83.20
44392	T	Colonoscopy & polypectomy	427	8.09	$415.99	$222.84	$83.20
44393	T	Colonoscopy, lesion removal	449	7.63	$392.33	$213.57	$78.47
44394	T	Colonoscopy w/snare	427	8.09	$415.99	$222.84	$83.20
44500	C	Intro, gastrointestinal tube					
44602	C	Suture, small intestine					
44603	C	Suture, small intestine					
44604	C	Suture, large intestine					
44605	C	Repair of bowel lesion					
44615	C	Intestinal stricturoplasty					
44620	C	Repair bowel opening					
44625	C	Repair bowel opening					
44626	C	Repair bowel opening					
44640	C	Repair bowel-skin fistula					
44650	C	Repair bowel fistula					
44660	C	Repair bowel-bladder fistula					
44661	C	Repair bowel-bladder fistula					
44680	C	Surgical revision, intestine					
44700	C	Suspend bowel w/prosthesis					
44799	T	Intestine surgery procedure	419	6.83	$351.20	$164.08	$70.24
44800	C	Excision of bowel pouch					
44820	C	Excision of mesentery lesion					
44850	C	Repair of mesentery					
44899	C	Bowel surgery procedure					
44900	C	Drain, app abscess, open					
44901	C	Drain, app abscess, perc					
44950	C	Appendectomy					
44955	C	Appendectomy add-on					
44960	C	Appendectomy					
45000	T	Drainage of pelvic abscess	452	4.52	$232.42	$103.06	$46.48
45005	T	Drainage of rectal abscess	452	4.52	$232.42	$103.06	$46.48
45020	T	Drainage of rectal abscess	452	4.52	$232.42	$103.06	$46.48
45100	T	Biopsy of rectum	452	4.52	$232.42	$103.06	$46.48
45108	T	Removal of anorectal lesion	453	16.26	$836.09	$440.47	$167.22
45110	C	Removal of rectum					
45111	C	Partial removal of rectum					
45112	C	Removal of rectum					
45113	C	Partial proctectomy					
45114	C	Partial removal of rectum					
45116	C	Partial removal of rectum					
45119	C	Remove, rectum w/reservoir					
45120	C	Removal of rectum					
45121	C	Removal of rectum and colon					
45123	C	Partial proctectomy					
45130	C	Excision of rectal prolapse					
45135	C	Excision of rectal prolapse					
45150	T	Excision of rectal stricture	453	16.26	$836.09	$440.47	$167.22
45160	T	Excision of rectal lesion	453	16.26	$836.09	$440.47	$167.22
45170	T	Excision of rectal lesion	453	16.26	$836.09	$440.47	$167.22
45190	T	Destruction, rectal tumor	453	16.26	$836.09	$440.47	$167.22
45300	T	Proctosigmoidoscopy	446	2.54	$130.61	$64.86	$26.12
45303	T	Proctosigmoidoscopy	447	7.06	$363.03	$191.87	$72.61
45305	T	Proctosigmoidoscopy; biopsy	446	2.54	$130.61	$64.86	$26.12
45307	T	Proctosigmoidoscopy	447	7.06	$363.03	$191.87	$72.61
45308	T	Proctosigmoidoscopy	447	7.06	$363.03	$191.87	$72.61
45309	T	Proctosigmoidoscopy	447	7.06	$363.03	$191.87	$72.61
45315	T	Proctosigmoidoscopy	447	7.06	$363.03	$191.87	$72.61
45317	T	Proctosigmoidoscopy	447	7.06	$363.03	$191.87	$72.61
45320	T	Proctosigmoidoscopy	447	7.06	$363.03	$191.87	$72.61
45321	T	Proctosigmoidoscopy	447	7.06	$363.03	$191.87	$72.61
45330	T	Sigmoidoscopy, diagnostic	446	2.54	$130.61	$64.86	$26.12

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
45331	T	Sigmoidoscopy and biopsy	446	2.54	$130.61	$64.86	$26.12
45332	T	Sigmoidoscopy	448	5.28	$271.50	$139.22	$54.30
45333	T	Sigmoidoscopy & polypectomy	448	5.28	$271.50	$139.22	$54.30
45334	T	Sigmoidoscopy for bleeding	448	5.28	$271.50	$139.22	$54.30
45337	T	Sigmoidoscopy, decompression	458	5.28	$271.50	$139.22	$54.30
45338	T	Sigmoidoscopy	448	5.28	$271.50	$139.22	$54.30
45339	T	Sigmoidoscopy	449	7.63	$392.33	$213.57	$78.47
45355	T	Surgical colonoscopy	427	8.09	$415.99	$222.84	$83.20
45378	T	Diagnostic colonoscopy	426	6.74	$346.57	$185.32	$69.31
45379	T	Colonoscopy	427	8.09	$415.99	$222.84	$83.20
45380	T	Colonoscopy and biopsy	426	6.74	$346.57	$185.32	$69.31
45382	T	Colonoscopy,control bleeding	427	8.09	$415.99	$222.84	$83.20
45383	T	Colonoscopy, lesion removal	449	7.63	$392.33	$213.57	$78.47
45384	T	Colonoscopy	427	8.09	$415.99	$222.84	$83.20
45385	T	Colonoscopy, lesion removal	427	8.09	$415.99	$222.84	$83.20
45500	T	Repair of rectum	453	16.26	$836.09	$440.47	$167.22
45505	T	Repair of rectum	453	16.26	$836.09	$440.47	$167.22
45520	T	Treatment of rectal prolapse	339	0.98	$50.39	$19.66	$10.08
45540	C	Correct rectal prolapse					
45541	C	Correct rectal prolapse					
45550	C	Repair rectum;remove sigmoid					
45560	T	Repair of rectocele	453	16.26	$836.09	$440.47	$167.22
45562	C	Exploration/repair of rectum					
45563	C	Exploration/repair of rectum					
45800	C	Repair rectumbladder fistula					
45805	C	Repair fistula; colostomy					
45820	C	Repair rectourethral fistula					
45825	C	Repair fistula; colostomy					
45900	T	Reduction of rectal prolapse	452	4.52	$232.42	$103.06	$46.48
45905	T	Dilation of anal sphincter	452	4.52	$232.42	$103.06	$46.48
45910	T	Dilation of rectal narrowing	452	4.52	$232.42	$103.06	$46.48
45915	T	Remove rectal obstruction	452	4.52	$232.42	$103.06	$46.48
45999	T	Rectum surgery procedure	452	4.52	$232.42	$103.06	$46.48
46030	T	Removal of rectal marker	452	4.52	$232.42	$103.06	$46.48
46040	T	Incision of rectal abscess	452	4.52	$232.42	$103.06	$46.48
46045	T	Incision of rectal abscess	453	16.26	$836.09	$440.47	$167.22
46050	T	Incision of anal abscess	452	4.52	$232.42	$103.06	$46.48
46060	T	Incision of rectal abscess	453	16.26	$836.09	$440.47	$167.22
46070	T	Incision of anal septum	451	2.42	$124.44	$53.56	$24.89
46080	T	Incision of anal sphincter	452	4.52	$232.42	$103.06	$46.48
46083	T	Incise external hemorrhoid	451	2.42	$124.44	$53.56	$24.89
46200	T	Removal of anal fissure	453	16.26	$836.09	$440.47	$167.22
46210	T	Removal of anal crypt	452	4.52	$232.42	$103.06	$46.48
46211	T	Removal of anal crypts	453	16.26	$836.09	$440.47	$167.22
46220	T	Removal of anal tab	451	2.42	$124.44	$53.56	$24.89
46221	T	Ligation of hemorrhoid(s)	451	2.42	$124.44	$53.56	$24.89
46230	T	Removal of anal tabs	451	2.42	$124.44	$53.56	$24.89
46250	T	Hemorrhoidectomy	453	16.26	$836.09	$440.47	$167.22
46255	T	Hemorrhoidectomy	453	16.26	$836.09	$440 47	$167.22
46257	T	Remove hemorrhoids & fissure	453	16.26	$836.09	$440.47	$167.22
46258	T	Remove hemorrhoids & fistula	453	16.26	$836.09	$440.47	$167.22
46260	T	Hemorrhoidectomy	453	16.26	$836.09	$440.47	$167.22
46261	T	Remove hemorrhoids & fissure	453	16.26	$836.09	$440.47	$167.22
46262	T	Remove hemorrhoids & fistula	453	16.26	$836.09	$440.47	$167.22
46270	T	Removal of anal fistula	453	16.26	$836.09	$440.47	$167.22
46275	T	Removal of anal fistula	453	16.26	$836.09	$440.47	$167.22
46280	T	Removal of anal fistula	453	16.26	$836.09	$440.47	$167.22
46285	T	Removal of anal fistula	453	16.26	$836.09	$440.47	$167.22
46288	T	Repair anal fistula	453	16.26	$836.09	$440.47	$167.22
46320	T	Removal of hemorrhoid clot	451	2.42	$124.44	$53.56	$24.89
46500	T	Injection into hemorrhoids	451	2.42	$124.44	$53.56	$24.89
46600	N	Diagnostic anoscopy					
46604	N	Anoscopy and dilation					
46606	T	Anoscopy and biopsy	437	6.54	$336.29	$173.79	$67.26
46608	T	Anoscopy;remove foreign body	437	6.54	$336.29	$173.79	$67.26
46610	T	Anoscopy; remove lesion	437	6.54	$336.29	$173.79	$67.26
46611	T	Anoscopy	437	6.54	$336.29	$173.79	$67.26
46612	T	Anoscopy; remove lesions	437	6.54	$336.29	$173.79	$67.26
46614	T	Anoscopy; control bleeding	437	6.54	$336.29	$173.79	$67.26
46615	T	Anoscopy	437	6.54	$336.29	$173.79	$67.26
46700	T	Repair of anal stricture	453	16.26	$836.09	$440.47	$167.22
46705	C	Repair of anal stricture					
46715	C	Repair of anovaginal fistula					
46716	C	Repair of anovaginal fistula					
46730	C	Construction of absent anus					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
46735	C	Construction of absent anus					
46740	C	Construction of absent anus					
46742	C	Repair, imperforated anus					
46744	C	Repair, cloacal anomaly					
46746	C	Repair, cloacal anomaly					
46748	C	Repair, cloacal anomaly					
46750	T	Repair of anal sphincter	453	16.26	$836.09	$440.47	$167.22
46751	C	Repair of anal sphincter					
46753	T	Reconstruction of anus	453	16.26	$836.09	$440.47	$167.22
46754	T	Removal of suture from anus	452	4.52	$232.42	$103.06	$46.48
46760	T	Repair of anal sphincter	453	16.26	$836.09	$440.47	$167.22
46761	T	Repair of anal sphincter	453	16.26	$836.09	$440.47	$167.22
46762	T	Implant artificial sphincter	453	16.26	$836.09	$440.47	$167.22
46900	T	Destruction, anal lesion(s)	152	10.07	$517.80	$251.54	$103.56
46910	T	Destruction, anal lesion(s)	152	10.07	$517.80	$251.54	$103.56
46916	T	Cryosurgery, anal lesion(s)	152	10.07	$517.80	$251.54	$103.56
46917	T	Laser surgery,anal lesion(s)	152	10.07	$517.80	$251.54	$103.56
46922	T	Excision of anal lesion(s)	152	10.07	$517.80	$251.54	$103.56
46924	T	Destruction, anal lesion(s)	152	10.07	$517.80	$251.54	$103.56
46934	T	Destruction of hemorrhoids	451	2.42	$124.44	$53.56	$24.89
46935	T	Destruction of hemorrhoids	451	2.42	$124.44	$53.56	$24.89
46936	T	Destruction of hemorrhoids	451	2.42	$124.44	$53.56	$24.89
46937	T	Cryotherapy of rectal lesion	453	16.26	$836.09	$440.47	$167.22
46938	T	Cryotherapy of rectal lesion	453	16.26	$836.09	$440.47	$167.22
46940	T	Treatment of anal fissure	451	2.42	$124.44	$53.56	$24.89
46942	T	Treatment of anal fissure	451	2.42	$124.44	$53.56	$24.89
46945	T	Ligation of hemorrhoids	451	2.42	$124.44	$53.56	$24.89
46946	T	Ligation of hemorrhoids	451	2.42	$124.44	$53.56	$24.89
46999	T	Anus surgery procedure	452	4.52	$232.42	$103.06	$46.48
47000	T	Needle biopsy of liver	122	4.59	$236.02	$113.00	$47.20
47001	C	Needle biopsy, liver add-on					
47010	C	Open drainage, liver lesion					
47011	C	Percut drain, liver lesion					
47015	C	Inject/aspirate liver cyst					
47100	C	Wedge biopsy of liver					
47120	C	Partial removal of liver					
47122	C	Extensive removal of liver					
47125	C	Partial removal of liver					
47130	C	Partial removal of liver					
47133	C	Removal of donor liver					
47134	C	Partial removal, donor liver					
47135	C	Transplantation of liver					
47136	C	Transplantation of liver					
47300	C	Surgery for liver lesion					
47350	C	Repair liver wound					
47360	C	Repair liver wound					
47361	C	Repair liver wound					
47362	C	Repair liver wound					
47399	T	Liver surgery procedure	122	4.59	$236.02	$113.00	$47.20
47400	C	Incision of liver duct					
47420	C	Incision of bile duct					
47425	C	Incision of bile duct					
47460	C	Incise bile duct sphincter					
47480	C	Incision of gallbladder					
47490	C	Incision of gallbladder					
47500	T	Injection for liver x-rays	347	2.57	$132.15	$62.38	$26.43
47505	T	Injection for liver x-rays	347	2.57	$132.15	$62.38	$26.43
47510	T	Insert catheter, bile duct	458	6.81	$350.17	$181.70	$70.03
47511	T	Insert bile duct drain	458	6.81	$350.17	$181.70	$70.03
47525	T	Change bile duct catheter	470	2.19	$112.61	$54.92	$22.52
47530	T	Revise, reinsert bile tube	470	2.19	$112.61	$54.92	$22.52
47550	C	Bile duct endoscopy add-on					
47552	T	Biliary endoscopy, thru skin	458	6.81	$350.17	$181.70	$70.03
47553	T	Biliary endoscopy, thru skin	458	6.81	$350.17	$181.70	$70.03
47554	T	Biliary endoscopy, thru skin	458	6.81	$350.17	$181.70	$70.03
47555	T	Biliary endoscopy, thru skin	458	6.81	$350.17	$181.70	$70.03
47556	T	Biliary endoscopy, thru skin	458	6.81	$350.17	$181.70	$70.03
47600	C	Removal of gallbladder					
47605	C	Removal of gallbladder					
47610	C	Removal of gallbladder					
47612	C	Removal of gallbladder					
47620	C	Removal of gallbladder					
47630	T	Remove bile duct stone	458	6.81	$350.17	$181.70	$70.03
47700	C	Exploration of bile ducts					
47701	C	Bile duct revision					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
47711	C	Excision of bile duct tumor					
47712	C	Excision of bile duct tumor					
47715	C	Excision of bile duct cyst					
47716	C	Fusion of bile duct cyst					
47720	C	Fuse gallbladder & bowel					
47721	C	Fuse upper gi structures					
47740	C	Fuse gallbladder & bowel					
47741	C	Fuse gallbladder & bowel					
47760	C	Fuse bile ducts and bowel					
47765	C	Fuse liver ducts & bowel					
47780	C	Fuse bile ducts and bowel					
47785	C	Fuse bile ducts and bowel					
47800	C	Reconstruction of bile ducts					
47801	C	Placement, bile duct support					
47802	C	Fuse liver duct & intestine					
47900	C	Suture bile duct injury					
47999	T	Bile tract surgery procedure	470	2.19	$112.61	$54.92	$22.52
48000	C	Drainage of abdomen					
48001	C	Placement of drain, pancreas					
48005	C	Resect/debride pancreas					
48020	C	Removal of pancreatic stone					
48100	C	Biopsy of pancreas					
48102	T	Needle biopsy, pancreas	122	4.59	$236.02	$113.00	$47.20
48120	C	Removal of pancreas lesion					
48140	C	Partial removal of pancreas					
48145	C	Partial removal of pancreas					
48146	C	Pancreatectomy					
48148	C	Removal of pancreatic duct					
48150	C	Partial removal of pancreas					
48152	C	Pancreatectomy					
48153	C	Pancreatectomy					
48154	C	Pancreatectomy					
48155	C	Removal of pancreas					
48160	E	Pancreas removal, transplant					
48180	C	Fuse pancreas and bowel					
48400	C	Injection, intraop add-on					
48500	C	Surgery of pancreas cyst					
48510	C	Drain pancreatic pseudocyst					
48511	C	Drain pancreatic pseudocyst					
48520	C	Fuse pancreas cyst and bowel					
48540	C	Fuse pancreas cyst and bowel					
48545	C	Pancreatorrhaphy					
48547	C	Duodenal exclusion					
48550	E	Donor pancreatectomy					
48554	E	Transplantallograft pancreas					
48556	C	Removal, allograft pancreas					
48999	T	Pancreas surgery prccedure	122	4.59	$236.02	$113.00	$47.20
49000	C	Exploration of abdomen					
49002	C	Reopening of abdomen					
49010	C	Exploration behind abdomen					
49020	C	Drain abdominal abscess					
49021	C	Drain abdominal abscess					
49040	C	Open drainage abdom abscess					
49041	C	Percut drain abdom abscess					
49060	C	Open drain retroper abscess					
49061	C	Percutdrain retroper abscess					
49062	C	Drain to peritoneal cavity					
49080	T	Puncture, peritoneal cavity	320	3.09	$158.89	$80.91	$31.78
49081	T	Removal of abdominal fluid	320	3.09	$158.89	$80.91	$31.78
49085	T	Remove abdomen foreign body	459	17.85	$917.85	$497.88	$183.57
49180	T	Biopsy, abdominal mass	122	4.59	$236.02	$113.00	$47.20
49200	C	Removal of abdominal lesion					
49201	C	Removal of abdominal lesion					
49215	C	Excise sacral spine tumor					
49220	C	Multiple surgery, abdomen					
49250	T	Excision of umbilicus	459	17.85	$917.85	$497.88	$183.57
49255	C	Removal of omentum					
49400	T	Air injection into abdomen	347	2.57	$132.15	$62.38	$26.43
49420	T	Insert abdominal drain	459	17.85	$917.85	$497.88	$183.57
49421	T	Insert abdominal drain	459	17.85	$917.85	$497.88	$183.57
49422	T	Remove perm cannula/catheter	470	2.19	$112.61	$54.92	$22.52
49423	T	Exchange drainage cath	459	17.85	$917.85	$497.88	$183.57
49424	T	Assess cyst, contrast inj	347	2.57	$132.15	$62.38	$26.43
49425	C	Insert abdomen-venous drain					
49426	T	Revise abdomen-venous shunt	459	17.85	$917.85	$497.88	$183.57

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
49427	T	Injection, abdominal shunt	347	2.57	$132.15	$62.38	$26.43
49428	C	Ligation of shunt					
49429	T	Removal of shunt	470	2.19	$112.61	$54.92	$22.52
49495	T	Repair inguinal hernia, init	466	20.67	$1,062.85	$556.64	$212.57
49496	T	Repair inguinal hernia, init	466	20.67	$1,062.85	$556.64	$212.57
49500	T	Repair inguinal hernia	466	20.67	$1,062.85	$556.64	$212.57
49501	T	Repair inguinal hernia, init	466	20.67	$1,062.85	$556.64	$212.57
49505	T	Repair inguinal hernia	466	20.67	$1,062.85	$556.64	$212.57
49507	T	Repair, inguinal hernia	466	20.67	$1,062.85	$556.64	$212.57
49520	T	Rerepair inguinal hernia	466	20.67	$1,062.85	$556.64	$212.57
49521	T	Repair inguinal hernia, rec	466	20.67	$1,062.85	$556.64	$212.57
49525	T	Repair inguinal hernia	466	20.67	$1,062.85	$556.64	$212.57
49540	T	Repair lumbar hernia	466	20.67	$1,062.85	$556.64	$212.57
49550	T	Repair femoral hernia	466	20.67	$1,062.85	$556.64	$212.57
49553	T	Repair femoral hernia, init	466	20.67	$1,062.85	$556.64	$212.57
49555	T	Repair femoral hernia	466	20.67	$1,062.85	$556.64	$212.57
49557	T	Repair femoral hernia, recur	466	20.67	$1,062.85	$556.64	$212.57
49560	T	Repair abdominal hernia	466	20.67	$1,062.85	$556.64	$212.57
49561	T	Repair incisional hernia	466	20.67	$1,062.85	$556.64	$212.57
49565	T	Rerepair abdominal hernia	466	20.67	$1,062.85	$556.64	$212.57
49566	T	Repair incisional hernia	466	20.67	$1,062.85	$556.64	$212.57
49568	T	Hernia repair w/mesh	466	20.67	$1,062.85	$556.64	$212.57
49570	T	Repair epigastric hernia	466	20.67	$1,062.85	$556.64	$212.57
49572	T	Repair, epigastric hernia	466	20.67	$1,062.85	$556.64	$212.57
49580	T	Repair umbilical hernia	466	20.67	$1,062.85	$556.64	$212.57
49582	T	Repair umbilical hernia	466	20.67	$1,062.85	$556.64	$212.57
49585	T	Repair umbilical hernia	466	20.67	$1,062.85	$556.64	$212.57
49587	T	Repair umbilical hernia	466	20.67	$1,062.85	$556.64	$212.57
49590	T	Repair abdominal hernia	466	20.67	$1,062.85	$556.64	$212.57
49600	T	Repair umbilical lesion	466	20.67	$1,062.85	$556.64	$212.57
49605	C	Repair umbilical lesion					
49606	C	Repair umbilical lesion					
49610	C	Repair umbilical lesion					
49611	C	Repair umbilical lesion					
49900	C	Repair of abdominal wall					
49905	C	Omental flap					
49906	C	Free omental flap, microvasc					
49999	T	Abdomen surgery procedure	470	2.19	$112.61	$54.92	$22.52
50010	C	Exploration of kidney					
50020	C	Open drain renal abscess					
50021	C	Percut drain renal abscess					
50040	C	Drainage of kidney					
50045	C	Exploration of kidney					
50060	C	Removal of kidney stone					
50065	C	Incision of kidney					
50070	C	Incision of kidney					
50075	C	Removal of kidney stone					
50080	C	Removal of kidney stone					
50081	C	Removal of kidney stone					
50100	C	Revise kidney blood vessels					
50120	C	Exploration of kidney					
50125	C	Explore and drain kidney					
50130	C	Removal of kidney stone					
50135	C	Exploration of kidney					
50200	T	Biopsy of kidney	122	4.59	$236.02	$113.00	$47.20
50205	C	Biopsy of kidney					
50220	C	Removal of kidney					
50225	C	Removal of kidney					
50230	C	Removal of kidney					
50234	C	Removal of kidney & ureter					
50236	C	Removal of kidney & ureter					
50240	C	Partial removal of kidney					
50280	C	Removal of kidney lesion					
50290	C	Removal of kidney lesion					
50300	C	Removal of donor kidney					
50320	C	Removal of donor kidney					
50340	C	Removal of kidney					
50360	C	Transplantation of kidney					
50365	C	Transplantation of kidney					
50370	C	Remove transplanted kidney					
50380	C	Reimplantation of kidney					
50390	T	Drainage of kidney lesion	122	4.59	$236.02	$113.00	$47.20
50392	T	Insert kidney drain	347	2.57	$132.15	$62.38	$26.43
50393	T	Insert ureteral tube	347	2.57	$132.15	$62.38	$26.43
50394	T	Injection for kidney x-ray	347	2.57	$132.15	$62.38	$26.43

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
50395	T	Create passage to kidney	347	2.57	$132.15	$62.38	$26.43
50396	T	Measure kidney pressure	529	2.33	$119.81	$59.66	$23.96
50398	T	Change kidney tube	521	4.89	$251.44	$110.06	$50.29
50400	C	Revision of kidney/ureter					
50405	C	Revision of kidney/ureter					
50500	C	Repair of kidney wound					
50520	C	Close kidney-skin fistula					
50525	C	Repair renal-abdomen fistula					
50526	C	Repair renal-abdomen fistula					
50540	C	Revision of horseshoe kidney					
50551	T	Kidney endoscopy	522	10.15	$521.91	$259.45	$104.38
50553	T	Kidney endoscopy	522	10.15	$521.91	$259.45	$104.38
50555	T	Kidney endoscopy & biopsy	522	10.15	$521.91	$259.45	$104.38
50557	T	Kidney endoscopy & treatment	522	10.15	$521.91	$259.45	$104.38
50559	T	Renal endoscopy; radiotracer	522	10.15	$521.91	$259.45	$104.38
50561	T	Kidney endoscopy & treatment	522	10.15	$521.91	$259.45	$104.38
50570	C	Kidney endoscopy					
50572	C	Kidney endoscopy					
50574	C	Kidney endoscopy & biopsy					
50575	C	Kidney endoscopy					
50576	C	Kidney endoscopy & treatment					
50578	C	Renal endoscopy; radiotracer					
50580	C	Kidney endoscopy & treatment					
50590	T	Fragmenting of kidney stone	527	43.48	$2,235.74	$1,372.95	$447.15
50600	C	Exploration of ureter					
50605	C	Insert ureteral support					
50610	C	Removal of ureter stone					
50620	C	Removal of ureter stone					
50630	C	Removal of ureter stone					
50650	C	Removal of ureter					
50660	C	Removal of ureter					
50684	T	Injection for ureter x-ray	347	2.57	$132.15	$62.38	$26.43
50686	T	Measure ureter pressure	529	2.33	$119.81	$59.66	$23.96
50688	T	Change of ureter tube	470	2.19	$112.61	$54.92	$22.52
50690	T	Injection for ureter x-ray	347	2.57	$132.15	$62.38	$26.43
50700	C	Revision of ureter					
50715	C	Release of ureter					
50722	C	Release of ureter					
50725	C	Release/revise ureter					
50727	C	Revise ureter					
50728	C	Revise ureter					
50740	C	Fusion of ureter & kidney					
50750	C	Fusion of ureter & kidney					
50760	C	Fusion of ureters					
50770	C	Splicing of ureters					
50780	C	Reimplant ureter in bladder					
50782	C	Reimplant ureter in bladder					
50783	C	Reimplant ureter in bladder					
50785	C	Reimplant ureter in bladder					
50800	C	Implant ureter in bowel					
50810	C	Fusion of ureter & bowel					
50815	C	Urine shunt to bowel					
50820	C	Construct bowel bladder					
50825	C	Construct bowel bladder					
50830	C	Revise urine flow					
50840	C	Replace ureter by bowel					
50845	C	Appendico-vesicostomy					
50860	C	Transplant ureter to skin					
50900	C	Repair of ureter					
50920	C	Closure ureter/skin fistula					
50930	C	Closure ureter/bowel fistula					
50940	C	Release of ureter					
50951	T	Endoscopy of ureter	523	16.35	$840.72	$438.89	$168.14
50953	T	Endoscopy of ureter	523	16.35	$840.72	$438.89	$168.14
50955	T	Ureter endoscopy & biopsy	523	16.35	$840.72	$438.89	$168.14
50957	T	Ureter endoscopy & treatment	523	16.35	$840.72	$438.89	$168.14
50959	T	Ureter endoscopy & tracer	523	16.35	$840.72	$438.89	$168.14
50961	T	Ureter endoscopy & treatment	523	16.35	$840.72	$438.89	$168.14
50970	C	Ureter endoscopy					
50972	C	Ureter endoscopy & catheter					
50974	C	Ureter endoscopy & biopsy					
50976	C	Ureter endoscopy & treatment					
50978	C	Ureter endoscopy & tracer					
50980	C	Ureter endoscopy & treatment					
51000	T	Drainage of bladder	530	2.46	$126.49	$53.34	$25.30

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
51005	T	Drainage of bladder	530	2.46	$126.49	$53.34	$25.30
51010	T	Drainage of bladder	530	2.46	$126.49	$53.34	$25.30
51020	T	Incise & treat bladder	523	16.35	$840.72	$438.89	$168.14
51030	T	Incise & treat bladder	523	16.35	$840.72	$438.89	$168.14
51040	T	Incise & drain bladder	523	16.35	$840.72	$438.89	$168.14
51045	T	Incise bladder, drain ureter	523	16.35	$840.72	$438.89	$168.14
51050	T	Removal of bladder stone	523	16.35	$840.72	$438.89	$168.14
51060	C	Removal of ureter stone					
51065	T	Removal of ureter stone	523	16.35	$840.72	$438.89	$168.14
51080	T	Drainage of bladder abscess	132	5.63	$289.49	$132.89	$57.90
51500	T	Removal of bladder cyst	466	20.67	$1,062.85	$556.64	$212.57
51520	T	Removal of bladder lesion	523	16.35	$840.72	$438.89	$168.14
51525	C	Removal of bladder lesion					
51530	C	Removal of bladder lesion					
51535	C	Repair of ureter lesion					
51550	C	Partial removal of bladder					
51555	C	Partial removal of bladder					
51565	C	Revise bladder & ureter(s)					
51570	C	Removal of bladder					
51575	C	Removal of bladder & nodes					
51580	C	Remove bladder; revise tract					
51585	C	Removal of bladder & nodes					
51590	C	Remove bladder; revise tract					
51595	C	Remove bladder; revise tract					
51596	C	Remove bladder, create pouch					
51597	C	Removal of pelvic structures					
51600	T	Injection for bladder x-ray	347	2.57	$132.15	$62.38	$26.43
51605	T	Preparation for bladder x-ray	347	2.57	$132.15	$62.38	$26.43
51610	T	Injection for bladder x-ray	347	2.57	$132.15	$62.38	$26.43
51700	T	Irrigation of bladder	530	2.46	$126.49	$53.34	$25.30
51705	T	Change of bladder tube	470	2.19	$112.61	$54.92	$22.52
51710	T	Change of bladder tube	470	2.19	$112.61	$54.92	$22.52
51715	T	Endoscopic injection/implant	531	18.59	$955.90	$531.55	$191.18
51720	T	Treatment of bladder lesion	530	2.46	$126.49	$53.34	$25.30
51725	T	Simple cystometrogram	529	2.33	$119.81	$59.66	$23.96
51726	T	Complex cystometrogram	529	2.33	$119.81	$59.66	$23.96
51736	T	Urine flow measurement	529	2.33	$119.81	$59.66	$23.96
51741	T	Electro-uroflowmetry, first	529	2.33	$119.81	$59.66	$23.96
51772	T	Urethra pressure profile	529	2.33	$119.81	$59.66	$23.96
51784	T	Anal/urinary muscle study	529	2.33	$119.81	$59.66	$23.96
51785	T	Anal/urinary muscle study	529	2.33	$119.81	$59.66	$23.96
51792	T	Urinary reflex study	529	2.33	$119.81	$59.66	$23.96
51795	T	Urine voiding pressure study	529	2.33	$119.81	$59.66	$23.96
51797	T	Intraabdominal pressure test	529	2.33	$119.81	$59.66	$23.96
51800	C	Revision of bladder/urethra					
51820	C	Revision of urinary tract					
51840	C	Attach bladder/urethra					
51841	C	Attach bladder/urethra					
51845	C	Repair bladder neck					
51860	C	Repair of bladder wound					
51865	C	Repair of bladder wound					
51880	T	Repair of bladder opening	523	16.35	$840.72	$438.89	$168.14
51900	C	Repair bladder/vagina lesion					
51920	C	Close bladder-uterus fistula					
51925	C	Hysterectomy/bladder repair					
51940	C	Correction of bladder defect					
51960	C	Revision of bladder & bowel					
51980	C	Construct bladder opening					
52000	T	Cystoscopy	521	4.89	$251.44	$110.06	$50.29
52005	T	Cystoscopy & ureter catheter	522	10.15	$521.91	$259.45	$104.38
52007	T	Cystoscopy and biopsy	522	10.15	$521.91	$259.45	$104.38
52010	T	Cystoscopy & duct catheter	522	10.15	$521.91	$259.45	$104.38
52204	T	Cystoscopy	522	10.15	$521.91	$259.45	$104.38
52214	T	Cystoscopy and treatment	522	10.15	$521.91	$259.45	$104.38
52224	T	Cystoscopy and treatment	522	10.15	$521.91	$259.45	$104.38
52234	T	Cystoscopy and treatment	523	16.35	$840.72	$438.89	$168.14
52235	T	Cystoscopy and treatment	523	16.35	$840.72	$438.89	$168.14
52240	T	Cystoscopy and treatment	523	16.35	$840.72	$438.89	$168.14
52250	T	Cystoscopy & radiotracer	523	16.35	$840.72	$438.89	$168.14
52260	T	Cystoscopy & treatment	522	10.15	$521.91	$259.45	$104.38
52265	T	Cystoscopy & treatment	521	4.89	$251.44	$110.06	$50.29
52270	T	Cystoscopy & revise urethra	522	10.15	$521.91	$259.45	$104.38
52275	T	Cystoscopy & revise urethra	522	10.15	$521.91	$259.45	$104.38
52276	T	Cystoscopy and treatment	522	10.15	$521.91	$259.45	$104.38
52277	T	Cystoscopy and treatment	523	16.35	$840.72	$438.89	$168.14

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
52281	T	Cystoscopy and treatment	522	10.15	$521.91	$259.45	$104.38
52282	T	Cystoscopy, implant stent	523	16.35	$840.72	$438.89	$168.14
52283	T	Cystoscopy and treatment	522	10.15	$521.91	$259.45	$104.38
52285	T	Cystoscopy and treatment	522	10.15	$521.91	$259.45	$104.38
52290	T	Cystoscopy and treatment	522	10.15	$521.91	$259.45	$104.38
52300	T	Cystoscopy and treatment	522	10.15	$521.91	$259.45	$104.38
52301	T	Cystoscopy and treatment	522	10.15	$521.91	$259.45	$104.38
52305	T	Cystoscopy and treatment	522	10.15	$521.91	$259.45	$104.38
52310	T	Cystoscopy and treatment	522	10.15	$521.91	$259.45	$104.38
52315	T	Cystoscopy and treatment	522	10.15	$521.91	$259.45	$104.38
52317	T	Remove bladder stone	523	16.35	$840.72	$438.89	$168.14
52318	T	Remove bladder stone	523	16.35	$840.72	$438.89	$168.14
52320	T	Cystoscopy and treatment	523	16.35	$840.72	$438.89	$168.14
52325	T	Cystoscopy, stone removal	523	16.35	$840.72	$438.89	$168.14
52327	T	Cystoscopy, inject material	522	10.15	$521.91	$259.45	$104.38
52330	T	Cystoscopy and treatment	523	16.35	$840.72	$438.89	$168.14
52332	T	Cystoscopy and treatment	523	16.35	$840.72	$438.89	$168.14
52334	T	Create passage to kidney	523	16.35	$840.72	$438.89	$168.14
52335	T	Endoscopy of urinary tract	523	16.35	$840.72	$438.89	$168.14
52336	T	Cystoscopy, stone removal	523	16.35	$840.72	$438.89	$168.14
52337	T	Cystoscopy, stone removal	524	27.20	$1,398.62	$824.90	$279.72
52338	T	Cystoscopy and treatment	523	16.35	$840.72	$438.89	$168.14
52339	T	Cystoscopy and treatment	523	16.35	$840.72	$438.89	$168.14
52340	T	Cystoscopy and treatment	523	16.35	$840.72	$438.89	$168.14
52450	T	Incision of prostate	523	16.35	$840.72	$438.89	$168.14
52500	T	Revision of bladder neck	523	16.35	$840.72	$438.89	$168.14
52510	T	Dilation prostatic urethra	522	10.15	$521.91	$259.45	$104.38
52601	T	Prostatectomy (TURP)	524	27.20	$1,398.62	$824.90	$279.72
52606	T	Control postop bleeding	523	16.35	$840.72	$438.89	$168.14
52612	T	Prostatectomy, first stage	524	27.20	$1,398.62	$824.90	$279.72
52614	T	Prostatectomy, second stage	524	27.20	$1,398.62	$824.90	$279.72
52620	T	Remove residual prostate	524	27.20	$1,398.62	$824.90	$279.72
52630	T	Remove prostate regrowth	524	27.20	$1,398.62	$824.90	$279.72
52640	T	Relieve bladder contracture	523	16.35	$840.72	$438.89	$168.14
52647	T	Laser surgery of prostate	524	27.20	$1,398.62	$824.90	$279.72
52648	T	Laser surgery of prostate	524	27.20	$1,398.62	$824.90	$279.72
52700	T	Drainage of prostate abscess	523	16.35	$840.72	$438.89	$168.14
53000	T	Incision of urethra	531	18.59	$955.90	$531.55	$191.18
53010	T	Incision of urethra	531	18.59	$955.90	$531.55	$191.18
53020	T	Incision of urethra	531	18.59	$955.90	$531.55	$191.18
53025	T	Incision of urethra	531	18.59	$955.90	$531.55	$191.18
53040	T	Drainage of urethra abscess	531	18.59	$955.90	$531.55	$191.18
53060	T	Drainage of urethra abscess	531	18.59	$955.90	$531.55	$191.18
53080	T	Drainage of urinary leakage	531	18.59	$955.90	$531.55	$191.18
53085	C	Drainage of urinary leakage	.....	.....	.....	.....	.....
53200	T	Biopsy of urethra	531	18.59	$955.90	$531.55	$191.18
53210	T	Removal of urethra	532	23.02	$1,183.69	$588.50	$236.74
53215	T	Removal of urethra	532	23.02	$1,183.69	$588.50	$236.74
53220	T	Treatment of urethra lesion	532	23.02	$1,183.69	$588.50	$236.74
53230	T	Removal of urethra lesion	532	23.02	$1,183.69	$588.50	$236.74
53235	T	Removal of urethra lesion	532	23.02	$1,183.69	$588.50	$236.74
53240	T	Surgery for urethra pouch	532	23.02	$1,183.69	$588.50	$236.74
53250	T	Removal of urethra gland	531	18.59	$955.90	$531.55	$191.18
53260	T	Treatment of urethra lesion	531	18.59	$955.90	$531.55	$191.18
53265	T	Treatment of urethra lesion	531	18.59	$955.90	$531.55	$191.18
53270	T	Removal of urethra gland	531	18.59	$955.90	$531.55	$191.18
53275	T	Repair of urethra defect	531	18.59	$955.90	$531.55	$191.18
53400	T	Revise urethra, 1st stage	532	23.02	$1,183.69	$588.50	$236.74
53405	T	Revise urethra, 2nd stage	532	23.02	$1,183.69	$588.50	$236.74
53410	T	Reconstruction of urethra	532	23.02	$1,183.69	$588.50	$236.74
53415	C	Reconstruction of urethra	.....	.....	.....	.....	.....
53420	T	Reconstruct urethra, stage 1	532	23.02	$1,183.69	$588.50	$236.74
53425	T	Reconstruct urethra, stage 2	532	23.02	$1,183.69	$588.50	$236.74
53430	T	Reconstruction of urethra	532	23.02	$1,183.69	$588.50	$236.74
53440	T	Correct bladder function	538	48.41	$2,489.24	$1,563.47	$497.85
53442	T	Remove perineal prosthesis	531	18.59	$955.90	$531.55	$191.18
53443	C	Reconstruction of urethra	.....	.....	.....	.....	.....
53445	T	Correct urine flow control	538	48.41	$2,489.24	$1,563.47	$497.85
53447	T	Remove artificial sphincter	532	23.02	$1,183.69	$588.50	$236.74
53449	T	Correct artificial sphincter	532	23.02	$1,183.69	$588.50	$236.74
53450	T	Revisión of urethra	532	23.02	$1,183.69	$588.50	$236.74
53460	T	Revision of urethra	532	23.02	$1,183.69	$588.50	$236.74
53502	T	Repair of urethra injury	531	18.59	$955.90	$531.55	$191.18
53505	T	Repair of urethra injury	531	18.59	$955.90	$531.55	$191.18
53510	T	Repair of urethra injury	531	18.59	$955.90	$531.55	$191.18

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
53515	T	Repair of urethra injury	532	23.02	$1,183.69	$588.50	$236.74
53520	T	Repair of urethra defect	532	23.02	$1,183.69	$588.50	$236.74
53600	T	Dilate urethra stricture	530	2.46	$126.49	$53.34	$25.30
53601	T	Dilate urethra stricture	530	2.46	$126.49	$53.34	$25.30
53605	T	Dilate urethra stricture	522	10.15	$521.91	$259.45	$104.38
53620	T	Dilate urethra stricture	530	2.46	$126.49	$53.34	$25.30
53621	T	Dilate urethra stricture	530	2.46	$126.49	$53.34	$25.30
[2] 53640	T	Relieve bladder retention	530	2.46	$126.49	$53.34	$25.30
53660	T	Dilation of urethra	530	2.46	$126.49	$53.34	$25.30
53661	T	Dilation of urethra	530	2.46	$126.49	$53.34	$25.30
53665	T	Dilation of urethra	531	18.59	$955.90	$531.55	$191.18
53670	N	Insert urinary catheter					
53675	T	Insert urinary catheter	530	2.46	$126.49	$53.34	$25.30
53850	T	Prostatic microwave thermotx	524	27.20	$1,398.62	$824.90	$279.72
53852	T	Prostatic rf thermotx	524	27.20	$1,398.62	$824.90	$279.72
53899	T	Urology surgery procedure	530	2.46	$126.49	$53.34	$25.30
54000	T	Slitting of prepuce	531	18.59	$955.90	$531.55	$191.18
54001	T	Slitting of prepuce	531	18.59	$955.90	$531.55	$191.18
54015	T	Drain penis lesion	132	5.63	$289.49	$132.89	$57.90
54050	T	Destruction, penis lesion(s)	152	10.07	$517.80	$251.54	$103.56
54055	T	Destruction, penis lesion(s)	152	10.07	$517.80	$251.54	$103.56
54056	T	Cryosurgery, penis lesion(s)	152	10.07	$517.80	$251.54	$103.56
54057	T	Laser surg, penis lesion(s)	152	10.07	$517.80	$251.54	$103.56
54060	T	Excision of penis lesion(s)	152	10.07	$517.80	$251.54	$103.56
54065	T	Destruction, penis lesion(s)	152	10.07	$517.80	$251.54	$103.56
54100	T	Biopsy of penis	162	5.59	$287.44	$125.66	$57.49
54105	T	Biopsy of penis	162	5.59	$287.44	$125.66	$57.49
54110	T	Treatment of penis lesion	537	28.65	$1,473.18	$872.36	$294.64
54111	T	Treat penis lesion, graft	537	28.65	$1,473.18	$872.36	$294.64
54112	T	Treat penis lesion, graft	537	28.65	$1,473.18	$872.36	$294.64
54115	T	Treatment of penis lesion	132	5.63	$289.49	$132.89	$57.90
54120	T	Partial removal of penis	537	28.65	$1,473.18	$872.36	$294.64
54125	C	Removal of penis					
54130	C	Remove penis & nodes					
54135	C	Remove penis & nodes					
54150	T	Circumcision	536	12.89	$662.80	$321.60	$132.56
54152	T	Circumcision	536	12.89	$662.80	$321.60	$132.56
54160	T	Circumcision	536	12.89	$662.80	$321.60	$132.56
54161	T	Circumcision	536	12.89	$662.80	$321.60	$132.56
54200	T	Treatment of penis lesion	530	2.46	$126.49	$53.34	$25.30
54205	T	Treatment of penis lesion	537	28.65	$1,473.18	$872.36	$294.64
54220	T	Treatment of penis lesion	530	2.46	$126.49	$53.34	$25.30
54230	T	Prepare penis study	347	2.57	$132.15	$62.38	$26.43
54231	T	Dynamic cavernosometry	530	2.46	$126.49	$53.34	$25.30
54235	T	Penile injection	530	2.46	$126.49	$53.34	$25.30
54240	T	Penis study	529	2.33	$119.81	$59.66	$23.96
54250	T	Penis study	529	2.33	$119.81	$59.66	$23.96
54300	T	Revision of penis	537	28.65	$1,473.18	$872.36	$294.64
54304	T	Revision of penis	537	28.65	$1,473.18	$872.36	$294.64
54308	T	Reconstruction of urethra	537	28.65	$1,473.18	$872.36	$294.64
54312	T	Reconstruction of urethra	537	28.65	$1,473.18	$872.36	$294.64
54316	T	Reconstruction of urethra	537	28.65	$1,473.18	$872.36	$294.64
54318	T	Reconstruction of urethra	537	28.65	$1,473.18	$872.36	$294.64
54322	T	Reconstruction of urethra	537	28.65	$1,473.18	$872.36	$294.64
54324	T	Reconstruction of urethra	537	28.65	$1,473.18	$872.36	$294.64
54326	T	Reconstruction of urethra	537	28.65	$1,473.18	$872.36	$294.64
54328	T	Revise penis, urethra	537	28.65	$1,473.18	$872.36	$294.64
54332	C	Revise penis, urethra					
54336	C	Revise penis, urethra					
54340	T	Secondary urethral surgery	537	28.65	$1,473.18	$872.36	$294.64
54344	T	Secondary urethral surgery	537	28.65	$1,473.18	$872.36	$294.64
54348	T	Secondary urethral surgery	537	28.65	$1,473.18	$872.36	$294.64
54352	T	Reconstruct urethra, penis	537	28.65	$1,473.18	$872.36	$294.64
54360	T	Penis plastic surgery	537	28.65	$1,473.18	$872.36	$294.64
54380	T	Repair penis	537	28.65	$1,473.18	$872.36	$294.64
54385	T	Repair penis	537	28.65	$1,473.18	$872.36	$294.64
54390	C	Repair penis and bladder					
54400	T	Insert semi-rigid prosthesis	538	48.41	$2,489.24	$1,563.47	$497.85
54401	T	Insert self-contd prosthesis	538	48.41	$2,489.24	$1,563.47	$497.85
54402	T	Remove penis prosthesis	537	28.65	$1,473.18	$872.36	$294.64
54405	T	Insert multi-comp prosthesis	538	48.41	$2,489.24	$1,563.47	$497.85
54407	T	Remove multi-comp prosthesis	537	28.65	$1,473.18	$872.36	$294.64
54409	T	Revise penis prosthesis	537	28.65	$1,473.18	$872.36	$294.64
54420	T	Revision of penis	537	28.65	$1,473.18	$872.36	$294.64
54430	C	Revision of penis					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
54435	T	Revision of penis	537	28.65	$1,473.18	$872.36	$294.64
54440	T	Repair of penis	537	28.65	$1,473.18	$872.36	$294.64
54450	T	Preputial stretching	530	2.46	$126.49	$53.34	$25.30
54500	T	Biopsy of testis	122	4.59	$236.02	$113.00	$47.20
54505	T	Biopsy of testis	546	16.54	$850.49	$449.51	$170.10
54510	T	Removal of testis lesion	546	16.54	$850.49	$449.51	$170.10
54520	T	Removal of testis	546	16.54	$850.49	$449.51	$170.10
54530	T	Removal of testis	546	16.54	$850.49	$449.51	$170.10
54535	C	Extensive testis surgery					
54550	T	Exploration for testis	546	16.54	$850.49	$449.51	$170.10
54560	C	Exploration for testis					
54600	T	Reduce testis torsion	546	16.54	$850.49	$449.51	$170.10
54620	T	Suspension of testis	546	16.54	$850.49	$449.51	$170.10
54640	T	Suspension of testis	546	16.54	$850.49	$449.51	$170.10
54650	C	Orchiopexy (Fowler-Stephens)					
54660	T	Revision of testis	546	16.54	$850.49	$449.51	$170.10
54670	T	Repair testis injury	546	16.54	$850.49	$449.51	$170.10
54680	T	Relocation of testis(es)	546	16.54	$850.49	$449.51	$170.10
54700	T	Drainage of scrotum	546	16.54	$850.49	$449.51	$170.10
54800	T	Biopsy of epididymis	122	4.59	$236.02	$113.00	$47.20
54820	T	Exploration of epididymis	546	16.54	$850.49	$449.51	$170.10
54830	T	Remove epididymis lesion	546	16.54	$850.49	$449.51	$170.10
54840	T	Remove epididymis lesion	546	16.54	$850.49	$449.51	$170.10
54860	T	Removal of epididymis	546	16.54	$850.49	$449.51	$170.10
54861	T	Removal of epididymis	546	16.54	$850.49	$449.51	$170.10
54900	T	Fusion of spermatic ducts	546	16.54	$850.49	$449.51	$170.10
54901	T	Fusion of spermatic ducts	546	16.54	$850.49	$449.51	$170.10
55000	T	Drainage of hydrocele	121	0.63	$32.39	$21.02	$6.48
55040	T	Removal of hydrocele	466	20.67	$1,062.85	$556.64	$212.57
55041	T	Removal of hydroceles	466	20.67	$1,062.85	$556.64	$212.57
55060	T	Repair of hydrocele	546	16.54	$850.49	$449.51	$170.10
55100	T	Drainage of scrotum abscess	132	5.63	$289.49	$132.89	$57.90
55110	T	Explore scrotum	546	16.54	$850.49	$449.51	$170.10
55120	T	Removal of scrotum lesion	546	16.54	$850.49	$449.51	$170.10
55150	T	Removal of scrotum	546	16.54	$850.49	$449.51	$170.10
55175	T	Revision of scrotum	546	16.54	$850.49	$449.51	$170.10
55180	T	Revision of scrotum	546	16.54	$850.49	$449.51	$170.10
55200	T	Incision of sperm duct	546	16.54	$850.49	$449.51	$170.10
55250	T	Removal of sperm duct(s)	546	16.54	$850.49	$449.51	$170.10
55300	T	Preparation,sperm duct x-ray	347	2.57	$132.15	$62.38	$26.43
55400	T	Repair of sperm duct	546	16.54	$850.49	$449.51	$170.10
55450	T	Ligation of sperm duct	546	16.54	$850.49	$449.51	$170.10
55500	T	Removal of hydrocele	546	16.54	$850.49	$449.51	$170.10
55520	T	Removal of sperm cord lesion	546	16.54	$850.49	$449.51	$170.10
55530	T	Revise spermatic cord veins	546	16.54	$850.49	$449.51	$170.10
55535	T	Revise spermatic cord veins	546	16.54	$850.49	$449.51	$170.10
55540	T	Revise hernia & sperm veins	546	16.54	$850.49	$449.51	$170.10
55600	C	Incise sperm duct pouch					
55605	C	Incise sperm duct pouch					
55650	C	Remove sperm duct pouch					
55680	T	Remove sperm pouch lesion	546	16.54	$850.49	$449.51	$170.10
55700	T	Biopsy of prostate	547	4.39	$225.73	$125.20	$45.15
55705	T	Biopsy of prostate	547	4.39	$225.73	$125.20	$45.15
55720	T	Drainage of prostate abscess	523	16.35	$840.72	$438.89	$168.14
55725	T	Drainage of prostate abscess	523	16.35	$840.72	$438.89	$168.14
55801	C	Removal of prostate					
55810	C	Extensive prostate surgery					
55812	C	Extensive prostate surgery					
55815	C	Extensive prostate surgery					
55821	C	Removal of prostate					
55831	C	Removal of prostate					
55840	C	Extensive prostate surgery					
55842	C	Extensive prostate surgery					
55845	C	Extensive prostate surgery					
55859	T	Percut/needle insert, pros	523	16.35	$840.72	$438.89	$168.14
55860	C	Surgical exposure, prostate					
55862	C	Extensive prostate surgery					
55865	C	Extensive prostate surgery					
55870	T	Electroejaculation	568	2.79	$143.46	$55.60	$28.69
55899	T	Genital surgery procedure	530	2.46	$126.49	$53.34	$25.30
55970	E	Sex transformation, M to F					
55980	E	Sex transformation, F to M					
56300	T	Laparoscopy; diagnostic	551	24.61	$1,265.45	$701.73	$253.09
56301	T	Laparoscopy; tubal cautery	551	24.61	$1,265.45	$701.73	$253.09
56302	T	Laparoscopy; tubal block	551	24.61	$1,265.45	$701.73	$253.09

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
56303	T	Laparoscopy; excise lesions	551	24.61	$1,265.45	$701.73	$253.09
56304	T	Laparoscopy; lysis	551	24.61	$1,265.45	$701.73	$253.09
56305	T	Laparoscopy; biopsy	551	24.61	$1,265.45	$701.73	$253.09
56306	T	Laparoscopy; aspiration	551	24.61	$1,265.45	$701.73	$253.09
56307	T	Laparoscopy; remove adnexa	552	37.09	$1,907.17	$1,053.84	$381.43
56308	C	Laparoscopy; hysterectomy					
56309	T	Laparoscopy; remove myoma	552	37.09	$1,907.17	$1,053.84	$381.43
56310	C	Laparoscopic enterolysis					
56311	T	Laparoscopic lymph node biop	552	37.09	$1,907.17	$1,053.84	$381.43
56312	T	Laparoscopic lymphadenectomy	552	37.09	$1,907.17	$1,053.84	$381.43
56313	T	Laparoscopic lymphadenectomy	552	37.09	$1,907.17	$1,053.84	$381.43
56314	C	Lapar; drain lymphocele					
56315	C	Laparoscopic appendectomy					
56316	T	Laparoscopic hernia repair	552	37.09	$1,907.17	$1,053.84	$381.43
56317	T	Laparoscopic hernia repair	552	37.09	$1,907.17	$1,053.84	$381.43
56318	T	Laparoscopic orchiectomy	552	37.09	$1,907.17	$1,053.84	$381.43
56320	T	Laparoscopy, spermatic veins	552	37.09	$1,907.17	$1,053.84	$381.43
56322	C	Laparoscopy, vagus nerves					
56323	C	Laparoscopy, vagus nerves					
56324	C	Laparoscopy, cholecystoenter					
56340	C	Laparoscopic cholecystectomy					
56341	C	Laparoscopic cholecystectomy					
56342	C	Laparoscopic cholecystectomy					
56343	T	Laparoscopic salpingostomy	552	37.09	$1,907.17	$1,053.84	$381.43
56344	T	Laparoscopic fimbrioplasty	552	37.09	$1,907.17	$1,053.84	$381.43
56345	C	Laparoscopic splenectomy					
56346	T	Laparoscopic gastrostomy	551	24.61	$1,265.45	$701.73	$253.09
56347	C	Laparoscopic jejunostomy					
56348	C	Laparo; resect intestine					
56349	C	Laparoscopy; fundoplasty					
56350	T	Hysteroscopy; diagnostic	562	12.30	$632.47	$325.44	$126.49
56351	T	Hysteroscopy; biopsy	550	16.46	$846.37	$445.22	$169.27
56352	T	Hysteroscopy; lysis	550	16.46	$846.37	$445.22	$169.27
56353	T	Hysteroscopy; resect septum	550	16.46	$846.37	$445.22	$169.27
56354	T	Hysteroscopy; remove myoma	550	16.46	$846.37	$445.22	$169.27
56355	T	Hysteroscopy; remove impact	550	16.46	$846.37	$445.22	$169.27
56356	T	Hysteroscopy; ablation	550	16.46	$846.37	$445.22	$169.27
[2] 56360	T	Peritoneoscopy	551	24.61	$1,265.45	$701.73	$253.09
[2] 56361	T	Peritoneoscopy w/biopsy	551	24.61	$1,265.45	$701.73	$253.09
56362	T	Laparoscopy w/cholangio	552	37.09	$1,907.17	$1,053.84	$381.43
56363	T	Laparoscopy w/biopsy	552	37.09	$1,907.17	$1,053.84	$381.43
56399	T	Laparoscopy procedure	562	12.30	$632.47	$325.44	$126.49
56405	T	I & D of vulva/perineum	561	1.46	$75.07	$24.41	$15.01
56420	T	Drainage of gland abscess	561	1.46	$75.07	$24.41	$15.01
56440	T	Surgery for vulva lesion	562	12.30	$632.47	$325.44	$126.49
56441	T	Lysis of labial lesion(s)	561	1.46	$75.07	$24.41	$15.01
56501	T	Destruction, vulva lesion(s)	152	10.07	$517.80	$251.54	$103.56
56515	T	Destruction, vulva lesion(s)	152	10.07	$517.80	$251.54	$103.56
56605	T	Biopsy of vulva/perineum	161	3.43	$176.37	$75.71	$35.27
56606	T	Biopsy of vulva/perineum	161	3.43	$176.37	$75.71	$35.27
56620	T	Partial removal of vulva	563	16.50	$848.43	$461.72	$169.69
56625	T	Complete removal of vulva	563	16.50	$848.43	$461.72	$169.69
56630	C	Extensive vulva surgery					
56631	C	Extensive vulva surgery					
56632	C	Extensive vulva surgery					
56633	C	Extensive vulva surgery					
56634	C	Extensive vulva surgery					
56637	C	Extensive vulva surgery					
56640	C	Extensive vulva surgery					
56700	T	Partial removal of hymen	562	12.30	$632.47	$325.44	$126.49
56720	T	Incision of hymen	562	12.30	$632.47	$325.44	$126.49
56740	T	Remove vagina gland lesion	562	12.30	$632.47	$325.44	$126.49
56800	T	Repair of vagina	562	12.30	$632.47	$325.44	$126.49
56805	C	Repair clitoris					
56810	T	Repair of perineum	562	12.30	$632.47	$325.44	$126.49
57000	T	Exploration of vagina	562	12.30	$632.47	$325.44	$126.49
57010	T	Drainage of pelvic abscess	562	12.30	$632.47	$325.44	$126.49
57020	T	Drainage of pelvic fluid	562	12.30	$632.47	$325.44	$126.49
57061	T	Destruction vagina lesion(s)	561	1.46	$75.07	$24.41	$15.01
57065	T	Destruction vagina lesion(s)	562	12.30	$632.47	$325.44	$126.49
57100	T	Biopsy of vagina	561	1.46	$75.07	$24.41	$15.01
57105	T	Biopsy of vagina	562	12.30	$632.47	$325.44	$126.49
[2] 57108	C	Partial removal of vagina					
57110	C	Remove vagina wall, complete					
57120	C	Closure of vagina					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
57130	T	Remove vagina lesion	562	12.30	$632.47	$325.44	$126.49
57135	T	Remove vagina lesion	562	12.30	$632.47	$325.44	$126.49
57150	T	Treat vagina infection	561	1.46	$75.07	$24.41	$15.01
57160	T	Insertion of pessary/device	561	1.46	$75.07	$24.41	$15.01
57170	T	Fitting of diaphragm/cap	561	1.46	$75.07	$24.41	$15.01
57180	T	Treat vaginal bleeding	561	1.46	$75.07	$24.41	$15.01
57200	T	Repair of vagina	562	12.30	$632.47	$325.44	$126.49
57210	T	Repair vagina/perineum	562	12.30	$632.47	$325.44	$126.49
57220	T	Revision of urethra	563	16.50	$848.43	$461.72	$169.69
57230	T	Repair of urethral lesion	562	12.30	$632.47	$325.44	$126.49
57240	T	Repair bladder & vagina	563	16.50	$848.43	$461.72	$169.69
57250	T	Repair rectum & vagina	563	16.50	$848.43	$461.72	$169.69
57260	T	Repair of vagina	563	16.50	$848.43	$461.72	$169.69
57265	T	Extensive repair of vagina	563	16.50	$848.43	$461.72	$169.69
57268	T	Repair of bowel bulge	563	16.50	$848.43	$461.72	$169.69
57270	C	Repair of bowel pouch					
57280	C	Suspension of vagina					
57282	C	Repair of vaginal prolapse					
57284	T	Repair paravaginal defect	563	16.50	$848.43	$461.72	$169.69
57288	T	Repair bladder defect	563	16.50	$848.43	$461.72	$169.69
57289	T	Repair bladder & vagina	563	16.50	$848.43	$461.72	$169.69
57291	T	Construction of vagina	563	16.50	$848.43	$461.72	$169.69
57292	C	Construct vagina with graft					
57300	T	Repair rectum-vagina fistula	563	16.50	$848.43	$461.72	$169.69
57305	C	Repair rectum-vagina fistula					
57307	C	Fistula repair & colostomy					
57308	C	Fistula repair, transperine					
57310	C	Repair urethrovaginal lesion					
57311	C	Repair urethrovaginal lesion					
57320	C	Repair bladder-vagina lesion					
57330	C	Repair bladder-vagina lesion					
57335	C	Repair vagina					
57400	T	Dilation of vagina	562	12.30	$632.47	$325.44	$126.49
57410	T	Pelvic examination	562	12.30	$632.47	$325.44	$126.49
57415	T	Removal vaginal foreign body	562	12.30	$632.47	$325.44	$126.49
57452	T	Examination of vagina	561	1.46	$75.07	$24.41	$15.01
57454	T	Vagina examination & biopsy	561	1.46	$75.07	$24.41	$15.01
57460	T	Cervix excision	562	12.30	$632.47	$325.44	$126.49
57500	T	Biopsy of cervix	561	1.46	$75.07	$24.41	$15.01
57505	T	Endocervical curettage	561	1.46	$75.07	$24.41	$15.01
57510	T	Cauterization of cervix	561	1.46	$75.07	$24.41	$15.01
57511	T	Cryocautery of cervix	561	1.46	$75.07	$24.41	$15.01
57513	T	Laser surgery of cervix	561	1.46	$75.07	$24.41	$15.01
57520	T	Conization of cervix	563	16.50	$848.43	$461.72	$169.69
57522	T	Conization of cervix	563	16.50	$848.43	$461.72	$169.69
57530	T	Removal of cervix	563	16.50	$848.43	$461.72	$169.69
57531	C	Removal of cervix, radical					
57540	C	Removal of residual cervix					
57545	C	Remove cervix, repair pelvis					
57550	T	Removal of residual cervix	563	16.50	$848.43	$461.72	$169.69
57555	T	Remove cervix, repair vagina	563	16.50	$848.43	$461.72	$169.69
57556	T	Remove cervix, repair bowel	563	16.50	$848.43	$461.72	$169.69
57700	T	Revision of cervix	562	12.30	$632.47	$325.44	$126.49
57720	T	Revision of cervix	562	12.30	$632.47	$325.44	$126.49
57800	T	Dilation of cervical canal	561	1.46	$75.07	$24.41	$15.01
57820	T	D&c of residual cervix	567	13.18	$677.72	$360.70	$135.54
58100	T	Biopsy of uterus lining	561	1.46	$75.07	$24.41	$15.01
58120	T	Dilation and curettage (D&C)	567	13.18	$677.72	$360.70	$135.54
58140	C	Removal of uterus lesion					
58145	T	Removal of uterus lesion	563	16.50	$848.43	$461.72	$169.69
58150	C	Total hysterectomy					
58152	C	Total hysterectomy					
58180	C	Partial hysterectomy					
58200	C	Extensive hysterectomy					
58210	C	Extensive hysterectomy					
58240	C	Removal of pelvis contents					
58260	C	Vaginal hysterectomy					
58262	C	Vaginal hysterectomy					
58263	C	Vaginal hysterectomy					
58267	C	Hysterectomy & vagina repair					
58270	C	Hysterectomy & vagina repair					
58275	C	Hysterectomy, revise vagina					
58280	C	Hysterectomy, revise vagina					
58285	C	Extensive hysterectomy					
58300	E	Insert intrauterine device					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
58301	T	Remove intrauterine device	561	1.46	$75.07	$24.41	$15.01
58321	T	Artificial insemination	568	2.79	$143.46	$55.60	$28.69
58322	T	Artificial insemination	568	2.79	$143.46	$55.60	$28.69
58323	T	Sperm washing	568	2.79	$143.46	$55.60	$28.69
58340	T	Catheter for hysterography	347	2.57	$132.15	$62.38	$26.43
58345	T	Reopen fallopian tube	562	12.30	$632.47	$325.44	$126.49
58350	T	Reopen fallopian tube	562	12.30	$632.47	$325.44	$126.49
58400	C	Suspension of uterus					
58410	C	Suspension of uterus					
58520	C	Repair of ruptured uterus					
58540	C	Revision of uterus					
58600	C	Division of fallopian tube					
58605	C	Division of fallopian tube					
58611	C	Ligate oviduct(s) add-on					
58615	C	Occlude fallopian tube(s)					
58700	C	Removal of fallopian tube					
58720	C	Removal of ovary/tube(s)					
58740	C	Revise fallopian tube(s)					
58750	C	Repair oviduct					
58752	C	Revise ovarian tube(s)					
58760	C	Remove tubal obstruction					
58770	C	Create new tubal opening					
58800	T	Drainage of ovarian cyst(s)	563	16.50	$848.43	$461.72	$169.69
58805	C	Drainage of ovarian cyst(s)					
58820	T	Open drain ovary abscess	563	16.50	$848.43	$461.72	$169.69
58822	C	Percut drain ovary abscess					
58823	C	Percut drain pelvic abscess					
58825	C	Transposition, ovary(s)					
58900	C	Biopsy of ovary(s)					
58920	C	Partial removal of ovary(s)					
58925	C	Removal of ovarian cyst(s)					
58940	C	Removal of ovary(s)					
58943	C	Removal of ovary(s)					
58950	C	Resect ovarian malignancy					
58951	C	Resect ovarian malignancy					
58952	C	Resect ovarian malignancy					
58960	C	Exploration of abdomen					
58970	T	Retrieval of oocyte	562	12.30	$632.47	$325.44	$126.49
58974	T	Transfer of embryo	568	2.79	$143.46	$55.60	$28.69
58976	T	Transfer of embryo	568	2.79	$143.46	$55.60	$28.69
58999	T	Genital surgery procedure	161	3.43	$176.37	$75.71	$35.27
59000	T	Amniocentesis	578	1.17	$60.16	$32.77	$12.03
59012	T	Fetal cord puncture,prenatal	578	1.17	$60.16	$32.77	$12.03
59015	T	Chorion biopsy	578	1.17	$60.16	$32.77	$12.03
59020	T	Fetal contract stress test	578	1.17	$60.16	$32.77	$12.03
59025	T	Fetal non-stress test	578	1.17	$60.16	$32.77	$12.03
59030	T	Fetal scalp blood sample	578	1.17	$60.16	$32.77	$12.03
59050	T	Fetal monitor w/report	578	1.17	$60.16	$32.77	$12.03
59051	N	Fetal monitor/interpret only					
59100	C	Remove uterus lesion					
59120	C	Treat ectopic pregnancy					
59121	C	Treat ectopic pregnancy					
59130	C	Treat ectopic pregnancy					
59135	C	Treat ectopic pregnancy					
59136	C	Treat ectopic pregnancy					
59140	C	Treat ectopic pregnancy					
59150	C	Treat ectopic pregnancy					
59151	C	Treat ectopic pregnancy					
59160	T	D&C after delivery	567	13.18	$677.72	$360.70	$135.54
59200	T	Insert cervical dilator	561	1.46	$75.07	$24.41	$15.01
59300	T	Episiotomy or vaginal repair	562	12.30	$632.47	$325.44	$126.49
59320	T	Revision of cervix	562	12.30	$632.47	$325.44	$126.49
59325	C	Revision of cervix					
59350	C	Repair of uterus					
59400	E	Obstetrical care					
59409	T	Obstetrical care	580	4.31	$221.62	$44.32	$44.32
59410	E	Obstetrical care					
59412	T	Antepartum manipulation	580	4.31	$221.62	$44.32	$44.32
59414	T	Deliver placenta	580	4.31	$221.62	$44.32	$44.32
59425	E	Antepartum care only					
59426	E	Antepartum care only					
59430	E	Care after delivery					
59510	E	Cesarean delivery					
59514	C	Cesarean delivery only					
59515	E	Cesarean delivery					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
59525	C	Remove uterus after cesarean					
59610	E	Vbac delivery					
59612	T	Vbac delivery only	580	4.31	$221.62	$44.32	$44.32
59614	E	Vbac care after delivery					
59618	E	Attempted vbac delivery					
59620	C	Attempted vbac delivery only					
59622	E	Attempted vbac after care					
59812	T	Treatment of miscarriage	587	12.96	$666.40	$347.14	$133.28
59820	T	Care of miscarriage	587	12.96	$666.40	$347.14	$133.28
59821	T	Treatment of miscarriage	587	12.96	$666.40	$347.14	$33.28
59830	C	Treat uterus infection					
59840	T	Abortion	586	11.98	$616.01	$409.29	$123.20
59841	T	Abortion	586	11.98	$616.01	$409.29	$123.20
59850	C	Abortion					
59851	C	Abortion					
59852	C	Abortion					
59855	C	Abortion					
59856	C	Abortion					
59857	C	Abortion					
59866	C	Abortion					
59870	T	Evacuate mole of uterus	587	12.96	$666.40	$347.14	$133.28
59871	T	Remove cerclage suture	562	12.30	$632.47	$325.44	$126.49
59899	T	Maternity care procedure	578	1.17	$60.16	$32.77	$12.03
60000	T	Drain thyroid/tongue cyst	312	7.07	$363.54	$170.86	$72.71
60001	T	Aspirate/inject thyriod cyst	121	0.63	$32.39	$21.02	$6.48
60100	T	Biopsy of thyroid	122	4.59	$236.02	$113.00	$47.20
60200	T	Remove thyroid lesion	397	19.12	$983.15	$542.17	$196.63
60210	T	Partial excision thyroid	397	19.12	$983.15	$542.17	$196.63
60212	C	Parital thyroid excision					
60220	T	Partial removal of thyroid	397	19.12	$983.15	$542.17	$196.63
60225	T	Partial removal of thyroid	397	19.12	$983.15	$542.17	$196.63
60240	T	Removal of thyroid	397	19.12	$983.15	$542.17	$196.63
60252	C	Removal of thyroid					
60254	C	Extensive thyroid surgery					
60260	C	Repeat thyroid surgery					
60270	C	Removal of thyroid					
60271	C	Removal of thyroid					
60280	T	Remove thyroid duct lesion	397	19.12	$983.15	$542.17	$196.63
60281	T	Remove thyroid duct lesion	397	19.12	$983.15	$542.17	$196.63
60500	C	Explore parathyroid glands					
60502	C	Re-explore parathyroids					
60505	C	Explore parathyroid glands					
60512	C	Autotransplant, parathyroid					
60520	C	Removal of thymus gland					
60521	C	Removal thymus gland					
60522	C	Removal of thymus gland					
60540	C	Explore adrenal gland					
60545	C	Explore adrenal gland					
60600	C	Remove carotid body lesion					
60605	C	Remove carotid body lesion					
60699	T	Endocrine surgery procedure	121	0.63	$32.39	$21.02	$6.48
61000	T	Remove cranial cavity fluid	602	3.19	$164.03	$87.01	$32.81
61001	T	Remove cranial cavity fluid	602	3.19	$164.03	$87.01	$32.81
61020	T	Remove brain cavity fluid	602	3.19	$164.03	$87.01	$32.81
61026	T	Injection into brain canal	602	3.19	$164.03	$87.01	$32.81
61050	T	Remove brain canal fluid	602	3.19	$164.03	$87.01	$32.81
61055	T	Injection into brain canal	602	3.19	$164.03	$87.01	$32.81
61070	T	Brain canal shunt procedure	602	3.19	$164.03	$87.01	$32.81
61105	C	Twist drill hole					
[2] 61106	C	Drill skull for exam/surgery					
61107	C	Drill skull for implantation					
61108	C	Drill skull for drainage					
61120	C	Burr hole for puncture					
[2] 61130	C	Pierce skull, exam/surgery					
61140	C	Pierce skull for biopsy					
61150	C	Pierce skull for drainage					
61151	C	Pierce skull for drainage					
61154	C	Pierce skull, remove clot					
61156	C	Pierce skull for drainage					
61210	C	Pierce skull; implant device					
61215	T	Insert brain-fluid device	618	24.78	$1,274.19	$808.18	$254.84
61250	C	Pierce skull & explore					
61253	C	Pierce skull & explore					
61304	C	Open skull for exploration					
61305	C	Open skull for exploration					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
61312	C	Open skull for drainage					
61313	C	Open skull for drainage					
61314	C	Open skull for drainage					
61315	C	Open skull for drainage					
61320	C	Open skull for drainage					
61321	C	Open skull for drainage					
61330	C	Decompress eye socket					
61332	C	Explore/biopsy eye socket					
61333	C	Explore orbit; remove lesion					
61334	C	Explore orbit; remove object					
61340	C	Relieve cranial pressure					
61343	C	Incise skull,pressure relief					
61345	C	Relieve cranial pressure					
61440	C	Incise skull for surgery					
61450	C	Incise skull for surgery					
61458	C	Incise skull for brain wound					
61460	C	Incise skull for surgery					
61470	C	Incise skull for surgery					
61480	C	Incise skull for surgery					
61490	C	Incise skull for surgery					
61500	C	Removal of skull lesion					
61501	C	Remove infected skull bone					
61510	C	Removal of brain lesion					
61512	C	Remove brain lining lesion					
61514	C	Removal of brain abscess					
61516	C	Removal of brain lesion					
61518	C	Removal of brain lesion					
61519	C	Remove brain lining lesion					
61520	C	Removal of brain lesion					
61521	C	Removal of brain lesion					
61522	C	Removal of brain abscess					
61524	C	Removal of brain lesion					
61526	C	Removal of brain lesion					
61530	C	Removal of brain lesion					
61531	C	Implant brain electrodes					
61533	C	Implant brain electrodes					
61534	C	Removal of brain lesion					
61535	C	Remove brain electrodes					
61536	C	Removal of brain lesion					
61538	C	Removal of brain tissue					
61539	C	Removal of brain tissue					
61541	C	Incision of brain tissue					
61542	C	Removal of brain tissue					
61543	C	Removal of brain tissue					
61544	C	Remove & treat brain lesion					
61545	C	Excision of brain tumor					
61546	C	Removal of pituitary gland					
61548	C	Removal of pituitary gland					
61550	C	Release of skull seams					
61552	C	Release of skull seams					
61556	C	Incise skull/sutures					
61557	C	Incise skull/sutures					
61558	C	Excision of skull/sutures					
61559	C	Excision of skull/sutures					
61563	C	Excision of skull tumor					
61564	C	Excision of skull tumor					
61570	C	Remove brain foreign body					
61571	C	Incise skull for brain wound					
61575	C	Skull base/brainstem surgery					
61576	C	Skull base/brainstem surgery					
61580	C	Craniofacial approach, skull					
61581	C	Craniofacial approach, skull					
61582	C	Craniofacial approach, skull					
61583	C	Craniofacial approach, skull					
61584	C	Orbitocranial approach/skull					
61585	C	Orbitocranial approach/skull					
61586	C	Resect nasopharynx, skull					
61590	C	Infratemporal approach/skull					
61591	C	Infratemporal approach/skull					
61592	C	Orbitocranial approach/skull					
61595	C	Transtemporal approach/skull					
61596	C	Transcochlear approach/skull					
61597	C	Transcondylar approach/skull					
61598	C	Transpetrosal approach/skull					
61600	C	Resect/excise cranial lesion					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
61601	C	Resect/excise cranial lesion					
61605	C	Resect/excise cranial lesion					
61606	C	Resect/excise cranial lesion					
61607	C	Resect/excise cranial lesion					
61608	C	Resect/excise cranial lesion					
61609	C	Transect, artery, sinus					
61610	C	Transect, artery, sinus					
61611	C	Transect, artery, sinus					
61612	C	Transect, artery, sinus					
61613	C	Remove aneurysm, sinus					
61615	C	Resect/excise lesion, skull					
61616	C	Resect/excise lesion, skull					
61618	C	Repair dura					
61619	C	Repair dura					
61624	C	Occlusion/embolization cath					
61626	C	Occlusion/embolization cath					
61680	C	Intracranial vessel surgery					
61682	C	Intracranial vessel surgery					
61684	C	Intracranial vessel surgery					
61686	C	Intracranial vessel surgery					
61690	C	Intracranial vessel surgery					
61692	C	Intracranial vessel surgery					
61700	C	Inner skull vessel surgery					
61702	C	Inner skull vessel surgery					
61703	C	Clamp neck artery					
61705	C	Revise circulation to head					
61708	C	Revise circulation to head					
61710	C	Revise circulation to head					
61711	C	Fusion of skull arteries					
[2] 61712	C	Skull or spine microsurgery					
61720	C	Incise skull/brain surgery					
61735	C	Incise skull/brain surgery					
61750	C	Incise skull; brain biopsy					
61751	C	Brain biopsy with cat scan					
61760	C	Implant brain electrodes					
61770	C	Incise skull for treatment					
61790	T	Treat trigeminal nerve	631	12.70	$653.03	$329.06	$130.61
61791	C	Treat trigeminal tract					
61793	S	Focus radiation beam	757	2.26	$116.21	$52.43	$23.24
61795	C	Brain surgery using computer					
61850	C	Implant neuroelectrodes					
61855	C	Implant neuroelectrodes					
61860	C	Implant neuroelectrodes					
61865	C	Implant neuroelectrodes					
61870	C	Implant neuroelectrodes					
61875	C	Implant neuroelectrodes					
61880	C	Revise/remove neuroelectrode					
61885	T	Implant neuroreceiver	618	24.78	$1,274.19	$808.18	$254.84
61888	C	Revise/remove neuroreceiver					
62000	C	Repair of skull fracture					
62005	C	Repair of skull fracture					
62010	C	Treatment of head injury					
62100	C	Repair brain fluid leakage					
62115	C	Reduction of skull defect					
62116	C	Reduction of skull defect					
62117	C	Reduction of skull defect					
62120	C	Repair skull cavity lesion					
62121	C	Incise skull repair					
62140	C	Repair of skull defect					
62141	C	Repair of skull defect					
62142	C	Remove skull plate/flap					
62143	C	Replace skull plate/flap					
62145	C	Repair of skull & brain					
62146	C	Repair of skull with graft					
62147	C	Repair of skull with graft					
62180	C	Establish brain cavity shunt					
62190	C	Establish brain cavity shunt					
62192	C	Establish brain cavity shunt					
62194	T	Replace/irrigate catheter	602	3.19	$164.03	$87.01	$32.81
62200	C	Establish brain cavity shunt					
62201	C	Establish brain cavity shunt					
62220	C	Establish brain cavity shunt					
62223	C	Establish brain cavity shunt					
62225	T	Replace/irrigate catheter	602	3.19	$164.03	$87.01	$32.81
62230	T	Replace/revise brain shunt	617	11.31	$581.56	$280.01	$116.31

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
62256	C	Remove brain cavity shunt					
62258	C	Replace brain cavity shunt					
62268	T	Drain spinal cord cyst	602	3.19	$164.03	$87.01	$32.81
62269	T	Needle biopsy spinal cord	122	4.59	$236.02	$113.00	$47.20
62270	T	Spinal fluid tap, diagnostic	600	2.41	$123.92	$61.47	$24.78
62272	T	Drain spinal fluid	600	2.41	$123.92	$61.47	$24.78
62273	T	Treat lumbar spine lesion	602	3.19	$164.03	$87.01	$32.81
62274	T	Inject spinal anesthetic	602	3.19	$164.03	$87.01	$32.81
62275	T	Inject spinal anesthetic	602	3.19	$164.03	$87.01	$32.81
62276	T	Inject spinal anesthetic	602	3.19	$164.03	$87.01	$32.81
62277	T	Inject spinal anesthetic	602	3.19	$164.03	$87.01	$32.81
62278	T	Inject spinal anesthetic	602	3.19	$164.03	$87.01	$32.81
62279	T	Inject spinal anesthetic	602	3.19	$164.03	$87.01	$32.81
62280	T	Treat spinal cord lesion	602	3.19	$164.03	$87.01	$32.81
62281	T	Treat spinal cord lesion	602	3.19	$164.03	$87.01	$32.81
62282	T	Treat spinal canal lesion	602	3.19	$164.03	$87.01	$32.81
62284	T	Injection for myelogram	347	2.57	$132.15	$62.38	$26.43
62287	T	Percutaneous diskectomy	631	12.70	$653.03	$329.06	$130.61
62288	T	Injection into spinal canal	602	3.19	$164.03	$87.01	$32.81
62289	T	Injection into spinal canal	602	3.19	$164.03	$87.01	$32.81
62290	T	Inject for spine disk x-ray	347	2.57	$132.15	$62.38	$26.43
62291	T	Inject for spine disk x-ray	347	2.57	$132.15	$62.38	$26.43
62292	T	Injection into disk lesion	602	3.19	$164.03	$87.01	$32.81
62294	T	Injection into spinal artery	602	3.19	$164.03	$87.01	$32.81
62298	T	Injection into spinal canal	602	3.19	$164.03	$87.01	$32.81
62350	T	Implant spinal catheter	617	11.31	$581.56	$280.01	$116.31
62351	C	Implant spinal catheter					
62355	T	Remove spinal canal catheter	617	11.31	$581.56	$280.01	$116.31
62360	T	Insert spine infusion device	618	24.78	$1,274.19	$808.18	$254.84
62361	T	Implant spine infusion pump	618	24.78	$1,274.19	$808.18	$254.84
62362	T	Implant spine infusion pump	618	24.78	$1,274.19	$808.18	$254.84
62365	T	Remove spine infusion device	617	11.31	$581.56	$280.01	$116.31
62367	X	Analyze spine infusion pump	966	0.39	$20.05	$12.43	$4.01
62368	X	Analyze spine infusion pump	966	0.39	$20.05	$12.43	$4.01
63001	C	Removal of spinal lamina					
63003	C	Removal of spinal lamina					
63005	C	Removal of spinal lamina					
63011	C	Removal of spinal lamina					
63012	C	Removal of spinal lamina					
63015	C	Removal of spinal lamina					
63016	C	Removal of spinal lamina					
63017	C	Removal of spinal lamina					
63020	C	Neck spine disk surgery					
63030	C	Low back disk surgery					
63035	C	Spinal disk surgery add-on					
63040	C	Neck spine disk surgery					
63042	C	Low back disk surgery					
63045	C	Removal of spinal lamina					
63046	C	Removal of spinal lamina					
63047	C	Removal of spinal lamina					
63048	C	Remove spinal lamina add-on					
63055	C	Decompress spinal cord					
63056	C	Decompress spinal cord					
63057	C	Decompress spine cord add-on					
63064	C	Decompress spinal cord					
63066	C	Decompress spine cord add-on					
63075	C	Neck spine disk surgery					
63076	C	Neck spine disk surgery					
63077	C	Spine disk surgery, thorax					
63078	C	Spine disk surgery, thorax					
63081	C	Removal of vertebral body					
63082	C	Remove vertebral body add-on					
63085	C	Removal of vertebral body					
63086	C	Remove vertebral body add-on					
63087	C	Removal of vertebral body					
63088	C	Remove vertebral body add-on					
63090	C	Removal of vertebral body					
63091	C	Remove vertebral body add-on					
63170	C	Incise spinal cord tract(s)					
63172	C	Drainage of spinal cyst					
63173	C	Drainage of spinal cyst					
63180	C	Revise spinal cord ligaments					
63182	C	Revise spinal cord ligaments					
63185	C	Incise spinal column/nerves					
63190	C	Incise spinal column/nerves					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
63191	C	Incise spinal column/nerves					
63194	C	Incise spinal column & cord					
63195	C	Incise spinal column & cord					
63196	C	Incise spinal column & cord					
63197	C	Incise spinal column & cord					
63198	C	Incise spinal column & cord					
63199	C	Incise spinal column & cord					
63200	C	Release of spinal cord					
63250	C	Revise spinal cord vessels					
63251	C	Revise spinal cord vessels					
63252	C	Revise spinal cord vessels					
63265	C	Excise intraspinal lesion					
63266	C	Excise intraspinal lesion					
63267	C	Excise intraspinal lesion					
63268	C	Excise intraspinal lesion					
63270	C	Excise intraspinal lesion					
63271	C	Excise intraspinal lesion					
63272	C	Excise intraspinal lesion					
63273	C	Excise intraspinal lesion					
63275	C	Biopsy/excise spinal tumor					
63276	C	Biopsy/excise spinal tumor					
63277	C	Biopsy/excise spinal tumor					
63278	C	Biopsy/excise spinal tumor					
63280	C	Biopsy/excise spinal tumor					
63281	C	Biopsy/excise spinal tumor					
63282	C	Biopsy/excise spinal tumor					
63283	C	Biopsy/excise spinal tumor					
63285	C	Biopsy/excise spinal tumor					
63286	C	Biopsy/excise spinal tumor					
63287	C	Biopsy/excise spinal tumor					
63290	C	Biopsy/excise spinal tumor					
63300	C	Removal of vertebral body					
63301	C	Removal of vertebral body					
63302	C	Removal of vertebral body					
63303	C	Removal of vertebral body					
63304	C	Removal of vertebral body					
63305	C	Removal of vertebral body					
63306	C	Removal of vertebral body					
63307	C	Removal of vertebral body					
63308	C	Remove vertebral body add-on					
63600	T	Remove spinal cord lesion	631	12.70	$653.03	$329.06	$130.61
63610	T	Stimulation of spinal cord	631	12.70	$653.03	$329.06	$130.61
63615	T	Remove lesion of spinal cord	631	12.70	$653.03	$329.06	$130.61
63650	T	Implant neuroelectrodes	616	11.85	$609.33	$329.06	$121.87
63655	C	Implant neuroelectrodes					
63660	T	Revise/remove neuroelectrode	617	11.31	$581.56	$280.01	$116.31
63685	T	Implant neuroreceiver	618	24.78	$1,274.19	$808.18	$254.84
63688	T	Revise/remove neuroreceiver	617	11.31	$581.56	$280.01	$116.31
[2] 63690	X	Analysis of neuroreceiver	966	0.39	$20.05	$12.43	$4.01
[2] 63691	X	Analysis of neuroreceiver	966	0.39	$20.05	$12.43	$4 01
63700	C	Repair of spinal herniation					
63702	C	Repair of spinal herniation					
63704	C	Repair of spinal herniation					
63706	C	Repair of spinal herniation					
63707	C	Repair spinal fluid leakage					
63709	C	Repair spinal fluid leakage					
63710	C	Graft repair of spine defect					
63740	C	Install spinal shunt					
63741	C	Install spinal shunt					
63744	T	Revision of spinal shunt	617	11.31	$581.56	$280.01	$116.31
63746	T	Removal of spinal shunt	617	11.31	$581.56	$280.01	$116.31
64400	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64402	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64405	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64408	T	Injection for nerve block	601	3.00	$154.26	$74 13	$30.85
64410	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64412	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64413	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64415	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64417	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64418	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64420	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64421	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64425	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64430	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
64435	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64440	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64441	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64442	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64443	T	Inject, nerve block add-on	601	3.00	$154.26	$74.13	$30.85
64445	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64450	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64505	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64508	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64510	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64520	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64530	T	Injection for nerve block	601	3.00	$154.26	$74.13	$30.85
64550	A	Apply neurostimulator					
64553	T	Implant neuroelectrodes	616	11.85	$609.33	$329.06	$121.87
64555	T	Implant neuroelectrodes	616	11.85	$609.33	$329.06	$121.87
64560	T	Implant neuroelectrodes	616	11.85	$609.33	$329.06	$121.87
64565	T	Implant neuroelectrodes	616	11.85	$609.33	$329.06	$121.87
64573	T	Implant neuroelectrodes	616	11.85	$609.33	$329.06	$121.87
64575	T	Implant neuroelectrodes	616	11.85	$609.33	$329.06	$121.87
64577	T	Implant neuroelectrodes	616	11.85	$609.33	$329.06	$121.87
64580	T	Implant neuroelectrodes	616	11.85	$609.33	$329.06	$121.87
64585	T	Revise/remove neuroelectrode	617	11.31	$581.56	$280.01	$116.31
64590	T	Implant neuroreceiver	618	24.78	$1,274.19	$808.18	$254.84
64595	T	Revise/remove neuroreceiver	617	11.31	$581.56	$280.01	$116.31
64600	T	Injection treatment of nerve	601	3.00	$154.26	$74.13	$30.85
64605	T	Injection treatment of nerve	601	3.00	$154.26	$74.13	$30.85
64610	T	Injection treatment of nerve	601	3.00	$154.26	$74.13	$30.85
64612	T	Destroy nerve, face muscle	601	3.00	$154.26	$74.13	$30.85
64613	T	Destroy nerve, spine muscle	601	3.00	$154.26	$74.13	$30.85
64620	T	Injection treatment of nerve	601	3.00	$154.26	$74.13	$30.85
64622	T	Injection treatment of nerve	601	3.00	$154.26	$74.13	$30.85
64623	T	Inject, tx of nerve add-on	601	3.00	$154.26	$74.13	$30.85
64630	T	Injection treatment of nerve	601	3.00	$154.26	$74.13	$30.85
64640	T	Injection treatment of nerve	601	3.00	$154.26	$74.13	$30.85
64680	T	Injection treatment of nerve	601	3.00	$154.26	$74.13	$30.85
64702	T	Revise finger/toe nerve	631	12.70	$653.03	$329.06	$130.61
64704	T	Revise hand/foot nerve	631	12.70	$653.03	$329.06	$130.61
64708	T	Revise arm/leg nerve	631	12.70	$653.03	$329.06	$130.61
64712	T	Revision of sciatic nerve	631	12.70	$653.03	$329.06	$130.61
64713	T	Revision of arm nerve(s)	631	12.70	$653.03	$329.06	$130.61
64714	T	Revise low back nerve(s)	631	12.70	$653.03	$329.06	$130.61
64716	T	Revision of cranial nerve	631	12.70	$653.03	$329.06	$130.61
64718	T	Revise ulnar nerve at elbow	631	12.70	$653.03	$329.06	$130.61
64719	T	Revise ulnar nerve at wrist	631	12.70	$653.03	$329.06	$130.61
64721	T	Carpal tunnel surgery	631	12.70	$653.03	$329.06	$130.61
64722	T	Relieve pressure on nerve(s)	631	12.70	$653.03	$329.06	$130.61
64726	T	Release foot/toe nerve	631	12.70	$653.03	$329.06	$130.61
64727	T	Internal nerve revision	631	12.70	$653.03	$329.06	$130.61
64732	T	Incision of brow nerve	631	12.70	$653.03	$329.06	$130.61
64734	T	Incision of cheek nerve	631	12.70	$653.03	$329.06	$130.61
64736	T	Incision of chin nerve	631	12.70	$653.03	$329.06	$130.61
64738	T	Incision of jaw nerve	631	12.70	$653.03	$329.06	$130.61
64740	T	Incision of tongue nerve	631	12.70	$653.03	$329.06	$130.61
64742	T	Incision of facial nerve	631	12.70	$653.03	$329.06	$130.61
64744	T	Incise nerve, back of head	631	12.70	$653.03	$329.06	$130.61
64746	T	Incise diaphragm nerve	631	12.70	$653.03	$329.06	$130.61
64752	C	Incision of vagus nerve					
64755	C	Incision of stomach nerves					
64760	C	Incision of vagus nerve					
64761	T	Incision of pelvis nerve	631	12.70	$653.03	$329.06	$130.61
64763	C	Incise hip/thigh nerve					
64766	C	Incise hip/thigh nerve					
64771	T	Sever cranial nerve	631	12.70	$653.03	$329.06	$130.61
64772	T	Incision of spinal nerve	631	12.70	$653.03	$329.06	$130.61
64774	T	Remove skin nerve lesion	631	12.70	$653.03	$329.06	$130.61
64776	T	Remove digit nerve lesion	631	12.70	$653.03	$329.06	$130.61
64778	T	Digit nerve surgery add-on	631	12.70	$653.03	$329.06	$130.61
64782	T	Remove limb nerve lesion	631	12.70	$653.03	$329.06	$130.61
64783	T	Limb nerve surgery add-on	631	12.70	$653.03	$329.06	$130.61
64784	T	Remove nerve lesion	631	12.70	$653.03	$329.06	$130.61
64786	T	Remove sciatic nerve lesion	632	16.48	$847.40	$453.58	$169.48
64787	T	Implant nerve end	631	12.70	$653.03	$329.06	$130.61
64788	T	Remove skin nerve lesion	631	12.70	$653.03	$329.06	$130.61
64790	T	Removal of nerve lesion	631	12.70	$653 03	$329.06	$130.61
64792	T	Removal of nerve lesion	632	16.48	$847.40	$453.58	$169.48

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
64795	T	Biopsy of nerve	631	12.70	$653.03	$329.06	$130.61
64802	C	Remove sympathetic nerves					
64804	C	Remove sympathetic nerves					
64809	C	Remove sympathetic nerves					
64818	C	Remove sympathetic nerves					
64820	C	Remove sympathetic nerves					
[2] 64830	T	Microrepair of nerve	631	12.70	$653.03	$329.06	$130.61
64831	T	Repair of digit nerve	632	16.48	$847.40	$453.58	$169.48
64832	T	Repair nerve add-on	632	16.48	$847.40	$453.58	$169.48
64834	T	Repair of hand or foot nerve	632	16.48	$847.40	$453.58	$169.48
64835	T	Repair of hand or foot nerve	632	16.48	$847.40	$453.58	$169.48
64836	T	Repair of hand or foot nerve	632	16.48	$847.40	$453.58	$169.48
64837	T	Repair nerve add-on	632	16.48	$847.40	$453.58	$169.48
64840	T	Repair of leg nerve	632	16.48	$847.40	$453.58	$169.48
64856	T	Repair/transpose nerve	632	16.48	$847.40	$453.58	$169.48
64857	T	Repair arm/leg nerve	632	16.48	$847.40	$453.58	$169.48
64858	T	Repair sciatic nerve	632	16.48	$847.40	$453.58	$169.48
64859	T	Nerve surgery	632	16.48	$847.40	$453.58	$169.48
64861	T	Repair of arm nerves	632	16.48	$847.40	$453.58	$169.48
64862	T	Repair of low back nerves	632	16.48	$847.40	$453.58	$169.48
64864	T	Repair of facial nerve	632	16.48	$847.40	$453.58	$169.48
64865	T	Repair of facial nerve	632	16.48	$847.40	$453.58	$169.48
64866	C	Fusion of facial/other nerve					
64868	C	Fusion of facial/other nerve					
64870	T	Fusion of facial/other nerve	632	16.48	$847.40	$453.58	$169.48
64872	T	Subsequent repair of nerve	632	16.48	$847.40	$453.58	$169.48
64874	T	Repair & revise nerve add-on	632	16.48	$847.40	$453.58	$169.48
64876	T	Repair nerve; shorten bone	632	16.48	$847.40	$453.58	$169.48
64885	T	Nerve graft, head or neck	632	16.48	$847.40	$453.58	$169.48
64886	T	Nerve graft, head or neck	632	16.48	$847.40	$453.58	$169.48
64890	T	Nerve graft, hand or foot	632	16.48	$847.40	$453.58	$169.48
64891	T	Nerve graft, hand or foot	632	16.48	$847.40	$453.58	$169.48
64892	T	Nerve graft, arm or leg	632	16.48	$847.40	$453.58	$169.48
64893	T	Nerve graft, arm or leg	632	16.48	$847.40	$453.58	$169.48
64895	T	Nerve graft, hand or foot	632	16.48	$847.40	$453.58	$169.48
64896	T	Nerve graft, hand or foot	632	16.48	$847.40	$453.58	$169.48
64897	T	Nerve graft, arm or leg	632	16.48	$847.40	$453.58	$169.48
64898	T	Nerve graft, arm or leg	632	16.48	$847.40	$453.58	$169.48
64901	T	Nerve graft add-on	632	16.48	$847.40	$453.58	$169.48
64902	T	Nerve graft add-on	632	16.48	$847.40	$453.58	$169.48
64905	T	Nerve pedicle transfer	632	16.48	$847.40	$453.58	$169.48
64907	T	Nerve pedicle transfer	632	16.48	$847.40	$453.58	$169.48
64999	T	Nervous system surgery	601	3.00	$154.26	$74.13	$30.85
65091	T	Revise eye	684	13.26	$681.83	$341.94	$136.37
65093	T	Revise eye with implant	684	13.26	$681.83	$341.94	$136.37
65101	T	Removal of eye	684	13.26	$681.83	$341.94	$136.37
65103	T	Remove eye/insert implant	684	13.26	$681.83	$341.94	$136.37
65105	T	Remove eye/attach implant	684	13.26	$681.83	$341.94	$136.37
65110	C	Removal of eye					
65112	C	Remove eye, revise socket					
65114	C	Remove eye, revise socket					
65125	T	Revise ocular implant	681	1.65	$84.84	$30.51	$16.97
65130	T	Insert ocular implant	684	13.26	$681.83	$341.94	$136.37
65135	T	Insert ocular implant	684	13.26	$681.83	$341.94	$136.37
65140	T	Attach ocular implant	684	13.26	$681.83	$341.94	$136.37
65150	T	Revise ocular implant	684	13.26	$681.83	$341.94	$136.37
65155	T	Reinsert ocular implant	684	13.26	$681.83	$341.94	$136.37
65175	T	Removal of ocular implant	683	9.56	$491.58	$252.44	$98.32
65205	T	Remove foreign body from eye	681	1.65	$84.84	$30.51	$16.97
65210	T	Remove foreign body from eye	681	1.65	$84.84	$30.51	$16.97
65220	T	Remove foreign body from eye	681	1.65	$84.84	$30.51	$16.97
65222	T	Remove foreign body from eye	681	1.65	$84.84	$30.51	$16.97
65235	T	Remove foreign body from eye	652	16.35	$840.72	$433.92	$168.14
65260	T	Remove foreign body from eye	676	5.87	$301.84	$138.54	$60.37
65265	T	Remove foreign body from eye	676	5.87	$301.84	$138.54	$60.37
65270	T	Repair of eye wound	183	11.04	$567.68	$283.18	$113.54
65272	T	Repair of eye wound	651	6.85	$352.23	$171.99	$70.45
65273	C	Repair of eye wound					
65275	T	Repair of eye wound	651	6.85	$352.23	$171.99	$70.45
65280	T	Repair of eye wound	652	16.35	$840.72	$433.92	$168.14
65285	T	Repair of eye wound	652	16.35	$840.72	$433.92	$168.14
65286	T	Repair of eye wound	651	6.85	$352.23	$171.99	$70.45
65290	T	Repair of eye socket wound	677	16.11	$828.38	$428.95	$165.68
65400	T	Removal of eye lesion	652	16.35	$840.72	$433.92	$168.14
65410	T	Biopsy of cornea	683	9.56	$491.58	$252.44	$98.32

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[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
65420	T	Removal of eye lesion	651	6.85	$352.23	$171.99	$70.45
65426	T	Removal of eye lesion	652	16.35	$840.72	$433.92	$168.14
65430	T	Corneal smear	681	1.65	$84.84	$30.51	$16.97
65435	T	Curette/treat cornea	681	1.65	$84.84	$30.51	$16.97
65436	T	Curette/treat cornea	651	6.85	$352.23	$171.99	$70.45
65450	T	Treatment of corneal lesion	651	6.85	$352.23	$171.99	$70.45
65600	T	Revision of cornea	681	1.65	$84.84	$30.51	$16.97
65710	T	Corneal transplant	670	30.78	$1,582.71	$885.92	$316.54
65730	T	Corneal transplant	670	30.78	$1,582.71	$885.92	$316.54
65750	T	Corneal transplant	670	30.78	$1,582.71	$885.92	$316.54
65755	T	Corneal transplant	670	30.78	$1,582.71	$885.92	$316.54
65760	E	Revision of cornea					
65765	E	Revision of cornea					
65767	E	Corneal tissue transplant					
65770	T	Revise cornea with implant	652	16.35	$840.72	$433.92	$168.14
65771	E	Radial keratotomy					
65772	T	Correction of astigmatism	651	6.85	$352.23	$171.99	$70.45
65775	T	Correction of astigmatism	652	16.35	$840.72	$433.92	$168.14
65800	T	Drainage of eye	683	9.56	$491.58	$252.44	$98.32
65805	T	Drainage of eye	683	9.56	$491.58	$252.44	$98.32
65810	T	Drainage of eye	651	6.85	$352.23	$171.99	$70.45
65815	T	Drainage of eye	651	6.85	$352.23	$171.99	$70.45
65820	T	Relieve inner eye pressure	651	6.85	$352.23	$171.99	$70.45
65850	T	Incision of eye	652	16.35	$840.72	$433.92	$168.14
65855	T	Laser surgery of eye	649	4.37	$224.71	$111.64	$44.94
65860	T	Incise inner eye adhesions	649	4.37	$224.71	$111.64	$44.94
65865	T	Incise inner eye adhesions	652	16.35	$840.72	$433.92	$168.14
65870	T	Incise inner eye adhesions	652	16.35	$840.72	$433.92	$168.14
65875	T	Incise inner eye adhesions	652	16.35	$840.72	$433.92	$168.14
65880	T	Incise inner eye adhesions	652	16.35	$840.72	$433.92	$168.14
65900	T	Remove eye lesion	652	16.35	$840.72	$433.92	$168.14
65920	T	Remove implant from eye	652	16.35	$840.72	$433.92	$168.14
65930	T	Remove blood clot from eye	652	16.35	$840.72	$433.92	$168.14
66020	T	Injection treatment of eye	683	9.56	$491.58	$252.44	$98.32
66030	T	Injection treatment of eye	683	9.56	$491.58	$252.44	$98.32
66130	T	Remove eye lesion	651	6.85	$352.23	$171.99	$70.45
66150	T	Glaucoma surgery	652	16.35	$840.72	$433.92	$168.14
66155	T	Glaucoma surgery	652	16.35	$840.72	$433.92	$168.14
66160	T	Glaucoma surgery	652	16.35	$840.72	$433.92	$168.14
66165	T	Glaucoma surgery	652	16.35	$840.72	$433.92	$168.14
66170	T	Glaucoma surgery	652	16.35	$840.72	$433.92	$168.14
66172	T	Incision of eye	652	16.35	$840.72	$433.92	$168.14
66180	T	Implant eye shunt	652	16.35	$840.72	$433.92	$168.14
66185	T	Revise eye shunt	652	16.35	$840.72	$433.92	$168.14
66220	T	Repair eye lesion	676	5.87	$301.84	$138.54	$60.37
66225	T	Repair/graft eye lesion	652	16.35	$840.72	$433.92	$168.14
66250	T	Follow-up surgery of eye	652	16.35	$840.72	$433.92	$168.14
66500	T	Incision of iris	651	6.85	$352.23	$171.99	$70.45
66505	T	Incision of iris	651	6.85	$352.23	$171.99	$70.45
66600	T	Remove iris and lesion	651	6.85	$352.23	$171.99	$70.45
66605	T	Removal of iris	652	16.35	$840.72	$433.92	$168.14
66625	T	Removal of iris	651	6.85	$352.23	$171.99	$70.45
66630	T	Removal of iris	651	6.85	$352.23	$171.99	$70.45
66635	T	Removal of iris	652	16.35	$840.72	$433.92	$168.14
66680	T	Repair iris & ciliary body	652	16.35	$840.72	$433.92	$168.14
66682	T	Repair iris and ciliary body	652	16.35	$840.72	$433.92	$168.14
66700	T	Destruction, ciliary body	651	6.85	$352.23	$171.99	$70.45
66710	T	Destruction, ciliary body	651	6.85	$352.23	$171.99	$70.45
66720	T	Destruction, ciliary body	651	6.85	$352.23	$171.99	$70.45
66740	T	Destruction, ciliary body	652	16.35	$840.72	$433.92	$168.14
66761	T	Revision of iris	649	4.37	$224.71	$111.64	$44.94
66762	T	Revision of iris	649	4.37	$224.71	$111.64	$44.94
66770	T	Removal of inner eye lesion	649	4.37	$224.71	$111.64	$44.94
66820	T	Incision, secondary cataract	651	6.85	$352.23	$171.99	$70.45
66821	T	After cataract laser surgery	649	4.37	$224.71	$111.64	$44.94
66825	T	Reposition intraocular lens	651	6.85	$352.23	$171.99	$70.45
66830	T	Removal of lens lesion	652	16.35	$840.72	$433.92	$168.14
66840	T	Removal of lens material	667	20.35	$1,046.40	$538.11	$209.28
66850	T	Removal of lens material	667	20.35	$1,046.40	$538.11	$209.28
66852	T	Removal of lens material	667	20.35	$1,046.40	$538.11	$209.28
66920	T	Extraction of lens	667	20.35	$1,046.40	$538.11	$209.28
66930	T	Extraction of lens	667	20.35	$1,046.40	$538.11	$209.28
66940	T	Extraction of lens	667	20.35	$1,046.40	$538.11	$209.28
66983	T	Remove cataract, insert lens	668	22.02	$1,132.27	$617.21	$226.45
66984	T	Remove cataract, insert lens	668	22.02	$1,132.27	$617.21	$226.45

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
66985	T	Insert lens prosthesis	668	22.02	$1,132.27	$617.21	$226.45
66986	T	Exchange lens prosthesis	668	22.02	$1,132.27	$617.21	$226.45
66999	T	Eye surgery procedure	649	4.37	$224.71	$111.64	$44.94
67005	T	Partial removal of eye fluid	676	5.87	$301.84	$138.54	$60.37
67010	T	Partial removal of eye fluid	676	5.87	$301.84	$138.54	$60.37
67015	T	Release of eye fluid	676	5.87	$301.84	$138.54	$60.37
67025	T	Replace eye fluid	683	9.56	$491.58	$252.44	$98.32
67027	T	Implant eye drug system	690	30.39	$1,562.65	$845.69	$312.53
67028	T	Injection eye drug	682	3.41	$175.34	$80.68	$35.07
67030	T	Incise inner eye strands	676	5.87	$301.84	$138.54	$60.37
67031	T	Laser surgery, eye strands	649	4.37	$224.71	$111.64	$44.94
67036	T	Removal of inner eye fluid	690	30.39	$1,562.65	$845.69	$312.53
67038	T	Strip retinal membrane	690	30.39	$1,562.65	$845.69	$312.53
67039	T	Laser treatment of retina	690	30.39	$1,562.65	$845.69	$312.53
67040	T	Laser treatment of retina	690	30.39	$1,562.65	$845.69	$312.53
67101	T	Repair, detached retina	676	5.87	$301.84	$138.54	$60.37
67105	T	Repair, detached retina	648	3.76	$193.34	$93 56	$38.67
67107	T	Repair detached retina	690	30.39	$1,562.65	$845.69	$312.53
67108	T	Repair detached retina	690	30.39	$1,562.65	$845.69	$312.53
67110	T	Repair detached retina	676	5.87	$301.84	$138.54	$60.37
67112	T	Re-repair detached retina	690	30.39	$1,562.65	$845.69	$312.53
67115	T	Release, encircling material	676	5.87	$301.84	$138.54	$60.37
67120	T	Remove eye implant material	676	5.87	$301.84	$138.54	$60.37
67121	T	Remove eye implant material	676	5.87	$301.84	$138.54	$60.37
67141	T	Treatment of retina	676	5.87	$301.84	$138.54	$60.37
67145	T	Treatment of retina	648	3.76	$193.34	$93.56	$38.67
67208	T	Treatment of retinal lesion	676	5.87	$301.84	$138.54	$60.37
67210	T	Treatment of retinal lesion	648	3.76	$193.34	$93.56	$36.67
67218	T	Treatment of retinal lesion	676	5.87	$301.84	$138.54	$60.37
67227	T	Treatment of retinal lesion	676	5.87	$301.84	$138.54	$60.37
67228	T	Treatment of retinal lesion	648	3.76	$193.34	$93.56	$38.67
67250	T	Reinforce eye wall	684	13.26	$681.83	$341.94	$136.37
67255	T	Reinforce/graft eye wall	684	13.26	$681.83	$341.94	$136.37
67299	T	Eye surgery procedure	649	4.37	$224.71	$111.64	$44.94
67311	T	Revise eye muscle	677	16.11	$828.38	$428.95	$165.68
67312	T	Revise two eye muscles	677	16.11	$828.38	$428.95	$165.68
67314	T	Revise eye muscle	677	16.11	$828.38	$428.95	$165.68
67316	T	Revise two eye muscles	677	16.11	$828.38	$428.95	$165.68
67318	T	Revise eye muscle(s)	677	16.11	$828.38	$428.95	$165.68
67320	T	Revise eye muscle(s) add-on	677	16.11	$828.38	$428.95	$165.68
67331	T	Eye surgery follow-up add-on	677	16.11	$828.38	$428.95	$165.68
67332	T	Rerevise eye muscles add-on	677	16.11	$828.38	$428.95	$165.68
67334	T	Revise eye muscle w/suture	677	16.11	$828.38	$428.95	$165.68
67335	T	Eye suture during surgery	677	16.11	$828.38	$428.95	$165.68
67340	T	Revise eye muscle add-on	677	16.11	$828.38	$428.95	$165.68
67343	T	Release eye tissue	677	16.11	$828.38	$428.95	$165.68
67345	T	Destroy nerve of eye muscle	681	1.65	$84.84	$30.51	$16.97
67350	T	Biopsy eye muscle	162	5.59	$287.44	$125.66	$57.49
67399	T	Eye muscle surgery procedure	162	5.59	$287.44	$125.66	$57.49
67400	T	Explore/biopsy eye socket	684	13.26	$681.83	$341.94	$136.37
67405	T	Explore/drain eye socket	684	13.26	$681.83	$341.94	$136.37
67412	T	Explore/treat eye socket	684	13.26	$681.83	$341.94	$136.37
67413	T	Explore/treat eye socket	684	13.26	$681.83	$341.94	$136.37
67414	C	Explore/decompress eye socke					
67415	T	Aspiration orbital contents	122	4.59	$236.02	$113.00	$47.20
67420	T	Explore/treat eye socket	232	23.82	$1,224.82	$636.87	$244.96
67430	T	Explore/treat eye socket	232	23.82	$1,224.82	$636.87	$244.96
67440	T	Explore/drain eye socket	232	23.82	$1,224.82	$636.87	$244.96
67445	C	Explore/decompress eye socke					
67450	T	Explore/biopsy eye socket	232	23.82	$1,224.82	$636.87	$244.96
67500	T	Inject/treat eye socket	681	1.65	$84.84	$30.51	$16.97
67505	T	Inject/treat eye socket	681	1.65	$84.84	$30.51	$16.97
67515	T	Inject/treat eye socket	681	1.65	$84.84	$30.51	$16.97
67550	T	Insert eye socket implant	684	13.26	$681.83	$341.94	$136.37
67560	T	Revise eye socket implant	684	13.26	$681.83	$341.94	$136.37
67570	C	Decompress optic nerve					
67599	T	Orbit surgery procedure	681	1.65	$84.84	$30.51	$16.97
67700	T	Drainage of eyelid abscess	682	3.41	$175.34	$80.68	$35.07
67710	T	Incision of eyelid	682	3.41	$175.34	$80.68	$35.07
67715	T	Incision of eyelid fold	683	9.56	$491.58	$252.44	$98.32
67800	T	Remove eyelid lesion	682	3.41	$175.34	$80.68	$35.07
67801	T	Remove eyelid lesions	682	3.41	$175.34	$80.68	$35.07
67805	T	Remove eyelid lesions	682	3.41	$175.34	$80.68	$35.07
67808	T	Remove eyelid lesion(s)	684	13.26	$681.83	$341.94	$136.37
67810	T	Biopsy of eyelid	682	3.41	$175.34	$80.68	$35.07

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
67820	T	Revise eyelashes	682	3.41	$175.34	$80.68	$35.07
67825	T	Revise eyelashes	682	3.41	$175.34	$80.68	$35.07
67830	T	Revise eyelashes	683	9.56	$491.58	$252.44	$98.32
67835	T	Revise eyelashes	684	13.26	$681.83	$341.94	$136.37
67840	T	Remove eyelid lesion	682	3.41	$175.34	$80.68	$35.07
67850	T	Treat eyelid lesion	682	3.41	$175.34	$80.68	$35.07
67875	T	Closure of eyelid by suture	682	3.41	$175.34	$80.68	$35.07
67880	T	Revision of eyelid	683	9.56	$491.58	$252.44	$98.32
67882	T	Revision of eyelid	684	13.26	$681.83	$341.94	$136.37
67900	T	Repair brow defect	684	13.26	$681.83	$341.94	$136.37
67901	T	Repair eyelid defect	684	13.26	$681.83	$341.94	$136.37
67902	T	Repair eyelid defect	684	13.26	$681.83	$341.94	$136.37
67903	T	Repair eyelid defect	684	13.26	$681.83	$341.94	$136.37
67904	T	Repair eyelid defect	684	13.26	$681.83	$341.94	$136.37
67906	T	Repair eyelid defect	684	13.26	$681.83	$341.94	$136.37
67908	T	Repair eyelid defect	684	13.26	$681.83	$341.94	$136.37
67909	T	Revise eyelid defect	684	13.26	$681.83	$341.94	$136.37
67911	T	Revise eyelid defect	684	13.26	$681.83	$341.94	$136.37
67914	T	Repair eyelid defect	684	13.26	$681.83	$341.94	$136.37
67915	T	Repair eyelid defect	682	3.41	$175.34	$80.68	$35.07
67916	T	Repair eyelid defect	684	13.26	$681.83	$341.94	$136.37
67917	T	Repair eyelid defect	684	13.26	$681.83	$341.94	$136.37
67921	T	Repair eyelid defect	684	13.26	$681.83	$341.94	$136.37
67922	T	Repair eyelid defect	682	3.41	$175.34	$80.68	$35.07
67923	T	Repair eyelid defect	684	13.26	$681.83	$341.94	$136.37
67924	T	Repair eyelid defect	684	13.26	$681.83	$341.94	$136.37
67930	T	Repair eyelid wound	682	3.41	$175.34	$80.68	$35.07
67935	T	Repair eyelid wound	683	9.56	$491.58	$252.44	$98.32
67938	T	Remove eyelid foreign body	682	3.41	$175.34	$80.68	$35.07
67950	T	Revision of eyelid	684	13.26	$681.83	$341.94	$136.37
67961	T	Revision of eyelid	684	13.26	$681.83	$341.94	$136.37
67966	T	Revision of eyelid	684	13.26	$681.83	$341.94	$136.37
67971	T	Reconstruction of eyelid	684	13.26	$681.83	$341.94	$136.37
67973	T	Reconstruction of eyelid	684	13.26	$681.83	$341.94	$136.37
67974	T	Reconstruction of eyelid	684	13.26	$681.83	$341.94	$136.37
67975	T	Reconstruction of eyelid	684	13.26	$681.83	$341.94	$136.37
67999	T	Revision of eyelid	682	3.41	$175.34	$80.68	$35.07
68020	T	Incise/drain eyelid lining	682	3.41	$175.34	$80.68	$35.07
68040	T	Treatment of eyelid lesions	682	3.41	$175.34	$80.68	$35.07
68100	T	Biopsy of eyelid lining	162	5.59	$287.44	$125.66	$57.49
68110	T	Remove eyelid lining lesion	162	5.59	$287.44	$125.66	$57.49
68115	T	Remove eyelid lining lesion	162	5.59	$287.44	$125.66	$57.49
68130	T	Remove eyelid lining lesion	652	16.35	$840.72	$433.92	$168.14
68135	T	Remove eyelid lining lesion	162	5.59	$287.44	$125.66	$57.49
68200	T	Treat eyelid by injection	681	1.65	$84.84	$30.51	$16.97
68320	T	Revise/graft eyelid lining	684	13.26	$681.83	$341.94	$136.37
68325	T	Revise/graft eyelid lining	684	13.26	$681.83	$341.94	$136.37
68326	T	Revise/graft eyelid lining	684	13.26	$681.83	$341.94	$136.37
68328	T	Revise/graft eyelid lining	684	13.26	$681.83	$341.94	$136.37
68330	T	Revise eyelid lining	652	16.35	$840.72	$433.92	$168.14
68335	T	Revise/graft eyelid lining	684	13.26	$681.83	$341.94	$136.37
68340	T	Separate eyelid adhesions	684	13.26	$681.83	$341.94	$136.37
68360	T	Revise eyelid lining	652	16.35	$840.72	$433.92	$168.14
68362	T	Revise eyelid lining	652	16.35	$840.72	$433.92	$168.14
68399	T	Eyelid lining surgery	162	5.59	$287.44	$125.66	$57.49
68400	T	Incise/drain tear gland	682	3.41	$175.34	$80.68	$35.07
68420	T	Incise/drain tear sac	682	3.41	$175.34	$80.68	$35.07
68440	T	Incise tear duct opening	682	3.41	$175.34	$80.68	$35.07
68500	T	Removal of tear gland	684	13.26	$681.83	$341.94	$136.37
68505	T	Partial removal tear gland	684	13.26	$681.83	$341.94	$136.37
68510	T	Biopsy of tear gland	683	9.56	$491.58	$252.44	$98.32
68520	T	Removal of tear sac	684	13.26	$681.83	$341.94	$136.37
68525	T	Biopsy of tear sac	683	9.56	$491.58	$252.44	$98.32
68530	T	Clearance of tear duct	682	3.41	$175.34	$80.68	$35.07
68540	T	Remove tear gland lesion	684	13.26	$681.83	$341.94	$136.37
68550	T	Remove tear gland lesion	684	13.26	$681.83	$341.94	$136.37
68700	T	Repair tear ducts	684	13.26	$681.83	$341.94	$136.37
68705	T	Revise tear duct opening	682	3.41	$175.34	$80.68	$35.07
68720	T	Create tear sac drain	684	13.26	$681.83	$341.94	$136.37
68745	T	Create tear duct drain	684	13.26	$681.83	$341.94	$136.37
68750	T	Create tear duct drain	684	13.26	$681.83	$341.94	$136.37
68760	T	Close tear duct opening	682	3.41	$175.34	$80.68	$35.07
68761	T	Close tear duct opening	681	1.65	$84.84	$30.51	$16.97
68770	T	Close tear system fistula	684	13.26	$681.83	$341.94	$136.37
[2] 68800	T	Dilate tear duct opening(s)	682	3.41	$175.34	$80.68	$35.07

[1] This APC assignment will not apply to services furnished under a partial hospitalization program. Instead, services furnished as part of a partial hospitalization program are paid on a per-diem basis via APC 020.

[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
68801	T	Dilate tear duct opening	682	3.41	$175.34	$80.68	$35.07
68810	T	Probe nasolacrimal duct	683	9.56	$491.58	$252.44	$98.32
68811	T	Probe nasolacrimal duct	684	13.26	$681.83	$341.94	$136.37
68815	T	Probe nasolacrimal duct	684	13.26	$681.83	$341.94	$136.37
[2]68820	T	Explore tear duct system	683	9.56	$491.58	$252.44	$98.32
[2]68825	T	Explore tear duct system	683	9.56	$491.58	$252.44	$98.32
[2]68830	T	Reopen tear duct channel	683	9.56	$491.58	$252.44	$98.32
68840	T	Explore/irrigate tear ducts	682	3.41	$175.34	$80.68	$35.07
68850	T	Injection for tear sac x-ray	347	2.57	$132.15	$62.38	$26 43
68899	T	Tear duct system surgery	681	1.65	$84.84	$30.51	$16.97
69000	T	Drain external ear lesion	131	1.93	$99.24	$36.61	$19.85
69005	T	Drain external ear lesion	131	1.93	$99.24	$36.61	$19.85
69020	T	Drain outer ear canal lesion	131	1.93	$99.24	$36.61	$19.85
69090	E	Pierce earlobes					
69100	T	Biopsy of external ear	161	3.43	$176.37	$75.71	$35.27
69105	T	Biopsy of external ear canal	161	3.43	$176.37	$75.71	$35.27
69110	T	Partial removal external ear	163	10.48	$538.88	$260.80	$107.78
69120	T	Removal of external ear	313	15.46	$794.95	$407.70	$158.99
69140	T	Remove ear canal lesion(s)	313	15.46	$794.95	$407.70	$158.99
69145	T	Remove ear canal lesion(s)	163	10.48	$538.88	$260.80	$107.78
69150	T	Extensive ear canal surgery	314	25.15	$1,293.21	$687.72	$258.64
69155	C	Extensive ear/neck surgery					
69200	T	Clear outer ear canal	311	1.41	$72.50	$20.57	$14.50
69205	T	Clear outer ear canal	163	10.48	$538.88	$260.80	$107.78
69210	T	Remove impacted ear wax	311	1.41	$72.50	$20.57	$14.50
69220	T	Clean out mastoid cavity	151	1.63	$83.81	$33.22	$16.76
69222	T	Clean out mastoid cavity	311	1.41	$72.50	$20.57	$14.50
69300	T	Revise external ear	313	15.46	$794.95	$407.70	$158.99
69310	T	Rebuild outer ear canal	314	25.15	$1,293.21	$687.72	$258.64
69320	T	Rebuild outer ear canal	314	25.15	$1,293.21	$687.72	$258.64
69399	T	Outer ear surgery procedure	311	1.41	$72.50	$20.57	$14.50
69400	T	Inflate middle ear canal	311	1.41	$72.50	$20.57	$14.50
69401	N	Inflate middle ear canal					
69405	T	Catheterize middle ear canal	311	1.41	$72.50	$20.57	$14.50
69410	T	Inset middle ear baffle	311	1.41	$72.50	$20.57	$14.50
69420	T	Incision of eardrum	311	1.41	$72.50	$20.57	$14.50
69421	T	Incision of eardrum	312	7.07	$363 54	$170.86	$72.71
69424	T	Remove ventilating tube	311	1.41	$72.50	$20.57	$14.50
69433	T	Create eardrum opening	312	7.07	$363.54	$170.86	$72.71
69436	T	Create eardrum opening	312	7.07	$363.54	$170.86	$72.71
69440	T	Exploration of middle ear	313	15.46	$794.95	$407.70	$158.99
69450	T	Eardrum revision	313	15.46	$794.95	$407.70	$158.99
69501	T	Mastoidectomy	314	25.15	$1,293.21	$687.72	$258.64
69502	T	Mastoidectomy	314	25.15	$1,293.21	$687.72	$258.64
69505	T	Remove mastoid structures	314	25.15	$1,293.21	$687.72	$258.64
69511	T	Extensive mastoid surgery	314	25.15	$1,293.21	$687.72	$258.64
69530	T	Extensive mastoid surgery	314	25.15	$1,293.21	$687.72	$258.64
69535	C	Remove part of temporal bone					
69540	T	Remove ear lesion	311	1.41	$72.50	$20.57	$14.50
69550	T	Remove ear lesion	314	25.15	$1,293.21	$687.72	$258.64
69552	T	Remove ear lesion	314	25.15	$1,293.21	$687.72	$258.64
69554	C	Remove ear lesion					
69601	T	Mastoid surgery revision	314	25.15	$1,293.21	$687.72	$258.64
69602	T	Mastoid surgery revision	314	25.15	$1,293.21	$687.72	$258.64
69603	T	Mastoid surgery revision	314	25.15	$1,293.21	$687.72	$258.64
69604	T	Mastoid surgery revision	314	25.15	$1,293.21	$687.72	$258.64
69605	T	Mastoid surgery revision	314	25.15	$1,293.21	$687.72	$258.64
69610	T	Repair of eardrum	311	1.41	$72.50	$20.57	$14.50
69620	T	Repair of eardrum	313	15.46	$794.95	$407.70	$158.99
69631	T	Repair eardrum structures	314	25 15	$1,293.21	$687.72	$258.64
69632	T	Rebuild eardrum structures	314	25.15	$1,293.21	$687.72	$258.64
69633	T	Rebuild eardrum structures	314	25.15	$1,293.21	$687.72	$258.64
69635	T	Repair eardrum structures	314	25.15	$1,293.21	$687.72	$258.64
69636	T	Rebuild eardrum structures	314	25.15	$1,293.21	$687.72	$258.64
69637	T	Rebuild eardrum structures	314	25.15	$1,293.21	$687.72	$258.64
69641	T	Revise middle ear & mastoid	314	25.15	$1,293.21	$687.72	$258.64
69642	T	Revise middle ear & mastoid	314	25.15	$1,293.21	$687.72	$258.64
69643	T	Revise middle ear & mastoid	314	25.15	$1,293.21	$687.72	$258.64
69644	T	Revise middle ear & mastoid	314	25.15	$1,293.21	$687.72	$258.64
69645	T	Revise middle ear & mastoid	314	25.15	$1,293.21	$687.72	$258.64
69646	T	Revise middle ear & mastoid	314	25.15	$1,293.21	$687.72	$258.64
69650	T	Release middle ear bone	314	25.15	$1,293.21	$687.72	$258.64
69660	T	Revise middle ear bone	314	25.15	$1,293.21	$687.72	$258.64
69661	T	Revise middle ear bone	314	25.15	$1,293.21	$687.72	$258.64
69662	T	Revise middle ear bone	314	25.15	$1,293.21	$687.72	$258.64

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[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
69666	T	Repair middle ear structures	314	25.15	$1,293.21	$687.72	$258.64
69667	T	Repair middle ear structures	314	25.15	$1,293.21	$687.72	$258.64
69670	T	Remove mastoid air cells	314	25.15	$1,293.21	$687.72	$258.64
69676	T	Remove middle ear nerve	314	25.15	$1,293.21	$687.72	$258.64
69700	T	Close mastoid fistula	314	25.15	$1,293.21	$687.72	$258.64
69710	E	Implant/replace hearing aid					
69711	T	Remove/repair hearing aid	314	25.15	$1,293.21	$687.72	$258.64
69720	T	Release facial nerve	314	25.15	$1,293.21	$687.72	$258.64
69725	T	Release facial nerve	314	25.15	$1,293.21	$687.72	$258.64
69740	T	Repair facial nerve	314	25.15	$1,293.21	$687.72	$258.64
69745	T	Repair facial nerve	314	25.15	$1,293.21	$687.72	$258.64
69799	T	Middle ear surgery procedure	311	1.41	$72.50	$20.57	$14.50
69801	T	Incise inner ear	314	25.15	$1,293.21	$687.72	$258.64
69802	T	Incise inner ear	314	25.15	$1,293.21	$687.72	$258.64
69805	T	Explore inner ear	314	25.15	$1,293.21	$687.72	$258.64
69806	T	Explore inner ear	314	25.15	$1,293.21	$687.72	$258.64
69820	T	Establish inner ear window	314	25.15	$1,293.21	$687.72	$258.64
69840	T	Revise inner ear window	314	25.15	$1,293.21	$687.72	$258.64
69905	T	Remove inner ear	314	25.15	$1,293.21	$687.72	$258.64
69910	T	Remove inner ear & mastoid	314	25.15	$1,293.21	$687.72	$258.64
69915	T	Incise inner ear nerve	314	25.15	$1,293.21	$687.72	$258.64
69930	T	Implant cochlear device	317				
69949	T	Inner ear surgery procedure	314	25.15	$1,293.21	$687.72	$258.64
69950	C	Incise inner ear nerve					
69955	C	Release facial nerve					
69960	C	Release inner ear canal					
69970	C	Remove inner ear lesion					
69979	C	Temporal bone surgery					
70010	S	Contrast x-ray of brain	728	3.50	$179.97	$91.98	$35.99
70015	S	Contrast x-ray of brain	728	3.50	$179.97	$91.98	$35.99
70030	X	X-ray eye for foreign body	700	0.80	$41.14	$22.37	$8.23
70100	X	X-ray exam of jaw	700	0.80	$41.14	$22.37	$8.23
70110	X	X-ray exam of jaw	700	0.80	$41.14	$22.37	$8.23
70120	X	X-ray exam of mastoids	700	0.80	$41.14	$22.37	$8.23
70130	X	X-ray exam of mastoids	700	0.80	$41.14	$22.37	$8.23
70134	X	X-ray exam of middle ear	700	0.80	$41.14	$22.37	$8.23
70140	X	X-ray exam of facial bones	700	0.80	$41.14	$22.37	$8.23
70150	X	X-ray exam of facial bones	700	0.80	$41.14	$22.37	$8.23
70160	X	X-ray exam of nasal bones	700	0.80	$41.14	$22.37	$8.23
70170	X	X-ray exam of tear duct	706	1.43	$73.53	$39.10	$14.71
70190	X	X-ray exam of eye sockets	700	0.80	$41.14	$22.37	$8.23
70200	X	X-ray exam of eye sockets	700	0.80	$41.14	$22.37	$8.23
70210	X	X-ray exam of sinuses	700	0.80	$41.14	$22.37	$8.23
70220	X	X-ray exam of sinuses	700	0.80	$41.14	$22.37	$8.23
70240	X	X-ray exam pituitary saddle	700	0.80	$41.14	$22.37	$8.23
70250	X	X-ray exam of skull	700	0.80	$41.14	$22.37	$8.23
70260	X	X-ray exam of skull	700	0.80	$41.14	$22.37	$8.23
70300	X	X-ray exam of teeth	700	0.80	$41.14	$22.37	$8.23
70310	X	X-ray exam of teeth	700	0.80	$41.14	$22.37	$8.23
70320	X	Full mouth x-ray of teeth	700	0.80	$41.14	$22.37	$8.23
70328	X	X-ray exam of jaw joint	700	0.80	$41.14	$22.37	$8.23
70330	X	X-ray exam of jaw joints	700	0.80	$41.14	$22.37	$8.23
70332	S	X-ray exam of jaw joint	730	2.30	$118.27	$65.77	$23.65
70336	S	Magnetic image jaw joint	726	7.91	$406.73	$256.06	$81.35
70350	X	X-ray head for orthodontia	700	0.80	$41.14	$22.37	$8.23
70355	X	Panoramic x-ray of jaws	700	0.80	$41.14	$22.37	$8.23
70360	X	X-ray exam of neck	700	0.80	$41.14	$22.37	$8.23
70370	X	Throat x-ray & fluoroscopy	716	1.39	$71.47	$40.00	$14.29
70371	X	Speech evaluation, complex	716	1.39	$71.47	$40.00	$14.29
70373	X	Contrast x-ray of larynx	706	1.43	$73.53	$39.10	$14.71
70380	X	X-ray exam of salivary gland	700	0.80	$41.14	$22.37	$8.23
70390	X	X-ray exam of salivary duct	706	1.43	$73.53	$39.10	$14.71
70450	S	CAT scan of head or brain	710	4.98	$256.07	$173.12	$51.21
70460	S	Contrast CAT scan of head	710	4.98	$256.07	$173.12	$51.21
70470	S	Contrast CAT scans of head	710	4.98	$256.07	$173.12	$51.21
70480	S	CAT scan of skull	710	4.98	$256.07	$173.12	$51.21
70481	S	Contrast CAT scan of skull	710	4.98	$256.07	$173.12	$51.21
70482	S	Contrast CAT scans of skull	710	4.98	$256.07	$173.12	$51.21
70486	S	CAT scan of face, jaw	710	4.98	$256.07	$173.12	$51.21
70487	S	Contrast CAT scan, face/jaw	710	4.98	$256.07	$173.12	$51.21
70488	S	Contrast CAT scans face/jaw	710	4.98	$256.07	$173.12	$51.21
70490	S	CAT scan of neck tissue	710	4.98	$256.07	$173.12	$51.21
70491	S	Contrast CAT of neck tissue	710	4.98	$256.07	$173.12	$51.21
70492	S	Contrast CAT of neck tissue	710	4.98	$256.07	$173.12	$51.21
70540	S	Magnetic image, face, neck	726	7.91	$406.73	$256.06	$81.35

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[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
70541	S	Magnetic image, head (MRA)	720	6.37	$327.55	$204.98	$65.51
70551	S	Magnetic image, brain (MRI)	726	7.91	$406.73	$256.06	$81.35
70552	S	Magnetic image, brain (MRI)	726	7.91	$406.73	$256.06	$81.35
70553	S	Magnetic image, brain	726	7.91	$406.73	$256.06	$81.35
71010	X	Chest x-ray	700	0.80	$41.14	$22.37	$8.23
71015	X	X-ray exam of chest	700	0.80	$41.14	$22.37	$8.23
71020	X	Chest x-ray	700	0.80	$41.14	$22.37	$8.23
71021	X	Chest x-ray	700	0.80	$41.14	$22.37	$8.23
71022	X	Chest x-ray	700	0.80	$41.14	$22.37	$8.23
71023	X	Chest x-ray and fluoroscopy	716	1.39	$71.47	$40.00	$14.29
71030	X	Chest x-ray	700	0.80	$41.14	$22.37	$8.23
71034	X	Chest x-ray & fluoroscopy	716	1.39	$71.47	$40.00	$14.29
71035	X	Chest x-ray	700	0.80	$41.14	$22.37	$8.23
71036	X	X-ray guidance for biopsy	716	1.39	$71.47	$40.00	$14.29
[2]71038	X	X-ray guidance for biopsy	716	1.39	$71.47	$40.00	$14.29
71040	X	Contrast x-ray of bronchi	706	1.43	$73.53	$39.10	$14.71
71060	X	Contrast x-ray of bronchi	706	1.43	$73.53	$39.10	$14.71
71090	X	X-ray & pacemaker insertion	716	1.39	$71.47	$40.00	$14.29
71100	X	X-ray exam of ribs	700	0.80	$41.14	$22.37	$8.23
71101	X	X-ray exam of ribs, chest	700	0.80	$41.14	$22.37	$8.23
71110	X	X-ray exam of ribs	700	0.80	$41.14	$22.37	$8.23
71111	X	X-ray exam of ribs, chest	700	0.80	$41.14	$22.37	$8.23
71120	X	X-ray exam of breastbone	700	0.80	$41.14	$22.37	$8.23
71130	X	X-ray exam of breastbone	700	0.80	$41.14	$22.37	$8.23
71250	S	Cat scan of chest	710	4.98	$256.07	$173.12	$51.21
71260	S	Contrast CAT scan of chest	710	4.98	$256.07	$173.12	$51.21
71270	S	Contrast CAT scans of chest	710	4.98	$256.07	$173.12	$51.21
71550	S	Magnetic image, chest	726	7.91	$406.73	$256.06	$81.35
71555	E	Magnetic imaging/chest (MRA)					
72010	X	X-ray exam of spine	700	0.80	$41.14	$22.37	$8.23
72020	X	X-ray exam of spine	700	0.80	$41.14	$22.37	$8.23
72040	X	X-ray exam of neck spine	700	0.80	$41.14	$22.37	$8.23
72050	X	X-ray exam of neck spine	700	0.80	$41.14	$22.37	$8.23
72052	X	X-ray exam of neck spine	700	0.80	$41.14	$22.37	$8.23
72069	X	X-ray exam of trunk spine	700	0.80	$41.14	$22.37	$8.23
72070	X	X-ray exam of thorax spine	700	0.80	$41.14	$22.37	$8.23
72072	X	X-ray exam of thoracic spine	700	0.80	$41.14	$22.37	$8.23
72074	X	X-ray exam of thoracic spine	700	0.80	$41.14	$22.37	$8.23
72080	X	X-ray exam of trunk spine	700	0.80	$41.14	$22.37	$8.23
72090	X	X-ray exam of trunk spine	700	0.80	$41.14	$22.37	$8.23
72100	X	X-ray exam of lower spine	700	0.80	$41.14	$22.37	$8.23
72110	X	X-ray exam of lower spine	700	0.80	$41.14	$22.37	$8.23
72114	X	X-ray exam of lower spine	700	0.80	$41.14	$22.37	$8.23
72120	X	X-ray exam of lower spine	700	0.80	$41.14	$22.37	$8.23
72125	S	CAT scan of neck spine	710	4.98	$256.07	$173.12	$51.21
72126	S	Contrast CAT scan of neck	710	4.98	$256.07	$173.12	$51.21
72127	S	Contrast CAT scans of neck	710	4.98	$256.07	$173.12	$51.21
72128	S	CAT scan of thorax spine	710	4.98	$256.07	$173.12	$51.21
72129	S	Contrast CAT scan of thorax	710	4.98	$256.07	$173.12	$51.21
72130	S	Contrast CAT scans of thorax	710	4.98	$256.07	$173.12	$51.21
72131	S	CAT scan of lower spine	710	4.98	$256.07	$173.12	$51.21
72132	S	Contrast CAT of lower spine	710	4.98	$256.07	$173.12	$51.21
72133	S	Contrast CAT scans,low spine	710	4.98	$256.07	$173.12	$51.21
72141	S	Magnetic image, neck spine	726	7.91	$406.73	$256.06	$81.35
72142	S	Magnetic image, neck spine	726	7.91	$406.73	$256.06	$81.35
72146	S	Magnetic image, chest spine	726	7.91	$406.73	$256.06	$81.35
72147	S	Magnetic image, chest spine	726	7.91	$406.73	$256.06	$81.35
72148	S	Magnetic image, lumbar spine	726	7.91	$406.73	$256.06	$81.35
72149	S	Magnetic image, lumbar spine	726	7.91	$406.73	$256.06	$81.35
72156	S	Magnetic image, neck spine	726	7.91	$406.73	$256.06	$81.35
72157	S	Magnetic image, chest spine	726	7.91	$406.73	$256.06	$81.35
72158	S	Magnetic image, lumbar spine	726	7.91	$406.73	$256.06	$81.35
72159	E	Magnetic imaging/spine (MRA)					
72170	X	X-ray exam of pelvis	700	0.80	$41.14	$22.37	$8.23
72190	X	X-ray exam of pelvis	700	0.80	$41.14	$22.37	$8.23
72192	S	CAT scan of pelvis	710	4.98	$256.07	$173.12	$51.21
72193	S	Contrast CAT scan of pelvis	710	4.98	$256.07	$173.12	$51.21
72194	S	Contrast CAT scans of pelvis	710	4.98	$256.07	$173.12	$51.21
72196	S	Magnetic image, pelvis	726	7.91	$406.73	$256.06	$81.35
72198	E	Magnetic imaging/pelvis(MRA)					
72200	X	X-ray exam sacroiliac joints	700	0.80	$41.14	$22.37	$8.23
72202	X	X-ray exam sacroiliac joints	700	0.80	$41.14	$22.37	$8.23
72220	X	X-ray exam of tailbone	700	0.80	$41.14	$22.37	$8.23
72240	S	Contrast x-ray of neck spine	728	3.50	$179.97	$91.98	$35.99
72255	S	Contrast x-ray thorax spine	728	3.50	$179.97	$91.98	$35.99

[1] This APC assignment will not apply to services furnished under a partial hospitalization program. Instead, services furnished as part of a partial hospitalization program are paid on a per-diem basis via APC 020.

[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
72265	S	Contrast x-ray lower spine	728	3.50	$179.97	$91.98	$35.99
72270	S	Contrast x-ray of spine	728	3.50	$179.97	$91.98	$35.99
72285	S	X-ray of neck spine disk	728	3.50	$179.97	$91.98	$35.99
72295	S	X-ray of lower spine disk	728	3.50	$179.97	$91.98	$35.99
73000	X	X-ray exam of collarbone	700	0.80	$41.14	$22.37	$8.23
73010	X	X-ray exam of shoulder blade	700	0.80	$41.14	$22.37	$8.23
73020	X	X-ray exam of shoulder	700	0.80	$41.14	$22.37	$8.23
73030	X	X-ray exam of shoulder	700	0.80	$41.14	$22.37	$8.23
73040	S	Contrast x-ray of shoulder	730	2.30	$118.27	$65.77	$23.65
73050	X	X-ray exam of shoulders	700	0.80	$41.14	$22.37	$8.23
73060	X	X-ray exam of humerus	700	0.80	$41.14	$22.37	$8.23
73070	X	X-ray exam of elbow	700	0.80	$41.14	$22.37	$8.23
73080	X	X-ray exam of elbow	700	0.80	$41.14	$22.37	$8.23
73085	S	Contrast x-ray of elbow	730	2.30	$118.27	$65.77	$23.65
73090	X	X-ray exam of forearm	700	0.80	$41.14	$22.37	$8.23
73092	X	X-ray exam of arm, infant	700	0.80	$41.14	$22.37	$8.23
73100	X	X-ray exam of wrist	700	0.80	$41.14	$22.37	$8.23
73110	X	X-ray exam of wrist	700	0.80	$41.14	$22.37	$8.23
73115	S	Contrast x-ray of wrist	730	2.30	$118.27	$65.77	$23.65
73120	X	X-ray exam of hand	700	0.80	$41.14	$22.37	$8.23
73130	X	X-ray exam of hand	700	0.80	$41.14	$22.37	$8.23
73140	X	X-ray exam of finger(s)	700	0.80	$41.14	$22.37	$8.23
73200	S	CAT scan of arm	710	4.98	$256.07	$173.12	$51.21
73201	S	Contrast CAT scan of arm	710	4.98	$256.07	$173.12	$51.21
73202	S	Contrast CAT scans of arm	710	4.98	$256.07	$173.12	$51.21
73220	S	Magnetic image, arm, hand	726	7.91	$406.73	$256.06	$81.35
73221	S	Magnetic image, joint of arm	726	7.91	$406.73	$256.06	$81.35
73225	E	Magnetic imaging/upper (MRA)					
73500	X	X-ray exam of hip	700	0.80	$41.14	$22.37	$8.23
73510	X	X-ray exam of hip	700	0.80	$41.14	$22.37	$8.23
73520	X	X-ray exam of hips	700	0.80	$41.14	$22.37	$8.23
73525	S	Contrast x-ray of hip	730	2.30	$118.27	$65.77	$23.65
73530	X	X-ray exam of hip	700	0.80	$41.14	$22.37	$8.23
73540	X	X-ray exam of pelvis & hips	700	0.80	$41.14	$22.37	$8.23
73550	X	X-ray exam of thigh	700	0.80	$41.14	$22.37	$8.23
73560	X	X-ray exam of knee, 1 or 2	700	0.80	$41.14	$22.37	$8.23
73562	X	X-ray exam of knee, 3	700	0.80	$41.14	$22.37	$8.23
73564	X	X-ray exam of knee, 4+	700	0.80	$41.14	$22.37	$8.23
73565	X	X-ray exam of knee	700	0.80	$41.14	$22.37	$8.23
73580	S	Contrast x-ray of knee joint	730	2.30	$118.27	$65.77	$23.65
73590	X	X-ray exam of lower leg	700	0.80	$41.14	$22.37	$8.23
73592	X	X-ray exam of leg, infant	700	0.80	$41.14	$22.37	$8.23
73600	X	X-ray exam of ankle	700	0.80	$41.14	$22.37	$8.23
73610	X	X-ray exam of ankle	700	0.80	$41.14	$22.37	$8.23
73615	S	Contrast x-ray of ankle	730	2.30	$118.27	$65.77	$23.65
73620	X	X-ray exam of foot	700	0.80	$41.14	$22.37	$8.23
73630	X	X-ray exam of foot	700	0.80	$41.14	$22.37	$8.23
73650	X	X-ray exam of heel	700	0.80	$41.14	$22.37	$8.23
73660	X	X-ray exam of toe(s)	700	0.80	$41.14	$22.37	$8.23
73700	S	CAT scan of leg	710	4.98	$256.07	$173.12	$51.21
73701	S	Contrast CAT scan of leg	710	4.98	$256.07	$173.12	$51.21
73702	S	Contrast CAT scans of leg	710	4.98	$256.07	$173.12	$51.21
73720	S	Magnetic image, leg, foot	726	7.91	$406.73	$256.06	$81.35
73721	S	Magnetic image, joint of leg	726	7.91	$406.73	$256.06	$81.35
73725	E	Magnetic imaging/lower (MRA)					
74000	X	X-ray exam of abdomen	700	0.80	$41.14	$22.37	$8.23
74010	X	X-ray exam of abdomen	700	0.80	$41.14	$22.37	$8.23
74020	X	X-ray exam of abdomen	700	0.80	$41.14	$22.37	$8.23
74022	X	X-ray exam series, abdomen	700	0.80	$41.14	$22.37	$8.23
74150	S	CAT scan of abdomen	710	4.98	$256.07	$173.12	$51.21
74160	S	Contrast CAT scan of abdomen	710	4.98	$256.07	$173.12	$51.21
74170	S	Contrast CAT scans, abdomen	710	4.98	$256.07	$173.12	$51.21
74181	S	Magnetic image,abdomen (MRI)	726	7.91	$406.73	$256.06	$81.35
74185	E	Magnetic image/abdomen (MRA)					
74190	X	X-ray exam of peritoneum	706	1.43	$73.53	$39.10	$14.71
74210	S	Contrast xray exam of throat	736	1.85	$95.13	$53.79	$19.03
74220	S	Contrast xray exam,esophagus	736	1.85	$95.13	$53.79	$19.03
74230	S	Cinema xray throat/esophagus	736	1.85	$95.13	$53.79	$19.03
74235	S	Remove esophagus obstruction	738	3.74	$192.31	$104.86	$38.46
74240	S	X-ray exam upper GI tract	736	1.85	$95.13	$53.79	$19.03
74241	S	X-ray exam upper GI tract	736	1.85	$95.13	$53.79	$19.03
74245	S	X-ray exam upper GI tract	736	1.85	$95.13	$53.79	$19.03
74246	S	Contrast xray upper GI tract	736	1.85	$95.13	$53.79	$19.03
74247	S	Contrast xray upper GI tract	736	1.85	$95.13	$53.79	$19.03
74249	S	Contrast xray upper GI tract	736	1.85	$95.13	$53.79	$19.03

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[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
74250	S	X-ray exam of small bowel	736	1.85	$95.13	$53.79	$19.03
74251	S	X-ray exam of small bowel	736	1.85	$95.13	$53.79	$19.03
74260	S	X-ray exam of small bowel	736	1.85	$95.13	$53.79	$19.03
74270	S	Contrast x-ray exam of colon	736	1.85	$95.13	$53.79	$19.03
74280	S	Contrast x-ray exam of colon	736	1.85	$95.13	$53.79	$19.03
74283	S	Contrast x-ray exam of colon	736	1.85	$95.13	$53.79	$19.03
74290	S	Contrast x-ray, gallbladder	736	1.85	$95.13	$53.79	$19.03
74291	S	Contrast x-rays, gallbladder	736	1.85	$95.13	$53.79	$19.03
74300	C	X-ray bile ducts, pancreas					
74301	C	X-rays at surgery add-on					
74305	X	X-ray bile ducts, pancreas	706	1.43	$73.53	$39.10	$14.71
74320	X	Contrast x-ray of bile ducts	706	1.43	$73.53	$39.10	$14.71
74327	S	X-ray for bile stone removal	738	3.74	$192.31	$104.86	$38.46
74328	X	X-ray for bile duct endoscopy	706	1.43	$73.53	$39.10	$14.71
74329	X	X-ray for pancreas endoscopy	706	1.43	$73.53	$39.10	$14.71
74330	X	X-ray, bile/pancreas endoscopy	706	1.43	$73.53	$39.10	$14.71
74340	X	X-ray guide for GI tube	716	1.39	$71.47	$40.00	$14.29
74350	X	X-ray guide, stomach tube	706	1.43	$73.53	$39.10	$14.71
74355	X	X-ray guide, intestinal tube	706	1.43	$73.53	$39.10	$14.71
74360	S	X-ray guide, GI dilation	738	3.74	$192.31	$104.86	$38.46
74363	S	X-ray, bile duct dilation	738	3.74	$192.31	$104.86	$38.46
74400	S	Contrast x-ray urinary tract	737	2.69	$138.32	$81.81	$27.66
[2] 74405	S	Contrast x-ray urinary tract	737	2.69	$138.32	$81.81	$27.66
74410	S	Contrast x-ray urinary tract	737	2.69	$138.32	$81.81	$27.66
74415	S	Contrast x-ray urinary tract	737	2.69	$138.32	$81.81	$27.66
74420	S	Contrast x-ray urinary tract	737	2.69	$138.32	$81.81	$27.66
74425	S	Contrast x-ray urinary tract	737	2.69	$138.32	$81.81	$27.66
74430	S	Contrast x-ray of bladder	737	2.69	$138.32	$81.81	$27.66
74440	S	X-ray exam male genital tract	737	2.69	$138.32	$81.81	$27.66
74445	S	X-ray exam of penis	737	2.69	$138.32	$81.81	$27.66
74450	S	X-ray exam urethra/bladder	737	2.69	$138.32	$81.81	$27.66
74455	S	X-ray exam urethra/bladder	737	2.69	$138.32	$81.81	$27.66
74470	X	X-ray exam of kidney lesion	706	1.43	$73.53	$39.10	$14.71
74475	S	X-ray control catheter insert	738	3.74	$192.31	$104.86	$38.46
74480	S	X-ray control catheter insert	738	3.74	$192.31	$104.86	$38.46
74485	S	X-ray guide, GU dilation	738	3.74	$192.31	$104.86	$38.46
74710	X	X-ray measurement of pelvis	700	0.80	$41.14	$22.37	$8.23
74740	X	X-ray female genital tract	706	1.43	$73.53	$39.10	$14.71
74742	X	X-ray fallopian tube	706	1.43	$73.53	$39.10	$14.71
74775	S	X-ray exam of perineum	737	2.69	$138.32	$81.81	$27.66
75552	S	Magnetic image, myocardium	726	7.91	$406.73	$256.06	$81.35
75553	S	Magnetic image, myocardium	726	7.91	$406.73	$256.06	$81.35
75554	S	Cardiac MRI/function	726	7.91	$406.73	$256.06	$81.35
75555	S	Cardiac MRI/limited study	726	7.91	$406.73	$256.06	$81.35
75556	E	Cardiac MRI/flow mapping					
75600	S	Contrast x-ray exam of aorta	739	5.33	$274.07	$150.74	$54.81
75605	S	Contrast x-ray exam of aorta	739	5.33	$274.07	$150.74	$54.81
75625	S	Contrast x-ray exam of aorta	739	5.33	$274.07	$150.74	$54.81
75630	S	X-ray aorta, leg arteries	739	5.33	$274.07	$150.74	$54.81
75650	S	Artery x-rays, head & neck	739	5.33	$274.07	$150.74	$54.81
75658	S	X-ray exam of arm arteries	739	5.33	$274.07	$150.74	$54.81
75660	S	Artery x-rays, head & neck	739	5.33	$274.07	$150.74	$54.81
75662	S	Artery x-rays, head & neck	739	5.33	$274.07	$150.74	$54.81
75665	S	Artery x-rays, head & neck	739	5.33	$274.07	$150.74	$54.81
75671	S	Artery x-rays, head & neck	739	5.33	$274.07	$150.74	$54.81
75676	S	Artery x-rays, neck	739	5.33	$274.07	$150.74	$54.81
75680	S	Artery x-rays, neck	739	5.33	$274.07	$150.74	$54.81
75685	S	Artery x-rays, spine	739	5.33	$274.07	$150.74	$54.81
75705	S	Artery x-rays, spine	739	5.33	$274.07	$150.74	$54.81
75710	S	Artery x-rays, arm/leg	739	5.33	$274.07	$150.74	$54.81
75716	S	Artery x-rays, arms/legs	739	5.33	$274.07	$150.74	$54.81
75722	S	Artery x-rays, kidney	739	5.33	$274.07	$150.74	$54.81
75724	S	Artery x-rays, kidneys	739	5.33	$274.07	$150.74	$54.81
75726	S	Artery x-rays, abdomen	739	5.33	$274.07	$150.74	$54.81
75731	S	Artery x-rays, adrenal gland	739	5.33	$274.07	$150.74	$54.81
75733	S	Artery x-rays,adrenal glands	739	5.33	$274.07	$150.74	$54.81
75736	S	Artery x-rays, pelvis	739	5.33	$274.07	$150.74	$54.81
75741	S	Artery x-rays, lung	739	5.33	$274.07	$150.74	$54.81
75743	S	Artery x-rays, lungs	739	5.33	$274.07	$150.74	$54.81
75746	S	Artery x-rays, lung	739	5.33	$274.07	$150.74	$54.81
75756	S	Artery x-rays, chest	739	5.33	$274.07	$150.74	$54.81
75774	S	Artery x-ray, each vessel	739	5.33	$274.07	$150.74	$54.81
75790	S	Visualize A-V shunt	739	5.33	$274.07	$150.74	$54.81
75801	X	Lymph vessel x-ray, arm/leg	706	1.43	$73.53	$39.10	$14.71
75803	X	Lymph vessel x-ray, arms/legs	706	1.43	$73.53	$39.10	$14.71

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
75805	X	Lymph vessel x-ray, trunk	706	1.43	$73.53	$39.10	$14.71
75807	X	Lymph vessel x-ray, trunk	706	1.43	$73.53	$39.10	$14.71
75809	X	Nonvascular shunt, x-ray	706	1.43	$73.53	$39.10	$14.71
75810	S	Vein x-ray, spleen/liver	739	5.33	$274.07	$150.74	$54.81
75820	S	Vein x-ray, arm/leg	739	5.33	$274.07	$150.74	$54.81
75822	S	Vein x-ray, arms/legs	739	5.33	$274.07	$150.74	$54.81
75825	S	Vein x-ray, trunk	739	5.33	$274.07	$150.74	$54.81
75827	S	Vein x-ray, chest	739	5.33	$274.07	$150.74	$54.81
75831	S	Vein x-ray, kidney	739	5.33	$274.07	$150.74	$54.81
75833	S	Vein x-ray, kidneys	739	5.33	$274.07	$150.74	$54.81
75840	S	Vein x-ray, adrenal gland	739	5.33	$274.07	$150.74	$54.81
75842	S	Vein x-ray, adrenal glands	739	5.33	$274.07	$150.74	$54.81
75860	S	Vein x-ray, neck	739	5.33	$274.07	$150.74	$54.81
75870	S	Vein x-ray, skull	739	5.33	$274.07	$150.74	$54.81
75872	S	Vein x-ray, skull	739	5.33	$274.07	$150.74	$54.81
75880	S	Vein x-ray, eye socket	739	5.33	$274.07	$150.74	$54.81
75885	S	Vein x-ray, liver	739	5.33	$274.07	$150.74	$54.81
75887	S	Vein x-ray, liver	739	5.33	$274.07	$150.74	$54.81
75889	S	Vein x-ray, liver	739	5.33	$274.07	$150.74	$54.81
75891	S	Vein x-ray, liver	739	5.33	$274.07	$150.74	$54.81
75893	N	Venous sampling by catheter					
75894	C	X-rays, transcatheter therapy					
75896	C	X-rays, transcatheter therapy					
75898	X	Follow-up angiogram	706	1.43	$73.53	$39.10	$14.71
75900	C	Arterial catheter exchange					
75940	C	X-ray placement, vein filter					
75945	C	Intravascular us					
75946	C	Intravascular us add-on					
75960	C	Transcatheter intro, stent					
75961	C	Retrieval, broken catheter					
75962	C	Repair arterial blockage					
75964	C	Repair artery blockage, each					
75966	C	Repair arterial blockage					
75968	C	Repair artery blockage, each					
75970	C	Vascular biopsy					
75978	C	Repair venous blockage					
75980	S	Contrast xray exam bile duct	738	3.74	$192.31	$104.86	$38.46
75982	S	Contrast xray exam bile duct	738	3.74	$192.31	$104.86	$38.46
75984	S	X-ray control catheter change	738	3.74	$192.31	$104.86	$38.46
75989	X	Abscess drainage under x-ray	716	1.39	$71.47	$40.00	$14.29
75992	C	Atherectomy, x-ray exam					
75993	C	Atherectomy, x-ray exam					
75994	C	Atherectomy, x-ray exam					
75995	C	Atherectomy, x-ray exam					
75996	C	Atherectomy, x-ray exam					
76000	X	Fluoroscope examination	716	1.39	$71.47	$40.00	$14.29
76001	X	Fluoroscope exam, extensive	716	1.39	$71.47	$40.00	$14.29
76003	X	Needle localization by x-ray	716	1.39	$71.47	$40.00	$14.29
76010	X	X-ray, nose to rectum	700	0.80	$41.14	$22.37	$8.23
76020	X	X-rays for bone age	700	0.80	$41.14	$22.37	$8.23
76040	X	X-rays, bone evaluation	700	0.80	$41.14	$22.37	$8.23
76061	X	X-rays, bone survey	700	0.80	$41.14	$22.37	$8.23
76062	X	X-rays, bone survey	700	0.80	$41.14	$22.37	$8.23
76065	X	X-rays, bone evaluation	700	0.80	$41.14	$22.37	$8.23
76066	X	Joint(s) survey, single film	700	0.80	$41.14	$22.37	$8.23
76070	E	CT scan, bone density study					
76075	X	Dual energy x-ray study	706	1.43	$73.53	$39.10	$14.71
76076	X	Dual energy x-ray study	700	0.80	$41.14	$22.37	$8.23
76078	X	Photodensitometry	700	0.80	$41.14	$22.37	$8.23
76080	X	X-ray exam of fistula	706	1.43	$73.53	$39.10	$14.71
76086	X	X-ray of mammary duct	706	1.43	$73.53	$39.10	$14.71
76088	X	X-ray of mammary ducts	706	1.43	$73.53	$39.10	$14.71
76090	S	Mammogram, one breast	746	0.69	$35.48	$19.44	$7.10
76091	S	Mammogram, both breasts	746	0.69	$35.48	$19.44	$7.10
76092	A	Mammogram, screening					
76093	S	Magnetic image, breast	726	7.91	$406.73	$256.06	$81.35
76094	S	Magnetic image, both breasts	726	7.91	$406.73	$256.06	$81.35
76095	X	Stereotactic breast biopsy	706	1.43	$73.53	$39.10	$14.71
76096	X	X-ray of needle wire, breast	706	1.43	$73.53	$39.10	$14.71
76098	X	X-ray exam, breast specimen	700	0.80	$41.14	$22.37	$8.23
76100	X	X-ray exam of body section	700	0.80	$41.14	$22.37	$8.23
76101	X	Complex body section x-ray	706	1.43	$73.53	$39.10	$14.71
76102	X	Complex body section x-rays	706	1.43	$73.53	$39.10	$14.71
76120	X	Cinematic x-rays	700	0.80	$41.14	$22.37	$8.23
76125	X	Cinematic x-rays add-on	700	0.80	$41.14	$22.37	$8.23

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
76140	E	X-ray consultation					
76150	X	X-ray exam, dry process	700	0.80	$41.14	$22.37	$8.23
76350	N	Special x-ray contrast study					
76355	S	CAT scan for localization	710	4.98	$256.07	$173.12	$51.21
76360	S	CAT scan for needle biopsy	710	4.98	$256.07	$173.12	$51.21
76365	S	CAT scan for cyst aspiration	710	4.98	$256.07	$173.12	$51.21
76370	S	CAT scan for therapy guide	710	4.98	$256.07	$173.12	$51.21
76375	S	3d/holograph reconstr add-on	710	4.98	$256.07	$173.12	$51.21
76380	S	CAT scan follow-up study	710	4.98	$256.07	$173.12	$51.21
76390	S	Mr spectroscopy	726	7.91	$406.73	$256.06	$81.35
76400	S	Magnetic image, bone marrow	726	7.91	$406.73	$256.06	$81.35
76499	X	Radiographic procedure	700	0.80	$41.14	$22.37	$8.23
76506	S	Echo exam of head	747	1.65	$84.84	$54.47	$16.97
76511	S	Echo exam of eye	747	1.65	$84.84	$54.47	$16.97
76512	S	Echo exam of eye	747	1.65	$84.84	$54.47	$16.97
76513	S	Echo exam of eye, water bath	747	1.65	$84.84	$54.47	$16.97
76516	S	Echo exam of eye	747	1.65	$84.84	$54.47	$16.97
76519	S	Echo exam of eye	747	1.65	$84.84	$54.47	$16.97
76529	S	Echo exam of eye	747	1.65	$84.84	$54.47	$16.97
76536	S	Echo exam of head and neck	747	1.65	$84.84	$54.47	$16.97
76604	S	Echo exam of chest	747	1.65	$84.84	$54.47	$16.97
76645	S	Echo exam of breast	747	1.65	$84.84	$54.47	$16.97
76700	S	Echo exam of abdomen	747	1.65	$84.84	$54.47	$16.97
76705	S	Echo exam of abdomen	747	1.65	$84.84	$54.47	$16.97
76770	S	Echo exam abdomen back wall	747	1.65	$84.84	$54.47	$16.97
76775	S	Echo exam abdomen back wall	747	1.65	$84.84	$54.47	$16.97
76778	S	Echo exam kidney transplant	747	1.65	$84.84	$54.47	$16.97
76800	S	Echo exam spinal canal	747	1.65	$84.84	$54.47	$16.97
76805	S	Echo exam of pregnant uterus	747	1.65	$84.84	$54.47	$16.97
76810	S	Echo exam of pregnant uterus	747	1.65	$84.84	$54.47	$16.97
76815	S	Echo exam of pregnant uterus	747	1.65	$84.84	$54.47	$16.97
76816	S	Echo exam followup or repeat	747	1.65	$84.84	$54.47	$16.97
76818	S	Fetal biophysical profile	747	1.65	$84.84	$54.47	$16.97
76825	S	Echo exam of fetal heart	957	4.04	$207.74	$114.13	$41.55
76826	S	Echo exam of fetal heart	957	4.04	$207.74	$114.13	$41.55
76827	S	Echo exam of fetal heart	957	4.04	$207.74	$114.13	$41.55
76828	S	Echo exam of fetal heart	957	4.04	$207.74	$114.13	$41.55
76830	S	Echo exam, transvaginal	747	1.65	$84.84	$54.47	$16.97
76831	S	Echo exam, uterus	747	1.65	$84.84	$54.47	$16.97
76856	S	Echo exam of pelvis	747	1.65	$84.84	$54.47	$16.97
76857	S	Echo exam of pelvis	747	1.65	$84.84	$54.47	$16.97
76870	S	Echo exam of scrotum	747	1.65	$84.84	$54.47	$16.97
76872	S	Echo exam, transrectal	747	1.65	$84.84	$54.47	$16.97
76880	S	Echo exam of extremity	747	1.65	$84.84	$54.47	$16.97
76885	S	Echo exam, infant hips	747	1.65	$84.84	$54.47	$16.97
76886	S	Echo exam, infant hips	747	1.65	$84.84	$54.47	$16.97
76930	X	Echo guide for heart sac tap	749	2.22	$114.15	$70.06	$22.83
76932	X	Echo guide for heart biopsy	749	2.22	$114.15	$70.06	$22.83
76934	X	Echo guide for chest tap	749	2.22	$114.15	$70.06	$22.83
76936	X	Echo guide for artery repair	749	2.22	$114.15	$70.06	$22.83
76938	X	Echo exam for drainage	749	2.22	$114.15	$70.06	$22.83
76941	X	Echo guide for transfusion	749	2.22	$114.15	$70.06	$22.83
76942	X	Echo guide for biopsy	749	2.22	$114.15	$70.06	$22.83
76945	X	Echo guide, villus sampling	749	2.22	$114.15	$70.06	$22.83
76946	X	Echo guide for amniocentesis	749	2.22	$114.15	$70.06	$22.83
76948	X	Echo guide, ova aspiration	749	2.22	$114.15	$70.06	$22.83
76950	X	Echo guidance radiotherapy	749	2.22	$114.15	$70.06	$22.83
76960	X	Echo guidance radiotherapy	749	2.22	$114.15	$70.06	$22.83
76965	X	Echo guidance radiotherapy	749	2.22	$114.15	$70.06	$22.83
76970	S	Ultrasound exam follow-up	747	1.65	$84.84	$54.47	$16.97
76975	S	GI endoscopic ultrasound	747	1.65	$84.84	$54.47	$16.97
76986	S	Echo exam at surgery	747	1.65	$84.84	$54.47	$16.97
76999	S	Echo examination procedure	747	1.65	$84.84	$54.47	$16.97
77261	X	Radiation therapy planning	750	0.96	$49.36	$25.99	$9.87
77262	X	Radiation therapy planning	750	0.96	$49.36	$25.99	$9.87
77263	X	Radiation therapy planning	750	0.96	$49.36	$25.99	$9.87
77280	X	Set radiation therapy field	752	3.48	$178.94	$86.56	$35.79
77285	X	Set radiation therapy field	752	3.48	$178.94	$86.56	$35.79
77290	X	Set radiation therapy field	752	3.48	$178.94	$86.56	$35.79
77295	X	Set radiation therapy field	752	3.48	$178.94	$86.56	$35.79
77299	X	Radiation therapy planning	751	1.15	$59.13	$33.22	$11.83
77300	X	Radiation therapy dose plan	751	1.15	$59.13	$33.22	$11.83
77305	X	Radiation therapy dose plan	751	1.15	$59.13	$33.22	$11.83
77310	X	Radiation therapy dose plan	751	1.15	$59.13	$33.22	$11.83
77315	X	Radiation therapy dose plan	751	1.15	$59.13	$33.22	$11.83

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
77321	X	Radiation therapy port plan	751	1.15	$59.13	$33.22	$11.83
77326	X	Radiation therapy dose plan	751	1.15	$59.13	$33.22	$11.83
77327	X	Radiation therapy dose plan	751	1.15	$59.13	$33.22	$11.83
77328	X	Radiation therapy dose plan	751	1.15	$59.13	$33.22	$11.83
77331	X	Special radiation dosimetry	751	1.15	$59.13	$33.22	$11.83
77332	X	Radiation treatment aid(s)	751	1.15	$59.13	$33.22	$11.83
77333	X	Radiation treatment aid(s)	751	1.15	$59.13	$33.22	$11.83
77334	X	Radiation treatment aid(s)	751	1.15	$59.13	$33.22	$11.83
77336	X	Radiation physics consult	750	0.96	$49.36	$25.99	$9.87
77370	X	Radiation physics consult	750	0.96	$49.36	$25.99	$9.87
77399	X	External radiation dosimetry	750	0.96	$49.36	$25.99	$9.87
77401	S	Radiation treatment delivery	757	2.26	$116.21	$52.43	$23.24
77402	S	Radiation treatment delivery	757	2.26	$116.21	$52.43	$23.24
77403	S	Radiation treatment delivery	757	2.26	$116.21	$52.43	$23.24
77404	S	Radiation treatment delivery	757	2.26	$116.21	$52.43	$23.24
77406	S	Radiation treatment delivery	757	2.26	$116.21	$52.43	$23.24
77407	S	Radiation treatment delivery	757	2.26	$116.21	$52.43	$23.24
77408	S	Radiation treatment delivery	757	2.26	$116.21	$52.43	$23.24
77409	S	Radiation treatment delivery	757	2.26	$116.21	$52.43	$23.24
77411	S	Radiation treatment delivery	757	2.26	$116.21	$52.43	$23.24
77412	S	Radiation treatment delivery	757	2.26	$116.21	$52.43	$23.24
77413	S	Radiation treatment delivery	757	2.26	$116.21	$52.43	$23.24
77414	S	Radiation treatment delivery	757	2.26	$116.21	$52.43	$23.24
77416	S	Radiation treatment delivery	757	2.26	$116.21	$52.43	$23.24
77417	X	Radiology port film(s)	700	0.80	$41.14	$22.37	$8.23
77419	E	Weekly radiation therapy					
77420	E	Weekly radiation therapy					
77425	E	Weekly radiation therapy					
77430	E	Weekly radiation therapy					
77431	X	Radiation therapy management	750	0.96	$49.36	$25.99	$9.87
77432	X	Stereotactic radiation trmt	750	0.96	$49.36	$25.99	$9.87
77470	S	Special radiation treatment	757	2.26	$116.21	$52.43	$23.24
77499	N	Radiation therapy management					
77600	S	Hyperthermia treatment	758	5.08	$261.21	$137.18	$52.24
77605	S	Hyperthermia treatment	758	5.08	$261.21	$137.18	$52.24
77610	S	Hyperthermia treatment	758	5.08	$261.21	$137.18	$52.24
77615	S	Hyperthermia treatment	758	5.08	$261.21	$137.18	$52.24
77620	S	Hyperthermia treatment	758	5.08	$261.21	$137.18	$52.24
77750	S	Infuse radioactive materials	759	7.98	$410.33	$157.97	$82.07
77761	S	Radioelement application	759	7.98	$410.33	$157.97	$82.07
77762	S	Radioelement application	759	7.98	$410.33	$157.97	$82.07
77763	S	Radioelement application	759	7.98	$410.33	$157.97	$82.07
77776	S	Radioelement application	759	7.98	$410.33	$157.97	$82.07
77777	S	Radioelement application	759	7.98	$410.33	$157.97	$82.07
77778	S	Radioelement application	759	7.98	$410.33	$157.97	$82.07
77781	S	High intensity brachytherapy	759	7.98	$410.33	$157.97	$82.07
77782	S	High intensity brachytherapy	759	7.98	$410.33	$157.97	$82.07
77783	S	High intensity brachytherapy	759	7.98	$410.33	$157.97	$82.07
77784	S	High intensity brachytherapy	759	7.98	$410.33	$157.97	$82.07
77789	S	Radioelement application	759	7.98	$410.33	$157.97	$82.07
77790	N	Radioelement handling					
77799	S	Radium/radioisotope therapy	759	7.98	$410.33	$157.97	$82.07
78000	S	Thyroid, single uptake	761	1.80	$92.56	$54.01	$18.51
78001	S	Thyroid, multiple uptakes	762	2.02	$103.87	$55.82	$20.77
78003	S	Thyroid suppress/stimul	762	2.02	$103.87	$55.82	$20.77
78006	S	Thyroid,imaging with uptake	771	3.81	$195.91	$117.29	$39.18
78007	S	Thyroid, image, mult uptakes	772	4.26	$219.05	$128.37	$43.81
78010	S	Thyroid imaging	771	3.81	$195.91	$117.29	$39.18
78011	S	Thyroid imaging with flow	771	3.81	$195.91	$117.29	$39.18
78015	S	Thyroid met imaging	771	3.81	$195.91	$117.29	$39.18
78016	S	Thyroid met imaging/studies	772	4.26	$219.05	$128.37	$43.81
[2]78017	S	Thyroid met imaging, mult	772	4.26	$219.05	$128.37	$43.81
78018	S	Thyroid, met imaging, body	772	4.26	$219.05	$128.37	$43.81
78070	S	Parathyroid nuclear imaging	772	4.26	$219.05	$128.37	$43.81
78075	S	Adrenal nuclear imaging	772	4.26	$219.05	$128.37	$43.81
78099	S	Endocrine nuclear procedure	761	1.80	$92.56	$54.01	$18.51
78102	S	Bone marrow imaging, ltd	771	3.81	$195.91	$117.29	$39.18
78103	S	Bone marrow imaging, mult	771	3.81	$195.91	$117.29	$39.18
78104	S	Bone marrow imaging, body	771	3.81	$195.91	$117.29	$39.18
78110	S	Plasma volume, single	761	1.80	$92.56	$54.01	$18.51
78111	S	Plasma volume, multiple	761	1.80	$92.56	$54.01	$18.51
78120	S	Red cell mass, single	761	1.80	$92.56	$54.01	$18.51
78121	S	Red cell mass, multiple	762	2.02	$103.87	$55.82	$20.77
78122	S	Blood volume	762	2.02	$103.87	$55.82	$20.77
78130	S	Red cell survival study	762	2.02	$103.87	$55.82	$20.77

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
78135	S	Red cell survival kinetics	762	2.02	$103.87	$55.82	$20 77
78140	S	Red cell sequestration	762	2.02	$103.87	$55.82	$20.77
78160	S	Plasma iron turnover	762	2.02	$103.87	$55.82	$20.77
78162	S	Iron absorption exam	762	2.02	$103.87	$55.82	$20.77
78170	S	Red cell iron utilization	762	2.02	$103.87	$55.82	$20.77
78172	S	Total body iron estimation	762	2.02	$103.87	$55.82	$20.77
78185	S	Spleen imaging	771	3.81	$195.91	$117.29	$39.18
78190	S	Platelet survival, kinetics	762	2.02	$103.87	$55.82	$20.77
78191	S	Platelet survival	762	2.02	$103.87	$55.82	$20.77
78195	S	Lymph system imaging	772	4.26	$219.05	$128.37	$43.81
78199	S	Blood/lymph nuclear exam	761	1.80	$92.56	$54.01	$18.51
78201	S	Liver imaging	771	3.81	$195.91	$117.29	$39.18
78202	S	Liver imaging with flow	771	3.81	$195.91	$117.29	$39.18
78205	S	Liver imaging (3D)	781	5.43	$279.21	$155.04	$55.84
78215	S	Liver and spleen imaging	771	3.81	$195.91	$117.29	$39.18
78216	S	Liver & spleen image, flow	771	3.81	$195.91	$117.29	$39.18
78220	S	Liver function study	772	4.26	$219.05	$128.37	$43.81
78223	S	Hepatobiliary imaging	772	4.26	$219.05	$128.37	$43.81
78230	S	Salivary gland imaging	771	3.81	$195.91	$117.29	$39.18
78231	S	Serial salivary imaging	771	3.81	$195.91	$117.29	$39.18
78232	S	Salivary gland function exam	772	4.26	$219.05	$128.37	$43.81
78258	S	Esophageal motility study	772	4.26	$219.05	$128.37	$43.81
78261	S	Gastric mucosa imaging	771	3.81	$195.91	$117.29	$39.18
78262	S	Gastroesophageal reflux exam	772	4.26	$219.05	$128.37	$43.81
78264	S	Gastric emptying study	772	4.26	$219.05	$128.37	$43.81
78270	S	Vit B-12 absorption exam	761	1.80	$92.56	$54.01	$18.51
78271	S	Vit B-12 absorp exam, IF	761	1.80	$92.56	$54.01	$18.51
78272	S	Vit B-12 absorp, combined	761	1.80	$92.56	$54.01	$18.51
78278	S	Acute GI blood loss imaging	772	4.26	$219.05	$128.37	$43.81
78282	S	GI protein loss exam	761	1.80	$92.56	$54.01	$18.51
78290	S	Meckel's divert exam	771	3.81	$195.91	$117.29	$39.18
78291	S	Leveen/shunt patency exam	772	4.26	$219.05	$128.37	$43.81
78299	S	GI nuclear procedure	761	1.80	$92.56	$54.01	$18.51
78300	S	Bone imaging, limited area	771	3.81	$195.91	$117.29	$39.18
78305	S	Bone imaging, multiple areas	771	3.81	$195.91	$117.29	$39.18
78306	S	Bone imaging, whole body	771	3.81	$195.91	$117.29	$39.18
78315	S	Bone imaging, 3 phase	772	4.26	$219.05	$128.37	$43.81
78320	S	Bone imaging (3D)	781	5.43	$279.21	$155.04	$55.84
78350	X	Bone mineral, single photon	700	0.80	$41.14	$22.37	$8.23
78351	E	Bone mineral, dual photon					
78399	S	Musculoskeletal nuclear exam	771	3.81	$195.91	$117.29	$39.18
78414	S	Non-imaging heart function	762	2.02	$103.87	$55.82	$20.77
78428	S	Cardiac shunt imaging	771	3.81	$195.91	$117.29	$39.18
78445	S	Vascular flow imaging	771	3.81	$195.91	$117.29	$39.18
78455	S	Venous thrombosis study	762	2.02	$103.87	$55.82	$20.77
78457	S	Venous thrombosis imaging	771	3.81	$195.91	$117.29	$39.18
78458	S	Ven thrombosis images, bilat	771	3.81	$195.91	$117.29	$39.18
78459	S	Heart muscle imaging (PET)	760	14.89	$765.64	$419.46	$153.13
78460	S	Heart muscle blood single	771	3.81	$195.91	$117.29	$39.18
78461	S	Heart muscle blood multiple	772	4.26	$219.05	$128.37	$43.81
78464	S	Heart image (3D) single	781	5.43	$279.21	$155.04	$55.84
78465	S	Heart image (3D) multiple	782	9.00	$462.78	$267.13	$92.56
78466	S	Heart infarct image	771	3.81	$195.91	$117.29	$39.18
78468	S	Heart infarct image, EF	772	4.26	$219.05	$128.37	$43.81
78469	S	Heart infarct image (3D)	781	5.43	$279.21	$155.04	$55.84
78472	S	Gated heart, planar single	772	4.26	$219.05	$128.37	$43.81
78473	S	Gated heart, multiple	772	4.26	$219.05	$128.37	$43.81
78478	S	Heart wall motion add-on	771	3.81	$195.91	$117.29	$39.18
78480	S	Heart function add-on	771	3.81	$195.91	$117.29	$39.18
78481	S	Heart first pass single	771	3.81	$195.91	$117.29	$39.18
78483	S	Heart first pass multiple	772	4.26	$219.05	$128.37	$43.81
78491	E	Heart image (pet) single					
78492	E	Heart image (pet) multiple					
78499	S	Cardiovascular nuclear exam	762	2.02	$103.87	$55.82	$20.77
78580	S	Lung perfusion imaging	771	3.81	$195.91	$117.29	$39.18
78584	S	Lung V/Q image single breath	772	4.26	$219.05	$128.37	$43.81
78585	S	Lung V/Q imaging	772	4.26	$219.05	$128.37	$43.81
78586	S	Aerosol lung image, single	771	3.81	$195.91	$117.29	$39.18
78587	S	Aerosol lung image, multiple	771	3.81	$195.91	$117.29	$39.18
78591	S	Vent image, 1 breath, 1 proj	771	3.81	$195.91	$117.29	$39.18
78593	S	Vent image, 1 proj, gas	771	3.81	$195.91	$117.29	$39.18
78594	S	Vent image, mult proj, gas	772	4.26	$219.05	$128.37	$43.81
78596	S	Lung differential function	772	4.26	$219.05	$128.37	$43.81
78599	S	Respiratory nuclear exam	771	3.81	$195.91	$117.29	$39.18
78600	S	Brain imaging, ltd static	771	3.81	$195.91	$117.29	$39.18

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
78601	S	Brain ltd imaging & flow	771	3.81	$195.91	$117.29	$39.18
78605	S	Brain imaging, complete	771	3.81	$195.91	$117.29	$39.18
78606	S	Brain imaging comp & flow	772	4.26	$219.05	$128.37	$43.81
78607	S	Brain imaging (3D)	781	5.43	$279.21	$155.04	$55.84
78608	S	Brain imaging (PET)	760	14.89	$765.64	$419.46	$153.13
78609	S	Brain imaging (PET)	760	14.89	$765.64	$419.46	$153.13
78610	S	Brain flow imaging only	771	3.81	$195.91	$117.29	$39.18
78615	S	Cerebral blood flow imaging	772	4.26	$219.05	$128.37	$43.81
78630	S	Cerebrospinal fluid scan	772	4.26	$219.05	$128.37	$43.81
78635	S	CSF ventriculography	772	4.26	$219.05	$128.37	$43.81
78645	S	CSF shunt evaluation	772	4.26	$219.05	$128.37	$43.81
78647	S	Cerebrospinal fluid scan	781	5.43	$279.21	$155.04	$55.84
78650	S	CSF leakage imaging	772	4.26	$219.05	$128.37	$43.81
78660	S	Nuclear exam of tear flow	771	3.81	$195.91	$117.29	$39.18
78699	S	Nervous system nuclear exam	771	3.81	$195.91	$117.29	$39.18
78700	S	Kidney imaging, static	771	3.81	$195.91	$117.29	$39.18
78701	S	Kidney imaging with flow	771	3.81	$195.91	$117.29	$39.18
78704	S	Imaging renogram	771	3.81	$195.91	$117.29	$39.18
78707	S	Kidney flow & function image	771	3.81	$195.91	$117.29	$39.18
78708	S	Kidney flow & function image	772	4.26	$219.05	$128.37	$43.81
78709	S	Kidney flow & function image	772	4.26	$219.05	$128.37	$43.81
78710	S	Kidney imaging (3D)	781	5.43	$279.21	$155.04	$55.84
78715	S	Renal vascular flow exam	771	3.81	$195.91	$117.29	$39.18
78725	S	Kidney function study	761	1.80	$92.56	$54.01	$18.51
78730	S	Urinary bladder retention	771	3.81	$195.91	$117.29	$39.18
78740	S	Ureteral reflux study	772	4.26	$219.05	$128.37	$43.81
78760	S	Testicular imaging	771	3.81	$195.91	$117.29	$39.18
78761	S	Testicular imaging & flow	771	3.81	$195.91	$117.29	$39.18
78799	S	Genitourinary nuclear exam	771	3.81	$195.91	$117.29	$39.18
78800	S	Tumor imaging, limited area	772	4.26	$219.05	$128.37	$43.81
78801	S	Tumor imaging, mult areas	772	4.26	$219.05	$128.37	$43.81
78802	S	Tumor imaging, whole body	772	4.26	$219.05	$128.37	$43.81
78803	S	Tumor imaging (3D)	782	9.00	$462.78	$267.13	$92.56
78805	S	Abscess imaging, ltd area	772	4.26	$219.05	$128.37	$43.81
78806	S	Abscess imaging, whole body	772	4.26	$219.05	$128.37	$43.81
78807	S	Nuclear localization/abscess	782	9.00	$462.78	$267.13	$92.56
78810	S	Tumor imaging (PET)	760	14.89	$765.64	$419.46	$153.13
78890	N	Nuclear medicine data proc					
78891	N	Nuclear med data proc					
78990	N	Provide diag radionuclide(s)					
78999	S	Nuclear diagnostic exam	761	1.80	$92.56	$54.01	$18.51
79000	S	Intial hyperthyroid therapy	792	4.81	$247.33	$143.06	$49.47
79001	S	Repeat hyperthyroid therapy	791	14.74	$757.93	$539.91	$151.59
79020	S	Thyroid ablation	792	4.81	$247.33	$143.06	$49.47
79030	S	Thyroid ablation, carcinoma	792	4.81	$247.33	$143.06	$49.47
79035	S	Thyroid metastatic therapy	792	4.81	$247.33	$143.06	$49.47
79100	S	Hematopoetic nuclear therapy	791	14.74	$757.93	$539.91	$151.59
79200	S	Intracavitary nuc treatment	792	4.81	$247.33	$143.06	$49.47
79300	S	Interstitial nuclear therapy	791	14.74	$757.93	$539.91	$151.59
79400	S	Nonhemato nuclear therapy	791	14.74	$757.93	$539.91	$151.59
79420	S	Intravascular nuc therapy	791	14.74	$757.93	$539.91	$151.59
79440	S	Nuclear joint therapy	791	14.74	$757.93	$539.91	$151.59
79900	N	Provide ther radiopharm(s)					
79999	S	Nuclear medicine therapy	791	14.74	$757.93	$539.91	$151.59
80049	A	Metabolic panel, basic					
80050	A	General health panel					
80051	A	Electrolyte panel					
80054	A	Comprehen metabolic panel					
80055	A	Obstetric panel					
80058	A	Hepatic function panel					
80059	A	Hepatitis panel					
80061	A	Lipid panel					
80072	A	Arthritis panel					
80090	A	Torch antibody panel					
80091	A	Thyroid panel					
80092	A	Thyroid panel w/TSH					
80100	A	Drug screen					
80101	A	Drug screen					
80102	A	Drug confirmation					
80103	N	Drug analysis, tissue prep					
80150	A	Assay of amikacin					
80152	A	Assay of amitriptyline					
80154	A	Assay of benzodiazepines					
80156	A	Assay carbamazepine					
80158	A	Assay of cyclosporine					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
80160	A	Assay of desipramine					
80162	A	Assay for digoxin					
80164	A	Assay, dipropylacetic acid					
80166	A	Assay of doxepin					
80168	A	Assay of ethosuximide					
80170	A	Gentamicin					
80172	A	Assay for gold					
80174	A	Assay of imipramine					
80176	A	Assay for lidocaine					
80178	A	Assay for lithium					
80182	A	Assay for nortriptyline					
80184	A	Assay for phenobarbital					
80185	A	Assay for phenytoin					
80186	A	Assay for phenytoin, free					
80188	A	Assay for primidone					
80190	A	Assay for procainamide					
80192	A	Assay for procainamide					
80194	A	Assay for quinidine					
80196	A	Assay for salicylate					
80197	A	Assay for tacrolimus					
80198	A	Assay for theophylline					
80200	A	Assay for tobramycin					
80201	A	Assay for topiramate					
80202	A	Assay for vancomycin					
80299	A	Quantitative assay, drug					
80400	A	Acth stimulation panel					
80402	A	Acth stimulation panel					
80406	A	Acth stimulation panel					
80408	A	Aldosterone suppression eval					
80410	A	Calcitonin stimul panel					
80412	A	CRH stimulation panel					
80414	A	Testosterone response					
80415	A	Estradiol response panel					
80416	A	Renin stimulation panel					
80417	A	Renin stimulation panel					
80418	A	Pituitary evaluation panel					
80420	A	Dexamethasone panel					
80422	A	Glucagon tolerance panel					
80424	A	Glucagon tolerance panel					
80426	A	Gonadotropin hormone panel					
80428	A	Growth hormone panel					
80430	A	Growth hormone panel					
80432	A	Insulin suppression panel					
80434	A	Insulin tolerance panel					
80435	A	Insulin tolerance panel					
80436	A	Metyrapone panel					
80438	A	TRH stimulation panel					
80439	A	TRH stimulation panel					
80440	A	TRH stimulation panel					
80500	X	Lab pathology consultation	882	0.39	$20.05	$11.75	$4.01
80502	X	Lab pathology consultation	882	0.39	$20.05	$11.75	$4.01
81000	A	Urinalysis, nonauto, w/scope					
81001	A	Urinalysis, auto, w/scope					
81002	A	Urinalysis nonauto w/o scope					
81003	A	Urinalysis, auto, w/o scope					
81005	A	Urinalysis					
81007	A	Urine screen for bacteria					
81015	A	Microscopic exam of urine					
81020	A	Urinalysis, glass test					
81025	A	Urine pregnancy test					
81050	A	Urinalysis, volume measure					
81099	A	Urinalysis test procedure					
82000	A	Assay blood acetaldehyde					
82003	A	Assay acetaminophen					
82009	A	Test for acetone/ketones					
82010	A	Acetone assay					
82013	A	Acetylcholinesterase assay					
82024	A	ACTH					
82030	A	ADP & AMP					
82040	A	Assay serum albumin					
82042	A	Assay urine albumin					
82043	A	Microalbumin, quantitative					
82044	A	Microalbumin, semiquant					
82055	A	Assay ethanol					
82075	A	Assay breath ethanol					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
82085	A	Assay of aldolase					
82088	A	Aldosterone					
82101	A	Assay of urine alkaloids					
82103	A	Alpha-1-antitrypsin, total					
82104	A	Alpha-1-antitrypsin, pheno					
82105	A	Alpha-fetoprotein, serum					
82106	A	Alpha-fetoprotein; amniotic					
82108	A	Assay, aluminum					
82128	A	Amino acids, mult qual					
[2] 82130	A	Amino acids analysis					
82131	A	Amino acids, single quant					
82135	A	Assay, aminolevulinic acid					
82140	A	Assay of ammonia					
82143	A	Amniotic fluid scan					
82145	A	Assay of amphetamines					
82150	A	Assay of amylase					
82154	A	Androstanediol glucuronide					
82157	A	Assay of androstenedione					
82160	A	Androsterone assay					
82163	A	Assay of angiotensin II					
82164	A	Angiotensin I enzyme test					
82172	A	Apolipoprotein					
82175	A	Assay of arsenic					
82180	A	Assay of ascorbic acid					
82190	A	Atomic absorption					
82205	A	Assay of barbiturates					
82232	A	Beta-2 protein					
82239	A	Bile acids, total					
82240	A	Bile acids, cholylglycine					
[2] 82250	A	Assay bilirubin					
82251	A	Assay bilirubin					
82252	A	Fecal bilirubin test					
82270	A	Test feces for blood					
82273	A	Test for blood, other source					
82286	A	Assay of bradykinin					
82300	A	Assay cadmium					
82306	A	Assay of vitamin D					
82307	A	Assay of vitamin D					
82308	A	Assay of calcitonin					
82310	A	Assay calcium					
82330	A	Assay calcium					
82331	A	Calcium infusion test					
82340	A	Assay calcium in urine					
82355	A	Calculus (stone) analysis					
82360	A	Calculus (stone) assay					
82365	A	Calculus (stone) assay					
82370	A	X-ray assay,calculus (stone)					
82374	A	Assay blood carbon dioxide					
82375	A	Assay blood carbon monoxide					
82376	A	Test for carbon monoxide					
82378	A	Carcinoembryonic antigen					
82380	A	Assay carotene					
82382	A	Assay urine catecholamines					
82383	A	Assay blood catecholamines					
82384	A	Assay three catecholamines					
82387	A	Cathepsin-D					
82390	A	Assay ceruloplasmin					
82397	A	Chemiluminescent assay					
82415	A	Assay chloramphenicol					
82435	A	Assay blood chloride					
82436	A	Assay urine chloride					
82438	A	Assay other fluid chlorides					
82441	A	Test for chlorohydrocarbons					
82465	A	Assay serum cholesterol					
82480	A	Assay serum cholinesterase					
82482	A	Assay rbc cholinesterase					
82485	A	Assay chondroitin sulfate					
82486	A	Gas/liquid chromatography					
82487	A	Paper chromatography					
82488	A	Paper chromatography					
82489	A	Thin layer chromatography					
82491	A	Chromotography, quantitative					
82495	A	Assay chromium					
82507	A	Assay citrate					
82520	A	Assay for cocaine					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
82523	A	Collagen crosslinks					
82525	A	Assay copper					
82528	A	Assay corticosterone					
82530	A	Cortisol, free					
82533	A	Total cortisol					
82540	A	Assay creatine					
82550	A	Assay CK (CPK)					
82552	A	Assay CPK in blood					
82553	A	Creatine, MB fraction					
82554	A	Creatine, isoforms					
82565	A	Assay creatinine					
82570	A	Assay urine creatinine					
82575	A	Creatinine clearance test					
82585	A	Assay cryofibrinogen					
82595	A	Assay cryoglobulin					
82600	A	Assay cyanide					
82607	A	Vitamin B-12					
82608	A	B-12 binding capacity					
82615	A	Test for urine cystines					
82626	A	Dehydroepiandrosterone					
82627	A	Dehydroepiandrosterone					
82633	A	Desoxycorticosterone					
82634	A	Deoxycortisol					
82638	A	Assay dibucaine number					
82646	A	Assay of dihydrocodeinone					
82649	A	Assay of dihydromorphinone					
82651	A	Dihydrotestosterone assay					
82652	A	Assay, dihydroxyvitamin D					
82654	A	Assay of dimethadione					
82664	A	Electrophoretic test					
82666	A	Epiandrosterone assay					
82668	A	Erythropoietin					
82670	A	Estradiol					
82671	A	Estrogens assay					
82672	A	Estrogen assay					
82677	A	Estriol					
82679	A	Estrone					
82690	A	Ethchlorvynol					
82693	A	Ethylene glycol					
82696	A	Etiocholanolone					
82705	A	Fats/lipids,feces,qualitativ					
82710	A	Fats/lipids,feces,quantitati					
82715	A	Fecal fat assay					
82725	A	Assay blood fatty acids					
82728	A	Assay ferritin					
82735	A	Assay fluoride					
82742	A	Assay of flurazepam					
82746	A	Blood folic acid serum					
82747	A	Folic acid, RBC					
82757	A	Assay semen fructose					
82759	A	RBC galactokinase assay					
82760	A	Assay galactose					
82775	A	Assay galactose transferase					
82776	A	Galactose transferase test					
82784	A	Assay gammaglobulin IgM					
82785	A	Assay, gammaglobulin IgE					
82787	A	IgG1, 2, 3 and 4					
82800	A	Blood pH					
82803	A	Blood gases: pH, pO2 & pCO2					
82805	A	Blood gases W/02 saturation					
82810	A	Blood gases, O2 sat only					
82820	A	Hemoglobin-oxygen affinity					
82926	A	Assay gastric acid					
82928	A	Assay gastric acid					
82938	A	Gastrin test					
82941	A	Assay of gastrin					
82943	A	Assay of glucagon					
82946	A	Glucagon tolerance test					
82947	A	Assay quantitative, glucose					
82948	A	Reagent strip/blood glucose					
82950	A	Glucose test					
82951	A	Glucose tolerance test (GTT)					
82952	A	GTT-added samples					
82953	A	Glucose-tolbutamide test					
82955	A	Assay G6PD enzyme					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
82960	A	Test for G6PD enzyme					
82962	A	Glucose blood test					
82963	A	Glucosidase assay					
82965	A	Assay GDH enzyme					
82975	A	Assay glutamine					
82977	A	Assay of GGT					
82978	A	Glutathione assay					
82979	A	Assay RBC glutathione enzyme					
82980	A	Assay of glutethimide					
82985	A	Glycated protein					
83001	A	Gonadotropin (FSH)					
83002	A	Gonadotropin (LH)					
83003	A	Assay growth hormone (HGH)					
83008	A	Assay guanosine					
83010	A	Quant assay haptoglobin					
83012	A	Assay haptoglobins					
83015	A	Heavy metal screen					
83018	A	Quantitative screen, metals					
[2] 83019	A	Breath isotope test					
83020	A	Hemoglobin electrophoresis					
83026	A	Hemoglobin, copper sulfate					
83030	A	Fetal hemoglobin assay					
83033	A	Fetal fecal hemoglobin assay					
83036	A	Glycated hemoglobin test					
83045	A	Blood methemoglobin test					
83050	A	Blood methemoglobin assay					
83051	A	Assay plasma hemoglobin					
83055	A	Blood sulfhemoglobin test					
83060	A	Blood sulfhemoglobin assay					
83065	A	Hemoglobin heat assay					
83068	A	Hemoglobin stability screen					
83069	A	Assay urine hemoglobin					
83070	A	Qualt assay hemosiderin					
83071	A	Quant assay of hemosiderin					
83088	A	Assay histamine					
83150	A	Assay for HVA					
83491	A	Assay of corticosteroids					
83497	A	Assay 5-HIAA					
83498	A	Assay of progesterone					
83499	A	Assay of progesterone					
83500	A	Assay free hydroxyproline					
83505	A	Assay total hydroxyproline					
83516	A	Immunoassay, non antibody					
83518	A	Immunoassay, dipstick					
83519	A	Immunoassay nonantibody					
83520	A	Immunoassay, RIA					
83525	A	Assay of insulin					
83527	A	Assay of insulin					
83528	A	Assay intrinsic factor					
83540	A	Assay iron					
83550	A	Iron binding test					
83570	A	Assay IDH enzyme					
83582	A	Assay ketogenic steroids					
83586	A	Assay 17-(17-KS)ketosteroids					
83593	A	Fractionation ketosteroids					
83605	A	Lactic acid assay					
83615	A	Lactate (LD) (LDH) enzyme					
83625	A	Assay LDH enzymes					
83632	A	Placental lactogen					
83633	A	Test urine for lactose					
83634	A	Assay urine for lactose					
83655	A	Assay for lead					
83661	A	Assay L/S ratio					
83662	A	L/S ratio, foam stability					
83670	A	Assay LAP enzyme					
83690	A	Assay lipase					
83715	A	Assay blood lipoproteins					
[2] 83717	A	Assay blood lipoproteins					
83718	A	Blood lipoprotein assay					
83719	A	Blood lipoprotein assay					
83721	A	Blood lipoprotein assay					
83727	A	LRH hormone assay					
83735	A	Assay magnesium					
83775	A	Assay of md enzyme					
83785	A	Assay of manganese					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
83805	A	Assay of meprobamate					
83825	A	Assay mercury					
83835	A	Assay metanephrines					
83840	A	Assay methadone					
83857	A	Assay methemalbumin					
83858	A	Assay methsuximide					
83864	A	Mucopolysaccharides					
83866	A	Mucopolysaccharides screen					
83872	A	Assay synovial fluid mucin					
83873	A	Assay, CSF protein					
83874	A	Myoglobin					
83883	A	Nephelometry, not specified					
83885	A	Assay for nickel					
83887	A	Assay nicotine					
83890	A	Molecule isolate					
83892	A	Molecular diagnostics					
83894	A	Molecule gel electrophor					
83896	A	Molecular diagnostics					
83898	A	Molecule nucleic amp					
83902	A	Molecular diagnostics					
83912	A	Genetic examination					
83915	A	Assay nucleotidase					
83916	A	Oligoclonal bands					
83918	A	Assay organic acids quant					
83925	A	Opiates					
83930	A	Assay blood osmolality					
83935	A	Assay urine osmolality					
83937	A	Assay for osteocalcin					
83945	A	Assay oxalate					
83970	A	Assay of parathormone					
83986	A	Assay body fluid acidity					
83992	A	Assay for phencyclidine					
84022	A	Assay of phenothiazine					
84030	A	Assay blood PKU					
84035	A	Assay phenylketones					
84060	A	Assay acid phosphatase					
84061	A	Phosphatase, forensic exam					
84066	A	Assay prostate phosphatase					
84075	A	Assay alkaline phosphatase					
84078	A	Assay alkaline phosphatase					
84080	A	Assay alkaline phosphatases					
84081	A	Amniotic fluid enzyme test					
84085	A	Assay RBC PG6D enzyme					
84087	A	Assay phosphohexose enzymes					
84100	A	Assay phosphorus					
84105	A	Assay urine phosphorus					
84106	A	Test for porphobilinogen					
84110	A	Assay porphobilinogen					
84119	A	Test urine for porphyrins					
84120	A	Assay urine porphyrins					
84126	A	Assay feces porphyrins					
84127	A	Porphyrins, feces					
84132	A	Assay serum potassium					
84133	A	Assay urine potassium					
84134	A	Prealbumin					
84135	A	Assay pregnanediol					
84138	A	Assay pregnanetriol					
84140	A	Assay for pregnenolone					
84143	A	Assay/17-hydroxypregnenolone					
84144	A	Assay progesterone					
84146	A	Assay for prolactin					
84150	A	Assay of prostaglandin					
84153	A	Psa total					
84155	A	Assay protein					
84160	A	Assay serum protein					
84165	A	Assay serum proteins					
84181	A	Western blot test					
84182	A	Protein, western blot test					
84202	A	Assay RBC protoporphyrin					
84203	A	Test RBC protoporphyrin					
84206	A	Assay of proinsulin					
84207	A	Assay vitamin B-6					
84210	A	Assay pyruvate					
84220	A	Assay pyruvate kinase					
84228	A	Assay quinine					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
84233	A	Assay estrogen					
84234	A	Assay progesterone					
84235	A	Assay endocrine hormone					
84238	A	Assay non-endocrine receptor					
84244	A	Assay of renin					
84252	A	Assay vitamin B-2					
84255	A	Assay selenium					
84260	A	Assay serotonin					
84270	A	Sex hormone globulin (SHBG)					
84275	A	Assay sialic acid					
84285	A	Assay silica					
84295	A	Assay serum sodium					
84300	A	Assay urine sodium					
84305	A	Somatomedin					
84307	A	Somatostatin					
84311	A	Spectrophotometry					
84315	A	Body fluid specific gravity					
84375	A	Chromatogram assay, sugars					
84392	A	Assay urine sulfate					
84402	A	Testosterone					
84403	A	Assay total testosterone					
84425	A	Assay vitamin B-1					
84430	A	Assay thiocyanate					
84432	A	Thyroglobulin					
84436	A	Assay, total thyroxine					
84437	A	Assay neonatal thyroxine					
84439	A	Assay, free thyroxine					
84442	A	Thyroid activity (TBG) assay					
84443	A	Assay thyroid stim hormone					
84445	A	Thyroid immunoglobulins TSI					
84446	A	Assay vitamin E					
84449	A	Assay for transcortin					
84450	A	Transferase (AST) (SGOT)					
84460	A	Alanine amino (ALT) (SGPT)					
84466	A	Transferrin					
84478	A	Assay triglycerides					
84479	A	Assay thyroid (t-3 or t-4)					
84480	A	Assay triiodothyronine (t-3)					
84481	A	Free assay (FT-3)					
84482	A	T3 reverse					
84484	A	Troponin, quant					
84485	A	Assay duodenal fluid trypsin					
84488	A	Test feces for trypsin					
84490	A	Assay feces for trypsin					
84510	A	Assay tyrosine					
84512	A	Troponin, qual					
84520	A	Assay urea nitrogen					
84525	A	Urea nitrogen semi-quant					
84540	A	Assay urine urea-N					
84545	A	Urea-N clearance test					
84550	A	Assay blood uric acid					
84560	A	Assay urine uric acid					
84577	A	Assay feces urobilinogen					
84578	A	Test urine urobilinogen					
84580	A	Assay urine urobilinogen					
84583	A	Assay urine urobilinogen					
84585	A	Assay urine VMA					
84586	A	VIP assay					
84588	A	Assay vasopressin					
84590	A	Assay vitamin-A					
84597	A	Assay vitamin-K					
84600	A	Assay for volatiles					
84620	A	Xylose tolerance test					
84630	A	Assay zinc					
84681	A	Assay C-peptide					
84702	A	Chorionic gonadotropin test					
84703	A	Chorionic gonadotropin assay					
84830	A	Ovulation tests					
84999	A	Clinical chemistry test					
85002	A	Bleeding time test					
85007	A	Differential WBC count					
85008	A	Nondifferential WBC count					
85009	A	Differential WBC count					
85013	A	Hematocrit					
85014	A	Hematocrit					

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CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
85018	A	Hemoglobin					
85021	A	Automated hemogram					
85022	A	Automated hemogram					
85023	A	Automated hemogram					
85024	A	Automated hemogram					
85025	A	Automated hemogram					
85027	A	Automated hemogram					
[2]85029	A	Automated hemogram					
[2]85030	A	Automated hemogram					
85031	A	Manual hemogram,complete cbc					
85041	A	Red blood cell (RBC) count					
85044	A	Reticulocyte count					
85045	A	Reticulocyte count					
85048	A	White blood cell (WBC) count					
85060	X	Blood smear interpretation	882	0.39	$20.05	$11.75	$4.01
85095	S	Bone marrow aspiration	121	0.63	$32.39	$21.02	$6.48
85097	X	Bone marrow interpretation	882	0.39	$20.05	$11.75	$4.01
85102	S	Bone marrow biopsy	121	0.63	$32.39	$21.02	$6.48
85130	A	Chromogenic substrate assay					
85170	A	Blood clot retraction					
85175	A	Blood clot lysis time					
85210	A	Blood clot factor II test					
85220	A	Blood clot factor V test					
85230	A	Blood clot factor VII test					
85240	A	Blood clot factor VIII test					
85244	A	Blood clot factor VIII test					
85245	A	Blood clot factor VIII test					
85246	A	Blood clot factor VIII test					
85247	A	Blood clot factor VIII test					
85250	A	Blood clot factor IX test					
85260	A	Blood clot factor X test					
85270	A	Blood clot factor XI test					
85280	A	Blood clot factor XII test					
85290	A	Blood clot factor XIII test					
85291	A	Blood clot factor XIII test					
85292	A	Blood clot factor assay					
85293	A	Blood clot factor assay					
85300	A	Antithrombin III test					
85301	A	Antithrombin III test					
85302	A	Blood clot inhibitor antigen					
85303	A	Blood clot inhibitor test					
85305	A	Blood clot inhibitor assay					
85306	A	Blood clot inhibitor test					
85335	A	Factor inhibitor test					
85337	A	Thrombomodulin					
85345	A	Coagulation time					
85347	A	Coagulation time					
85348	A	Coagulation time					
85360	A	Euglobulin lysis					
85362	A	Fibrin degradation products					
85366	A	Fibrinogen test					
85370	A	Fibrinogen test					
85378	A	Fibrin degradation					
85379	A	Fibrin degradation					
85384	A	Fibrinogen					
85385	A	Fibrinogen					
85390	A	Fibrinolysins screen					
85400	A	Fibrinolytic plasmin					
85410	A	Fibrinolytic antiplasmin					
85415	A	Fibrinolytic plasminogen					
85420	A	Fibrinolytic plasminogen					
85421	A	Fibrinolytic plasminogen					
85441	A	Heinz bodies; direct					
85445	A	Heinz bodies; induced					
85460	A	Hemoglobin, fetal					
85461	A	Hemoglobin, fetal					
85475	A	Hemolysin					
85520	A	Heparin assay					
85525	A	Heparin					
85530	A	Heparin-protamine tolerance					
85535	A	Iron stain, blood cells					
85540	A	Wbc alkaline phosphatase					
85547	A	RBC mechanical fragility					
85549	A	Muramidase					
85555	A	RBC osmotic fragility					

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CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
85557	A	RBC osmotic fragility					
85576	A	Blood platelet aggregation					
85585	A	Blood platelet estimation					
85590	A	Platelet manual count					
85595	A	Platelet count, automated					
85597	A	Platelet neutralization					
85610	A	Prothrombin time					
85611	A	Prothrombin test					
85612	A	Viper venom prothrombin time					
85613	A	Russell viper venom, diluted					
85635	A	Reptilase test					
85651	A	Rbc sed rate, nonauto					
85652	A	Rbc sed rate, auto					
85660	A	RBC sickle cell test					
85670	A[2]	Thrombin time, plasma					
85675	A	Thrombin time, titer					
85705	A	Thromboplastin inhibition					
85730	A	Thromboplastin time, partial					
85732	A	Thromboplastin time, partial					
85810	A	Blood viscosity examination					
85999	A	Hematology procedure					
86000	A	Agglutinins; febrile					
86003	A	Allergen specific IgE					
86005	A	Allergen specific IgE					
86021	A	WBC antibody identification					
86022	A	Platelet antibodies					
86023	A	Immunoglobulin assay					
86038	A	Antinuclear antibodies					
86039	A	Antinuclear antibodies (ANA)					
86060	A	Antistreptolysin O titer					
86063	A	Antistreptolysin O screen					
86077	X	Physician blood bank service	882	0.39	$20.05	$11.75	$4.01
86078	X	Physician blood bank service	882	0.39	$20.05	$11.75	$4.01
86079	X	Physician blood bank service	882	0.39	$20.05	$11.75	$4.01
86140	A	C-reactive protein					
86147	A	Cardiolipin antibody					
86148	A	Phospholipid antibody					
86155	A	Chemotaxis assay					
86156	A	Cold agglutinin screen					
86157	A	Cold agglutinin, titer					
86160	A	Complement, antigen					
86161	A	Complement/function activity					
86162	A	Complement, total (CH50)					
86171	A	Complement fixation, each					
86185	A	Counterimmunoelectrophoresis					
86215	A	Deoxyribonuclease, antibody					
86225	A	DNA antibody					
86226	A	DNA antibody, single strand					
86235	A	Nuclear antigen antibody					
86243	A	Fc receptor					
86255	A	Fluorescent antibody; screen					
86256	A	Fluorescent antibody; titer					
86277	A	Growth hormone antibody					
86280	A	Hemagglutination inhibition					
86308	A	Heterophile antibodies					
86309	A	Heterophile antibodies					
86310	A	Heterophile antibodies					
86316	A	Immunoassay, tumor antigen					
86317	A	Immunoassay, infectious agent					
86318	A	Immunoassay, infectious agent					
86320	A	Serum immunoelectrophoresis					
86325	A	Other immunoelectrophoresis					
86327	A	Immunoelectrophoresis assay					
86329	A	Immunodiffusion					
86331	A	Immunodiffusion ouchterlony					
86332	A	Immune complex assay					
86334	A	Immunofixation procedure					
86337	A	Insulin antibodies					
86340	A	Intrinsic factor antibody					
86341	A	Islet cell antibody					
86343	A	Leukocyte histamine release					
86344	A	Leukocyte phagocytosis					
86353	A	Lymphocyte transformation					
86359	A	T cells, total count					
86360	A	T cell absolute count/ratio					

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CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
86361	A	T cell absolute count					
86376	A	Microsomal antibody					
86378	A	Migration inhibitory factor					
86382	A	Neutralization test, viral					
86384	A	Nitroblue tetrazolium dye					
86403	A	Particle agglutination test					
86406	A	Particle agglutination test					
86430	A	Rheumatoid factor test					
86431	A	Rheumatoid factor, quant					
86485	X	Skin test, candida	861	0.13	$6.68	$3.62	$1.34
86490	X	Coccidioidomycosis skin test	861	0.13	$6.68	$3.62	$1.34
86510	X	Histoplasmosis skin test	861	0.13	$6.68	$3.62	$1.34
86580	X	TB intradermal test	861	0.13	$6.68	$3.62	$1.34
86585	X	TB tine test	861	0.13	$6.68	$3.62	$1.34
86586	X	Skin test, unlisted	861	0.13	$6.68	$3.62	$1.34
86588	A	Streptocollus, direct screen					
86590	A	Streptokinase, antibody					
86592	A	Blood serology, qualitative					
86593	A	Blood serology, quantitative					
86602	A	Antinomyces antibody					
86603	A	Adenovirus, antibody					
86606	A	Aspergillus antibody					
86609	A	Bacterium, antibody					
86612	A	Blastomyces, antibody					
86615	A	Bordetella antibody					
86617	A	Lyme disease antibody					
86618	A	Lyme disease antibody					
86619	A	Borrelia antibody					
86622	A	Brucella, antibody					
86625	A	Campylobacter, antibody					
86628	A	Candida, antibody					
86631	A	Chlamydia, antibody					
86632	A	Chlamydia, IgM, antibody					
86635	A	Coccidioides, antibody					
86638	A	Q fever antibody					
86641	A	Cryptococcus antibody					
86644	A	CMV antibody					
86645	A	CMV antibody, IgM					
86648	A	Diphtheria antibody					
86651	A	Encephalitis antibody					
86652	A	Encephalitis antibody					
* 86653	A	Encephalitis, antibody					
86654	A	Encephalitis, antibody					
86658	A	Enterovirus, antibody					
86663	A	Epstein-barr antibody					
86664	A	Epstein-barr antibody					
86665	A	Epstein-barr, antibody					
86668	A	Francisella tularensis					
86671	A	Fungus, antibody					
86674	A	Giardia lamblia					
86677	A	Helicobacter pylori					
86682	A	Helminth, antibody					
86684	A	Hemophilus influenza					
86687	A	HTLV I					
86688	A	HTLV-II					
86689	A	HTLV/HIV confirmatory test					
86692	A	Hepatitis, delta agent					
86694	A	Herpes simplex test					
86695	A	Herpes simplex test					
86698	A	Histoplasma					
86701	A	HIV-1					
86702	A	HIV-2					
86703	A	HIV-1/HIV-2, single assay					
86704	A	Hep b core ab test, igg & m					
86705	A	Hep b core ab test, igm					
86706	A	Hepatitis b surface ab test					
86707	A	Hepatitis be ab test					
86708	A	Hep a ab test, igg & m					
86709	A	Hep a ab test, igm					
86710	A	Influenza virus					
86713	A	Legionella					
86717	A	Leishmania					
86720	A	Leptospira					
86723	A	Listeria monocytogenes					
86727	A	Lymph choriomeningitis					

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CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
86729	A	Lympho venereum					
86732	A	Mucormycosis					
86735	A	Mumps					
86738	A	Mycoplasma					
86741	A	Neisseria meningitidis					
86744	A	Nocardia					
86747	A	Parvovirus					
86750	A	Malaria					
86753	A	Protozoa, not elsewhere					
86756	A	Respiratory virus					
86759	A	Rotavirus					
86762	A	Rubella					
86765	A	Rubeola					
86768	A	Salmonella					
86771	A	Shigella					
86774	A	Tetanus					
86777	A	Toxoplasma					
86778	A	Toxoplasma, IgM					
86781	A	Treponema pallidum confirm					
86784	A	Trichinella					
86787	A	Varicella-zoster					
86790	A	Virus, not specified					
86793	A	Yersinia					
86800	A	Thyroglobulin antibody					
86803	A	Hepatitis c ab test					
86804	A	Hep c ab test, confirm					
86805	A	Lymphocytotoxicity assay					
86806	A	Lymphocytotoxicity assay					
86807	A	Cytotoxic antibody screening					
86808	A	Cytotoxic antibody screening					
86812	A	HLA typing, A, B, or C					
86813	A	HLA typing, A, B, or C					
86816	A	HLA typing, DR/DQ					
86817	A	HLA typing, DR/DQ					
86821	A	Lymphocyte culture, mixed					
86822	A	Lymphocyte culture, primed					
86849	A	Immunology procedure					
86850	A	RBC antibody screen					
86860	A	RBC antibody elution					
86870	A	RBC antibody identification					
86880	A	Coombs test					
86885	A	Coombs test					
86886	A	Coombs test					
86890	A	Autologous blood process					
86891	A	Autologous blood, op salvage					
86900	A	Blood typing, ABO					
86901	A	Blood typing, Rh (D)					
86903	A	Blood typing, antigen screen					
86904	A	Blood typing, patient serum					
86905	A	Blood typing, RBC antigens					
86906	A	Blood typing, Rh phenotype					
86910	E	Blood typing, paternity test					
86911	E	Blood typing, antigen system					
86915	A	Bone marrow					
86920	A	Compatibility test					
86921	A	Compatibility test					
86922	A	Compatibility test					
86927	A	Plasma, fresh frozen					
86930	A	Frozen blood prep					
86931	A	Frozen blood thaw					
86932	A	Frozen blood, freeze/thaw					
86940	A	Hemolysins/agglutinins auto					
86941	A	Hemolysins/agglutinins					
86945	A	Blood product/irradiation					
86950	A	Leukacyte transfusion					
86965	A	Pooling blood platelets					
86970	A	RBC pretreatment					
86971	A	RBC pretreatment					
86972	A	RBC pretreatment					
86975	A	RBC pretreatment, serum					
86976	A	RBC pretreatment, serum					
86977	A	RBC pretreatment, serum					
86978	A	RBC pretreatment, serum					
86985	A	Split blood or products					
86999	A	Transfusion procedure					

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CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
87001	A	Small animal inoculation					
87003	A	Small animal inoculation					
87015	A	Specimen concentration					
87040	A	Blood culture for bacteria					
87045	A	Stool culture for bacteria					
87060	A	Nose/throat culture,bacteria					
87070	A	Culture specimen, bacteria					
87072	A	Culture of specimen by kit					
87075	A	Culture specimen, bacteria					
87076	A	Bacteria identification					
87081	A	Bacteria culture screen					
87082	A	Culture of specimen by kit					
87083	A	Culture of specimen by kit					
87084	A	Culture of specimen by kit					
87085	A	Culture of specimen by kit					
87086	A	Urine culture, colony count					
87087	A	Urine bacteria culture					
87088	A	Urine bacteria culture					
87101	A	Skin fungus culture					
87102	A	Fungus isolation culture					
87103	A	Blood fungus culture					
87106	A	Fungus identification					
87109	A	Mycoplasma culture					
87110	A	Culture, chlamydia					
87116	A	Mycobacteria culture					
87117	A	Mycobacteria culture					
87118	A	Mycobacteria identification					
87140	A	Culture typing, fluorescent					
87143	A	Culture typing, GLC method					
87145	A	Culture typing, phage method					
87147	A	Culture typing, serologic					
87151	A	Culture typing, serologic					
87155	A	Culture typing, precipitin					
87158	A	Culture typing, added method					
87163	A	Special microbiology culture					
87164	A	Dark field examination					
87166	A	Dark field examination					
87174	A	Endotoxin, bacterial					
87175	A	Assay, endotoxin, bacterial					
87176	A	Endotoxin, bacterial					
87177	A	Ova and parasites smears					
87181	A	Antibiotic sensitivity, each					
87184	A	Antibiotic sensitivity, each					
87186	A	Antibiotic sensitivity, MIC					
87187	A	Antibiotic sensitivity, MBC					
87188	A	Antibiotic sensitivity, each					
87190	A	TB antibiotic sensitivity					
87192	A	Antibiotic sensitivity, each					
87197	A	Bactericidal level, serum					
87205	A	Smear, stain & interpret					
87206	A	Smear, stain & interpret					
87207	A	Smear, stain & interpret					
87208	A	Smear, stain & interpret					
87210	A	Smear, stain & interpret					
87211	A	Smear, stain & interpret					
87220	A	Tissue exam for fungi					
87230	A	Assay, toxin or antitoxin					
87250	A	Virus inoculation for test					
87252	A	Virus inoculation for test					
87253	A	Virus inoculation for test					
87260	A	Adenovirus ag, dfa					
87265	A	Pertussis ag, dfa					
87270	A	Chylmd trach ag, dfa					
87272	A	Cryptosporidum ag, dfa					
87274	A	Herpes simplex ag, dfa					
87276	A	Influenza ag, dfa					
87278	A	Legion pneumo ag, dfa					
87280	A	Resp syncytial ag, dfa					
87285	A	Trepon pallidum ag, dfa					
87290	A	Varicella ag, dfa					
87299	A	Ag detection nos, dfa					
87301	A	Adenovirus ag, eia					
87320	A	Chylmd trach ag, eia					
87324	A	Clostridium ag, eia					
87328	A	Cryptospor ag, eia					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
87332	A	Cytomegalovirus ag, eia					
87335	A	E coli 0157 ag, eia					
87340	A	Hepatitis b surface ag, eia					
87350	A	Hepatitis b ag, eia					
87380	A	Hepatitis delta ag, eia					
87385	A	Histoplasma capsul ag, eia					
87390	A	Hiv-1 ag, eia					
87391	A	Hiv-2 ag, eia					
87420	A	Resp syncytial ag, eia					
87425	A	Rotavirus ag, eia					
87430	A	Strep a ag, eia					
87449	A	Ag detect nos, eia, mult					
87450	A	Ag detect nos, eia, single					
87470	A	Bartonella, dna, dir probe					
87471	A	Bartonella, dna, amp probe					
87472	A	Bartonella, dna, quant					
87475	A	Lyme dis, dna, dir probe					
87476	A	Lyme dis, dna, amp probe					
87477	A	Lyme dis, dna, quant					
87480	A	Candida, dna, dir probe					
87481	A	Candida, dna, amp probe					
87482	A	Candida, dna, quant					
87485	A	Chylmd pneum, dna, dir probe					
87486	A	Chylmd pneum, dna, amp probe					
87487	A	Chylmd pneum, dna, quant					
87490	A	Chylmd trach, dna, dir probe					
87491	A	Chylmd trach, dna, amp probe					
87492	A	Chylmd trach, dna, quant					
87495	A	Cytomeg, dna, dir probe					
87496	A	Cytomeg, dna, amp probe					
87497	A	Cytomeg, dna, quant					
87510	A	Gardner vag, dna, dir probe					
87511	A	Gardner vag, dna, amp probe					
87512	A	Gardner vag, dna, quant					
87515	A	Hepatitis b, dna, dir probe					
87516	A	Hepatitis b, dna, amp probe					
87517	A	Hepatitis b, dna, quant					
87520	A	Hepatitis c, rna, dir probe					
87521	A	Hepatitis c, rna, amp probe					
87522	A	Hepatitis c, rna, quant					
87525	A	Hepatitis g, dna, dir probe					
87526	A	Hepatitis g, dna, amp probe					
87527	A	Hepatitis g, dna, quant					
87528	A	Hsv, dna, dir probe					
87529	A	Hsv, dna, amp probe					
87530	A	Hsv, dna, quant					
87531	A	Hhv-6, dna, dir probe					
87532	A	Hhv-6, dna, amp probe					
87533	A	Hhv-6, dna, quant					
87534	A	Hiv-1, dna, dir probe					
87535	A	Hiv-1, dna, amp probe					
87536	A	Hiv-1, dna, quant					
87537	A	Hiv-2, dna, dir probe					
87538	A	Hiv-2, dna, amp probe					
87539	A	Hiv-2, dna, quant					
87540	A	Legion pneumo, dna, dir prob					
87541	A	Legion pneumo, dna, amp prob					
87542	A	Legion pneumo, dna, quant					
87550	A	Mycobacteria, dna, dir probe					
87551	A	Mycobacteria, dna, amp probe					
87552	A	Mycobacteria, dna, quant					
87555	A	M.tuberculo, dna, dir probe					
87556	A	M.tuberculo, dna, amp probe					
87557	A	M.tuberculo, dna, quant					
87560	A	M.avium-intra, dna, dir prob					
87561	A	M.avium-intra, dna, amp prob					
87562	A	M.avium-intra, dna, quant					
87580	A	M.pneumon, dna, dir probe					
87581	A	M.pneumon, dna, amp probe					
87582	A	M.pneumon, dna, quant					
87590	A	N.gonorrhoeae, dna, dir prob					
87591	A	N.gonorrhoeae, dna, amp prob					
87592	A	N.gonorrhoeae, dna, quant					
87620	A	Hpv, dna, dir probe					
87621	A	Hpv, dna, amp probe					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
87622	A	Hpv, dna, quant					
87650	A	Strep a, dna, dir probe					
87651	A	Strep a, dna, amp probe					
87652	A	Strep a, dna, quant					
87797	A	Detect agent nos, dna, dir					
87798	A	Detect agent nos, dna, amp					
87799	A	Detect agent nos, dna, quant					
87810	A	Chylmd trach assay w/optic					
87850	A	N. gonorrhoeae assay w/optic					
87880	A	Strep a assay w/optic					
87899	A	Agent nos assay w/optic					
87999	A	Microbiology procedure					
88000	E	Autopsy (necropsy), gross					
88005	E	Autopsy (necropsy), gross					
88007	E	Autopsy (necropsy), gross					
88012	E	Autopsy (necropsy), gross					
88014	E	Autopsy (necropsy), gross					
88016	E	Autopsy (necropsy), gross					
88020	E	Autopsy (necropsy), complete					
88025	E	Autopsy (necropsy), complete					
88027	E	Autopsy (necropsy), complete					
88028	E	Autopsy (necropsy), complete					
88029	E	Autopsy (necropsy), complete					
88036	E	Limited autopsy					
88037	E	Limited autopsy					
88040	E	Forensic autopsy (necropsy)					
88045	E	Coroner's autopsy (necropsy)					
88099	E	Necropsy (autopsy) procedure					
88104	X	Cytopathology, fluids	882	0.39	$20.05	$11.75	$4.01
88106	X	Cytopathology, fluids	882	0.39	$20.05	$11.75	$4.01
88107	X	Cytopathology, fluids	882	0.39	$20.05	$11.75	$4.01
88108	X	Cytopath, concentrate tech	882	0.39	$20.05	$11.75	$4.01
88125	X	Forensic cytopathology	881	0.22	$11.31	$6.78	$2.26
88130	A	Sex chromatin identification					
88140	A	Sex chromatin identification					
88141	N	Cytpath c/vag interpret					
88142	A	Cytpath c/vag t/layer					
88150	A	Cytpath c/vag manual					
88152	A	Cytpath c/vag auto redo					
88155	A	Cytpath c/vag index add-on					
[2] 88156	A	Cytopath cerv/vag tbs					
[2] 88158	A	Cytopath cerv/vag tbs auto					
88160	X	Cytopath smear, other source	882	0.39	$20.05	$11.75	$4.01
88161	X	Cytopath smear, other source	882	0.39	$20.05	$11.75	$4.01
88162	X	Cytopath smear, other source	882	0.39	$20.05	$11.75	$4.01
88170	S	Fine needle aspiration	121	0.63	$32.39	$21.02	$6.48
88171	S.	Fine needle aspiration	121	0.63	$32.39	$21.02	$6.48
88172	X	Evaluation of smear	882	0.39	$20.05	$11.75	$4.01
88173	X	Interpretation of smear	882	0.39	$20.05	$11.75	$4.01
88180	X	Cell marker study	882	0.39	$20.05	$11.75	$4.01
88182	X	Cell marker study	882	0.39	$20.05	$11.75	$4.01
88199	X	Cytopathology procedure	881	0.22	$11.31	$6.78	$2.26
88230	A	Tissue culture, lymphocyte					
88233	A	Tissue culture, skin/biopsy					
88235	A	Tissue culture, placenta					
88237	A	Tissue culture, bone marrow					
88239	A	Tissue culture, tumor					
88245	A	Chromosome analysis, 20-25					
88248	A	Chromosome analysis, 50-100					
[2] 88250	A	Chromosome analysis					
[2] 88260	A	Chromosome analysis: 5 cells					
88261	A	Chromosome analysis, 5					
88262	A	Chromosome analysis, 15-20					
88263	A	Chromosome analysis, 45					
88267	A	Chromosome analysis: placenta					
88269	A	Chromosome analysis: amniotic					
88280	A	Chromosome karyotype study					
88283	A	Chromosome banding study					
88285	A	Chromosome count: additional					
88289	A	Chromosome study: additional					
88299	A	Cytogenetic study					
88300	X	Surg path, gross	881	0.22	$11.31	$6.78	$2.26
88302	X	Tissue exam by pathologist	882	0.39	$20.05	$11.75	$4.01
88304	X	Tissue exam by pathologist	882	0.39	$20.05	$11.75	$4.01
88305	X	Tissue exam by pathologist	882	0.39	$20.05	$11.75	$4.01

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
88307	X	Tissue exam by pathologist	883	0.69	$35.48	$20.34	$7.10
88309	X	Tissue exam by pathologist	883	0.69	$35.48	$20.34	$7.10
88311	X	Decalcify tissue	881	0.22	$11.31	$6.78	$2.26
88312	X	Special stains	882	0.39	$20.05	$11.75	$4.01
88313	X	Special stains	881	0.22	$11.31	$6.78	$2.26
88314	X	Histochemical stain	882	0.39	$20.05	$11.75	$4.01
88318	X	Chemical histochemistry	882	0.39	$20.05	$11.75	$4.01
88319	X	Enzyme histochemistry	882	0.39	$20.05	$11.75	$4.01
88321	X	Microslide consultation	882	0.39	$20.05	$11.75	$4.01
88323	X	Microslide consultation	882	0.39	$20.05	$11.75	$4.01
88325	X	Comprehensive review of data	882	0.39	$20.05	$11.75	$4.01
88329	X	Pathology consult in surgery	882	0.39	$20.05	$11.75	$4.01
88331	X	Pathology consult in surgery	882	0.39	$20.05	$11.75	$4.01
88332	X	Pathology consult in surgery	882	0.39	$20.05	$11.75	$4.01
88342	X	Immunocytochemistry	882	0.39	$20.05	$11.75	$4.01
88346	X	Immunofluorescent study	882	0.39	$20.05	$11.75	$4.01
88347	X	Immunofluorescent study	882	0.39	$20.05	$11.75	$4.01
88348	X	Electron microscopy	883	0.69	$35.48	$20.34	$7.10
88349	X	Scanning electron microscopy	883	0.69	$35.48	$20.34	$7.10
88355	X	Analysis, skeletal muscle	883	0.69	$35.48	$20.34	$7.10
88356	X	Analysis, nerve	883	0.69	$35.48	$20.34	$7.10
88358	X	Analysis, tumor	883	0.69	$35.48	$20.34	$7.10
88362	X	Nerve teasing preparations	883	0.69	$35.48	$20.34	$7.10
88365	X	Tissue hybridization	883	0.69	$35.48	$20.34	$7.10
88371	A	Protein, western blot tissue					
88372	A	Protein analysis w/probe					
88399	X	Surgical pathology procedure	881	0.22	$11.31	$6.78	$2.26
89050	A	Body fluid cell count					
89051	A	Body fluid cell count					
89060	A	Exam,synovial fluid crystals					
89100	X	Sample intestinal contents	928	2.91	$149.63	$79.78	$29.93
89105	X	Sample intestinal contents	928	2.91	$149.63	$79.78	$29.93
89125	A	Specimen fat stain					
89130	X	Sample stomach contents	928	2.91	$149.63	$79.78	$29.93
89132	X	Sample stomach contents	928	2.91	$149.63	$79.78	$29.93
89135	X	Sample stomach contents	928	2.91	$149.63	$79.78	$29.93
89136	X	Sample stomach contents	928	2.91	$149.63	$79.78	$29.93
89140	X	Sample stomach contents	928	2.91	$149.63	$79.78	$29.93
89141	X	Sample stomach contents	928	2.91	$149.63	$79.78	$29.93
89160	A	Exam feces for meat fibers					
89190	A	Nasal smear for eosinophils					
89250	A	Fertilization of oocyte					
89251	A	Culture oocyte w/embryos					
89252	A	Assist oocyte fertilization					
89253	A	Embryo hatching					
89254	A	Oocyte identification					
89255	A	Prepare embryo for transfer					
89256	A	Prepare cryopreserved embryo					
89257	A	Sperm identification					
89258	A	Cryopreservation, embryo					
89259	A	Cryopreservation, sperm					
89260	A	Sperm isolation, simple					
89261	A	Sperm isolation, complex					
89300	A	Semen analysis					
89310	A	Semen analysis					
89320	A	Semen analysis					
89325	A	Sperm antibody test					
89329	A	Sperm evaluation test					
89330	A	Evaluation, cervical mucus					
89350	X	Sputum specimen collection	881	0.22	$11.31	$6.78	$2.26
89355	A	Exam feces for starch					
89360	X	Collect sweat for test	881	0.22	$11.31	$6.78	$2.26
89365	A	Water load test					
89399	X	Pathology lab procedure	881	0.22	$11.31	$6.78	$2.26
90700	X	Dtap vaccine, im	901	0.07	$3.60	$2.49	$0.72
90701	X	Dtp vaccine, im	901	0.07	$3.60	$2.49	$0.72
90702	X	Dt vaccine, im	901	0.07	$3.60	$2.49	$0.72
90703	X	Tetanus vaccine, im	901	0.07	$3.60	$2.49	$0.72
90704	X	Mumps vaccine, sc	901	0.07	$3.60	$2.49	$0.72
90705	X	Measles vaccine, sc	901	0.07	$3.60	$2.49	$0.72
90706	X	Rubella vaccine, sc	901	0.07	$3.60	$2.49	$0.72
90707	X	Mmr vaccine, sc	902	1.31	$67.36	$38.19	$13.47
90708	X	Measles-rubella vaccine sc	901	0.07	$3.60	$2.49	$0.72
90709	X	Rubella & mumps vaccine sc	901	0.07	$3.60	$2.49	$0.72
90710	X	Mmrv vaccine, sc	901	0.07	$3.60	$2.49	$0.72

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
[2]90711	X	Combined vaccine	901	0.07	$3.60	$2.49	$0.72
90712	X	Oral poliovirus vaccine	902	1.31	$67.36	$38.19	$13.47
90713	X	Poliovirus, ipv, sc	902	1.31	$67.36	$38.19	$13.47
[2]90714	X	Typhoid immunization	901	0.07	$3.60	$2.49	$0.72
90716	X	Chicken pox vaccine, sc	902	1.31	$67.36	$38.19	$13.47
90717	X	Yellow fever vaccine, sc	902	1.31	$67.36	$38.19	$13.47
90718	X	Td vaccine, im	901	0.07	$3.60	$2.49	$0.72
90719	X	Diphtheria vaccine, im	901	0.07	$3.60	$2.49	$0.72
90720	X	Dtp/hib vaccine, im	902	1.31	$67.36	$38.19	$13.47
90721	X	Dtap/hib vaccine, im	903	1.00	$51.42	$24.86	$10.28
[2]90724	X	Influenza immunization	901	0.07	$3.60	$2.49	$0.72
90725	X	Cholera vaccine, injectable	901	0.07	$3.60	$2.49	$0.72
[2]90726	X	Rabies immunization	903	1.00	$51.42	$24.86	$10.28
90727	X	Plague vaccine, im	903	1.00	$51.42	$24.86	$10.28
[2]90728	X	BCG immunization	903	1.00	$51.42	$24.86	$10.28
[2]90730	X	Hepatitis A vaccine	901	0.07	$3.60	$2.49	$0.72
90732	X	Pneumococcal vaccine, adult	901	0.07	$3.60	$2.49	$0.72
90733	X	Meningococcal vaccine, sc	902	1.31	$67.36	$38.19	$13.47
90735	X	Encephalitis vaccine, sc	903	1.00	$51.42	$24.86	$10.28
[2]90737	X	Influenza B immunization	902	1.31	$67.36	$38.19	$13.47
[2]90741	X	Passive immunization ISG	902	1.31	$67.36	$38.19	$13.47
[2]90742	X	Special passive immunization	903	1.00	$51.42	$24.86	$10.28
90744	X	Hepb vaccine, ped/adol, im	902	1.31	$67.36	$38.19	$13.47
90745	X	Hepb vaccine, adol/risk, im	902	1.31	$67.36	$38.19	$13.47
90746	X	Hepb vaccine, adult, im	902	1.31	$67.36	$38.19	$13.47
90747	X	Hepb vaccine, ill pat, im	902	1.31	$67.36	$38.19	$13.47
90748	X	Hepb/hib vaccine, im	901	0.07	$3.60	$2.49	$0.72
90749	X	Vaccine toxoid	901	0.07	$3.60	$2.49	$0.72
90780	X	IV infusion therapy, 1 hour	906	1.93	$99.24	$57.18	$19.85
90781	X	IV infusion, additional hour	906	1.93	$99.24	$57.18	$19.85
90782	X	Injection (SC)/(IM)	907	0.74	$38.05	$11.53	$7.61
90783	X	Injection (IA)	907	0.74	$38.05	$11.53	$7.61
90784	X	Injection (IV)	907	0.74	$38.05	$11.53	$7.61
90788	X	Injection of antibiotic	907	0.74	$38.05	$11.53	$7.61
90799	X	Therapeutic/diag injection	907	0.74	$38.05	$11.53	$7.61
[1]90801	S	Psy dx interview	092	1.63	$83.81	$21.47	$16.76
90802	S	Intac psy dx interview	092	1.63	$83.81	$21.47	$16.76
90804	S	Psytx, office (20-30)	091	1.09	$56.05	$14.01	$11.21
90805	S	Psytx, office (20-30) w/e&m	091	1.09	$56.05	$14.01	$11.21
90806	S	Psytx, office (45-50)	092	1.63	$83.81	$21.47	$16.76
90807	S	Psytx, office (45-50) w/e&m	092	1.63	$83.81	$21.47	$16.76
90808	S	Psytx, office (75-80)	092	1.63	$83.81	$21.47	$16.76
90809	S	Psytx, office (75-80) w/e&m	092	1.63	$83.81	$21.47	$16.76
90810	S	Intac psytx, office (20-30)	091	1.09	$56.05	$14.01	$11.21
90811	S	Intac psytx, off 20-30 w/e&m	091	1.09	$56.05	$14.01	$11.21
90812	S	Intac psytx, office (45-50)	092	1.63	$83.81	$21.47	$16.76
90813	S	Intac psytx, off 45-50 w/e&m	092	1.63	$83.81	$21.47	$16.76
90814	S	Intac psytx, office (75-80)	092	1.63	$83.81	$21.47	$16.76
90815	S	Intac psytx, off 75-80 w/e&m	092	1.63	$83.81	$21.47	$16.76
90816	S	Psytx, hosp (20-30)	091	1.09	$56.05	$14.01	$11.21
90817	S	Psytx, hosp (20-30) w/e&m	091	1.09	$56.05	$14.01	$11.21
90818	S	Psytx, hosp (45-50)	092	1.63	$83.81	$21.47	$16.76
90819	S	Psytx, hosp (45-50) w/e&m	092	1.63	$83.81	$21.47	$16.76
[1 2]90820	S	Diagnostic interview	092	1.63	$83.81	$21.47	$16.76
90821	S	Psytx, hosp (75-80)	092	1.63	$83.81	$21.47	$16.76
90822	S	Psytx, hosp (75-80) w/e&m	092	1.63	$83.81	$21.47	$16.76
90823	S	Intac psytx, hosp (20-30)	091	1.09	$56.05	$14.01	$11.21
90824	S	Intac psytx, hsp 20-30 w/e&m	091	1.09	$56.05	$14.01	$11.21
90826	S	Intac psytx, hosp (45-50)	092	1.63	$83.81	$21.47	$16.76
90827	S	Intac psytx, hsp 45-50 w/e&m	092	1.63	$83.81	$21.47	$16.76
90828	S	Intac psytx, hosp (75-80)	092	1.63	$83.81	$21.47	$16.76
90829	S	Intac psytx, hsp 75-80 w/e&m	092	1.63	$83.81	$21.47	$16.76
[1 2]90835	S	Special interview	092	1.63	$83.81	$21.47	$16.76
[1 2]90842	S	Psychotherapy, 75-80 min.	092	1.63	$83.81	$21.47	$16.76
[1 2]90843	S	Psychotherapy, 20-30 min.	091	1.09	$56.05	$14.01	$11.21
[1 2]90844	S	Psychotherapy, 45-50 min.	092	1.63	$83.81	$21.47	$16.76
[1]90845	S	Psychoanalysis	092	1.63	$83.81	$21.47	$16.76
90846	S	Family psytx w/o patient	093	1.56	$80.22	$20.11	$16.04
90847	S	Family psytx w/patient	093	1.56	$80.22	$20.11	$16.04
[1]90849	S	Multiple family group psytx	094	1.31	$67.36	$19.89	$13.47
[1]90853	S	Group psychotherapy	094	1.31	$67.36	$19.89	$13.47
[1 2]90855	S	Individual psychotherapy	092	1.63	$83.81	$21.47	$16.76
[1]90857	S	Intac group psytx	094	1.31	$67.36	$19.89	$13.47
[1]90862	X	Medication management	090	0.85	$43.71	$12.20	$8.74
90865	S	Narcosynthesis	092	1.63	$83.81	$21.47	$16.76

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
90870	S	Electroconvulsive therapy	919	3.09	$158.89	$80.00	$31.78
90871	S	Electroconvulsive therapy	919	3.09	$158.89	$80.00	$31.78
90875	E	Psychophysiological therapy					
90876	E	Psychophysiological therapy					
[1] 90880	S	Hypnotherapy	092	1.63	$83.81	$21.47	$16.76
90882	E	Environmental manipulation					
90885	N	Psy evaluation of records					
90887	N	Consultation with family					
90889	N	Preparation of report					
[1] 90899	S	Psychiatric service/therapy	091	1.09	$56.05	$14.01	$11.21
[2] 90900	S	Biofeedback, electromyogram	920	1.17	$60.16	$29.61	$12.03
90901	S	Biofeedback, any method	920	1.17	$60.16	$29.61	$12.03
[2] 90902	S	Biofeedback, nerve impulse	920	1.17	$60.16	$29.61	$12.03
[2] 90904	S	Biofeedback, blood pressure	920	1.17	$60.16	$29.61	$12.03
[2] 90906	S	Biofeedback, blood flow	920	1.17	$60.16	$29.61	$12.03
[2] 90908	S	Biofeedback, brain waves	920	1.17	$60.16	$29.61	$12.03
[2] 90910	S	Biofeedback, oculogram	920	1.17	$60.16	$29.61	$12.03
90911	S	Biofeedback peri/uro/rectal	920	1.17	$60.16	$29.61	$12.03
[2] 90915	S	Biofeedback, unspecified	920	1.17	$60.16	$29.61	$12.03
90918	A	ESRD related services, month					
90919	A	ESRD related services, month					
90920	A	ESRD related services, month					
90921	A	ESRD related services, month					
90922	A	ESRD related services, day					
90923	A	Esrd related services, day					
90924	A	Esrd related services, day					
90925	A	Esrd related services, day					
90935	S	Hemodialysis, one evaluation	926	4.22	$216.99	$69.83	$43.40
90937	S	Hemodialysis, repeated eval.	926	4.22	$216.99	$69.83	$43.40
90945	S	Dialysis, one evaluation	926	4.22	$216.99	$69.83	$43.40
90947	S	Dialysis, repeated eval.	926	4.22	$216.99	$69.83	$43.40
90989	E	Dialysis training/complete					
90993	N	Dialysis training/incomplete					
90997	S	Hemoperfusion	926	4.22	$216.99	$69.83	$43.40
90999	S	Dialysis procedure	926	4.22	$216.99	$69.83	$43.40
91000	X	Esophageal intubation	928	2.91	$149.63	$79.78	$29.93
91010	X	Esophagus motility study	928	2.91	$149.63	$79.78	$29.93
91011	X	Esophagus motility study	928	2.91	$149.63	$79.78	$29.93
91012	X	Esophagus motility study	928	2.91	$149.63	$79.78	$29.93
91020	X	Gastric motility	928	2.91	$149.63	$79.78	$29.93
91030	X	Acid perfusion of esophagus	928	2.91	$149.63	$79.78	$29.93
91032	X	Esophagus, acid reflux test	928	2.91	$149.63	$79.78	$29.93
91033	X	Prolonged acid reflux test	928	2.91	$149.63	$79.78	$29.93
91052	X	Gastric analysis test	928	2.91	$149.63	$79.78	$29.93
91055	X	Gastric intubation for smear	928	2.91	$149.63	$79.78	$29.93
91060	X	Gastric saline load test	928	2.91	$149.63	$79.78	$29.93
91065	X	Breath hydrogen test	928	2.91	$149.63	$79.78	$29.93
91100	X	Pass intestine bleeding tube	928	2.91	$149.63	$79.78	$29.93
91105	X	Gastric intubation treatment	928	2.91	$149.63	$79.78	$29.93
91122	N	Anal pressure record					
91299	X	Gastroenterology procedure	928	2.91	$149.63	$79.78	$29.93
92002	V	Eye exam, new patient	913				
92004	V	Eye exam, new patient	915				
92012	V	Eye exam established pt	913				
92014	V	Eye exam & treatment	915				
92015	E	Refraction					
92018	S	New eye exam & treatment	676	5.87	$301.84	$138.54	$60.37
92019	S	Eye exam & treatment	676	5.87	$301.84	$138.54	$60.37
92020	N	Special eye evaluation					
92060	X	Special eye evaluation	930	1.04	$53.48	$22.83	$10.70
92065	X	Orthoptic/pleoptic training	930	1.04	$53.48	$22.83	$10.70
92070	N	Fitting of contact lens					
92081	X	Visual field examination(s)	930	1.04	$53.48	$22.83	$10.70
92082	X	Visual field examination(s)	930	1.04	$53.48	$22.83	$10.70
92083	X	Visual field examination(s)	930	1.04	$53.48	$22.83	$10.70
92100	N	Serial tonometry exam(s)					
92120	X	Tonography & eye evaluation	931	0.74	$38.05	$21.47	$7.61
92130	X	Water provocation tonography	931	0.74	$38.05	$21.47	$7.61
92140	X	Glaucoma provocative tests	930	1.04	$53.48	$22.83	$10.70
92225	N	Special eye exam, initial					
92226	N	Special eye exam, subsequent					
92230	X	Eye exam with photos	931	0.74	$38.05	$21.47	$7.61
92235	X	Eye exam with photos	932	2.41	$123.92	$63.73	$24.78
92240	X	Icg angiography	931	0.74	$38.05	$21.47	$7.61
92250	X	Eye exam with photos	931	0.74	$38.05	$21.47	$7.61

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
92260	N	Ophthalmoscopy/dynamometry					
92265	X	Eye muscle evaluation	932	2.41	$123.92	$63.73	$24.78
92270	X	Electro-oculography	932	2.41	$123.92	$63.73	$24.78
92275	X	Electroretinography	981	1.22	$62.73	$34.35	$12.55
92283	X	Color vision examination	930	1.04	$53.48	$22.83	$10.70
92284	X	Dark adaptation eye exam	930	1.04	$53.48	$22.83	$10.70
92285	X	Eye photography	930	1.04	$53.48	$22.83	$10.70
92286	X	Internal eye photography	932	2.41	$123.92	$63.73	$24.78
92287	X	Internal eye photography	932	2.41	$123.92	$63.73	$24.78
92310	E	Contact lens fitting					
92311	X	Contact lens fitting	936	0.48	$24.68	$9.49	$4.94
92312	X	Contact lens fitting	936	0.48	$24.68	$9.49	$4.94
92313	X	Contact lens fitting	936	0.48	$24.68	$9.49	$4.94
92314	E	Prescription of contact lens					
92315	X	Prescription of contact lens	936	0.48	$24.68	$9.49	$4.94
92316	X	Prescription of contact lens	936	0.48	$24.68	$9.49	$4.94
92317	X	Prescription of contact lens	936	0.48	$24.68	$9.49	$4.94
92325	X	Modification of contact lens	936	0.48	$24.68	$9.49	$4.94
92326	X	Replacement of contact lens	936	0.48	$24.68	$9.49	$4.94
92330	X	Fitting of artificial eye	936	0.48	$24.68	$9.49	$4.94
92335	N	Fitting of artificial eye					
92340	E	Fitting of spectacles					
92341	E	Fitting of spectacles					
92342	E	Fitting of spectacles					
92352	X	Special spectacles fitting	936	0.48	$24.68	$9.49	$4.94
92353	X	Special spectacles fitting	936	0.48	$24.68	$9.49	$4.94
92354	X	Special spectacles fitting	936	0.48	$24.68	$9.49	$4.94
92355	X	Special spectacles fitting	936	0.48	$24.68	$9.49	$4.94
92358	X	Eye prosthesis service	936	0.48	$24.68	$9.49	$4.94
92370	E	Repair & adjust spectacles					
92371	X	Repair & adjust spectacles	936	0.48	$24.68	$9.49	$4.94
92390	E	Supply of spectacles					
92391	E	Supply of contact lenses					
92392	E	Supply of low vision aids					
92393	E	Supply of artificial eye					
92395	E	Supply of spectacles					
92396	E	Supply of contact lenses					
92499	X	Eye service or procedure	931	0.74	$38.05	$21.47	$7.61
92502	S	Ear and throat examination	311	1.41	$72.50	$20.57	$14.50
92504	N	Ear microscopy examination					
92506	A	Speech & hearing evaluation					
92507	A	Speech/hearing therapy					
92508	A	Speech/hearing therapy					
92510	A	Rehab for ear implant					
92511	S	Nasopharyngoscopy	331	0.57	$29.31	$14.01	$5.86
92512	X	Nasal function studies	940	3.13	$160.94	$52.21	$32.19
92516	X	Facial nerve function test	940	3.13	$160.94	$52.21	$32.19
92520	X	Laryngeal function studies	940	3.13	$160.94	$52.21	$32.19
92525	A	Oral function evaluation					
92526	A	Oral function therapy					
92531	N	Spontaneous nystagmus study					
92532	N	Positional nystagmus study					
92533	N	Caloric vestibular test					
92534	N	Optokinetic nystagmus					
92541	X	Spontaneous nystagmus test	940	3.13	$160.94	$52.21	$32.19
92542	X	Positional nystagmus test	940	3.13	$160.94	$52.21	$32.19
92543	X	Caloric vestibular test	940	3.13	$160.94	$52.21	$32.19
92544	X	Optokinetic nystagmus test	940	3.13	$160.94	$52.21	$32.19
92545	X	Oscillating tracking test	940	3.13	$160.94	$52.21	$32.19
92546	X	Sinusoidal rotational test	940	3.13	$160.94	$52.21	$32.19
92547	X	Supplemental electrical test	940	3.13	$160.94	$52.21	$32.19
92548	X	Posturography	940	3.13	$160.94	$52.21	$32.19
92551	E	Pure tone hearing test, air					
92552	X	Pure tone audiometry, air	941	0.74	$38.05	$13.33	$7.61
92553	X	Audiometry, air & bone	941	0.74	$38.05	$13.33	$7.61
92555	X	Speech threshold audiometry	941	0.74	$38.05	$13.33	$7.61
92556	X	Speech audiometry, complete	941	0.74	$38.05	$13.33	$7.61
92557	X	Comprehensive hearing test	942	1.46	$75.07	$22.15	$15.01
92559	E	Group audiometric testing					
92560	E	Bekesy audiometry, screen					
92561	X	Bekesy audiometry, diagnosis	942	1.46	$75.07	$22.15	$15.01
92562	X	Loudness balance test	942	1.46	$75.07	$22.15	$15.01
92563	X	Tone decay hearing test	942	1.46	$75.07	$22.15	$15.01
92564	X	Sisi hearing test	942	1.46	$75.07	$22.15	$15.01
92565	X	Stenger test, pure tone	942	1.46	$75.07	$22.15	$15.01

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
92567	X	Tympanometry	941	0.74	$38.05	$13.33	$7.61
92568	X	Acoustic reflex testing	942	1.46	$75.07	$22.15	$15.01
92569	X	Acoustic reflex decay test	942	1.46	$75.07	$22.15	$15.01
92571	X	Filtered speech hearing test	942	1.46	$75.07	$22.15	$15.01
92572	X	Staggered spondaic word test	942	1.46	$75.07	$22.15	$15.01
92573	X	Lombard test	942	1.46	$75.07	$22.15	$15.01
92575	X	Sensorineural acuity test	942	1.46	$75.07	$22.15	$15.01
92576	X	Synthetic sentence test	942	1.46	$75.07	$22.15	$15.01
92577	X	Stenger test, speech	942	1.46	$75.07	$22.15	$15.01
92579	X	Visual audiometry (vra)	942	1.46	$75.07	$22.15	$15.01
92582	X	Conditioning play audiometry	942	1.46	$75.07	$22.15	$15.01
92583	X	Select picture audiometry	942	1.46	$75.07	$22.15	$15.01
92584	X	Electrocochleography	940	3.13	$160.94	$52.21	$32.19
92585	X	Auditory evoked potential	982	1.37	$70.45	$38.42	$14.09
92587	X	Evoked auditory test	940	3.13	$160.94	$52.21	$32.19
92588	X	Evoked auditory test	940	3.13	$160.94	$52.21	$32.19
92589	X	Auditory function test(s)	942	1.46	$75.07	$22.15	$15.01
92590	E	Hearing aid exam, one ear					
92591	E	Hearing aid exam, both ears					
92592	E	Hearing aid check, one ear					
92593	E	Hearing aid check, both ears					
92594	E	Electro hearing aid test,one					
92595	E	Electro hearingaid test,both					
92596	X	Ear protector evaluation	942	1.46	$75.07	$22.15	$15.01
92597	A	Oral speech device eval					
92598	A	Modify oral speech device					
92599	X	ENT procedure/service	941	0.74	$38.05	$13.33	$7.61
92950	S	Heart/lung resuscitation(CPR	947	4.11	$211.34	$106.22	$42.27
92953	S	Temporary extemal pacing	947	4.11	$211.34	$106.22	$42.27
92960	S	Heart electroconversion	947	4.11	$211.34	$106.22	$42.27
92970	C	Cardioassist, internal					
92971	C	Cardioassist, external					
92975	C	Dissolve clot, heart vessel					
92977	C	Dissolve clot, heart vessel					
92978	C	Intravas us, heart add-on					
92979	C	Intravas us, heart (add-on)					
92980	C	Insert intracoronary stent					
92981	C	Insert intracoronary stent					
92982	C	Coronary artery dilation					
92984	C	Coronary artery dilation					
92986	C	Revision of aortic valve					
92987	C	Revision of mitral valve					
92990	C	Revision of pulmonary valve					
92992	C	Revision of heart chamber					
92993	C	Revision of heart chamber					
92995	C	Coronary atherectomy					
92996	C	Coronary atherectomy add-on					
92997	C	Pul art balloon repair, perc					
92998	C	Pul art balloon repair, perc					
93000	N	Electrocardiogram, complete					
93005	X	Electrocardiogram, tracing	950	0.35	$18.00	$15.82	$3.60
93010	N	Electrocardiogram report					
93012	X	Transmission of ecg	956	1.09	$56.05	$54.47	$11.21
93014	N	Report on transmitted ecg					
93015	N	Cardiovascular stress test					
93016	N	Cardiovascular stress test					
93017	X	Cardiovascular stress test	949	1.43	$73.53	$61.92	$14.71
93018	N	Cardiovascular stress test					
93024	X	Cardiac drug stress test	949	1.43	$73.53	$61.92	$14.71
93040	N	Rhythm ECG with report					
93041	X	Rhythm ECG, tracing	950	0.35	$18.00	$15.82	$3.60
93042	N	Rhythm ECG, report					
93224	X	ECG monitor/report, 24 hrs	956	1.09	$56.05	$54.47	$11.21
93225	X	ECG monitor/record, 24 hrs	956	1.09	$56.05	$54.47	$11.21
93226	X	ECG monitor/report, 24 hrs	956	1.09	$56.05	$54.47	$11.21
93227	N	ECG monitor/review, 24 hrs					
93230	X	ECG monitor/report, 24 hrs	956	1.09	$56.05	$54.47	$11.21
93231	X	Ecg monitor/record, 24 hrs	956	1.09	$56.05	$54.47	$11.21
93232	X	ECG monitor/report, 24 hrs	956	1.09	$56.05	$54.47	$11.21
93233	N	ECG monitor/review, 24 hrs					
93235	X	ECG monitor/report, 24 hrs	956	1.09	$56.05	$54.47	$11.21
93236	X	ECG monitor/report, 24 hrs	956	1.09	$56.05	$54.47	$11.21
93237	N	ECG monitor/review, 24 hrs					
93268	X	ECG record/review	956	1.09	$56.05	$54.47	$11.21
93270	X	ECG recording	956	1.09	$56.05	$54.47	$11.21

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
93271	X	Ecg/monitoring and anaylysis	956	1.09	$56.05	$54.47	$11.21
93272	N	Ecg/review, interpret only					
93278	X	ECG/signal-averaged	956	1.09	$56.05	$54.47	$11.21
93303	S	Echo transthoracic	957	4.04	$207.74	$114.13	$41.55
93304	S	Echo transthoracic	957	4.04	$207.74	$114.13	$41.55
93307	S	Echo exam of heart	957	4.04	$207.74	$114.13	$41.55
93308	S	Echo exam of heart	957	4.04	$207.74	$114.13	$41.55
93312	S	Echo transesophageal	957	4.04	$207.74	$114.13	$41.55
93313	S	Echo transesophageal	957	4.04	$207.74	$114.13	$41.55
93314	N	Echo transesophageal					
93315	S	Echo transesophageal	957	4.04	$207.74	$114.13	$41.55
93316	S	Echo transesophageal	957	4.04	$207.74	$114.13	$41.55
93317	N	Echo transesophageal					
93320	S	Doppler echo exam, heart	957	4.04	$207.74	$114.13	$41.55
93321	S	Doppler echo exam, heart	957	4.04	$207.74	$114.13	$41.55
93325	S	Doppler color flow add-on	957	4.04	$207.74	$114.13	$41.55
93350	S	Echo transthoracic	957	4.04	$207.74	$114.13	$41.55
93501	S	Right heart catheterization	958	23.74	$1,220.71	$705.57	$244.14
93503	S	Insert/place heart catheter	958	23.74	$1,220.71	$705.57	$244.14
93505	S	Biopsy of heart lining	958	23.74	$1,220.71	$705.57	$244.14
93508	S	Cath placement, angiography	343	8.76	$450.44	$240.24	$90.09
93510	S	Left heart catheterization	958	23.74	$1,220.71	$705.57	$244.14
93511	S	Left heart catheterization	958	23.74	$1,220.71	$705.57	$244.14
93514	S	Left heart catheterization	958	23.74	$1,220.71	$705.57	$244.14
93524	S	Left heart catheterization	958	23.74	$1,220.71	$705.57	$244.14
93526	S	Rt & Lt heart catheters	958	23.74	$1,220.71	$705.57	$244.14
93527	S	Rt & Lt heart catheters	958	23.74	$1,220.71	$705.57	$244.14
93528	S	Rt & Lt heart catheters	958	23.74	$1,220.71	$705.57	$244.14
93529	S	Rt, Lt heart catheterization	958	23.74	$1,220.71	$705.57	$244.14
93530	S	Rt heart cath, congenital	958	23.74	$1,220.71	$705.57	$244.14
93531	S	R & I heart cath, congenital	958	23.74	$1,220.71	$705.57	$244.14
93532	S	R & I heart cath, congenital	958	23.74	$1,220.71	$705.57	$244.14
93533	S	R & I heart cath, congenital	958	23.74	$1,220.71	$705.57	$244.14
93536	S	Insert circulation assi	958	23.74	$1,220.71	$705.57	$244.14
93539	N	Injection, cardiac cath					
93540	N	Injection, cardiac cath					
93541	N	Injection for lung angiogram					
93542	N	Injection for heart x-rays					
93543	N	Injection for heart x-rays					
93544	N	Injection for aortography					
93545	N	Injection for coronary x-rays					
93555	N	Imaging, cardiac cath					
93556	N	Imaging, cardiac cath					
93561	N	Cardiac output measurement					
93562	N	Cardiac output measurement					
93600	S	Bundle of His recording	960	4.80	$246.82	$143.74	$49.36
93602	S	Intra-atrial recording	960	4.80	$246.82	$143.74	$49.36
93603	S	Right ventricular recording	960	4.80	$246.82	$143.74	$49.36
93607	S	Right ventricular recording	960	4.80	$246.82	$143.74	$49.36
93609	S	Mapping of tachycardia	960	4.80	$246.82	$143.74	$49.36
93610	S	Intra-atrial pacing	960	4.80	$246.82	$143.74	$49.36
93612	S	Intraventricular pacing	960	4.80	$246.82	$143.74	$49.36
93615	S	Esophageal recording	960	4.80	$246.82	$143.74	$49.36
93616	S	Esophageal recording	960	4.80	$246.82	$143.74	$49.36
93618	S	Heart rhythm pacing	960	4.80	$246.82	$143.74	$49.36
93619	S	Electrophysiology evaluation	960	4.80	$246.82	$143.74	$49.36
93620	S	Electrophysiology evaluation	960	4.80	$246.82	$143.74	$49.36
93621	S	Electrophysiology evaluation	960	4.80	$246.82	$143.74	$49.36
93622	S	Electrophysiology evaluation	960	4.80	$246.82	$143.74	$49.36
93623	S	Stimulation, pacing heart	960	4.80	$246.82	$143.74	$49.36
93624	S	Electrophysiologic study	960	4.80	$246.82	$143.74	$49.36
93631	S	Heart pacing, mapping	960	4.80	$246.82	$143.74	$49.36
93640	S	Evaluation heart device	960	4.80	$246.82	$143.74	$49.36
93641	S	Electrophysiology evaluation	960	4.80	$246.82	$143.74	$49.36
93642	S	Electrophysiology evaluation	960	4.80	$246.82	$143.74	$49.36
93650	S	Ablate heart dysrhythm focus	960	4.80	$246.82	$143.74	$49.36
93651	S	Ablate heart dysrhythm focus	960	4.80	$246.82	$143.74	$49.36
93652	S	Ablate heart dysrhythm focus	960	4.80	$246.82	$143.74	$49.36
93660	S	Tilt table evaluation	960	4.80	$246.82	$143.74	$49.36
93720	X	Total body plethysmography	967	1.70	$87.41	$57.40	$17.48
93721	X	Plethysmography tracing	967	1.70	$87.41	$57.40	$17.48
93722	N	Plethysmography report					
93724	S	Analyze pacemaker system	960	4.80	$246.82	$143.74	$49.36
93731	X	Analyze pacemaker system	966	0.39	$20.05	$12.43	$4.01
93732	X	Analyze pacemaker system	966	0.39	$20.05	$12.43	$4.01

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
93733	X	Telephone analysis, pacemaker	966	0.39	$20.05	$12.43	$4.01
93734	X	Analyze pacemaker system	966	0.39	$20.05	$12.43	$4.01
93735	X	Analyze pacemaker system	966	0.39	$20.05	$12.43	$4.01
93736	X	Telephone analysis, pacemaker	966	0.39	$20.05	$12.43	$4.01
93737	X	Analyze cardio/defibrillator	966	0.39	$20.05	$12.43	$4.01
93738	X	Analyze cardio/defibrillator	966	0.39	$20.05	$12.43	$4.01
93740	X	Temperature gradient studies	967	1.70	$87.41	$57.40	$17.48
93760	E	Cephalic thermogram					
93762	E	Peripheral thermogram					
93770	N	Measure venous pressure					
93784	E	Ambulatory BP monitoring					
93786	E	Ambulatory BP recording					
93788	E	Ambulatory BP analysis					
93790	E	Review/report BP recording					
93797	X	Cardiac rehab	948	0.81	$41.65	$16.95	$8.33
93798	X	Cardiac rehab/monitor	948	0.81	$41.65	$16.95	$8.33
93799	X	Cardiovascular procedure	967	1.70	$87.41	$57.40	$17.48
93875	X	Extracranial study	968	2.39	$122.89	$79.55	$24.58
93880	X	Extracranial study	968	2.39	$122.89	$79.55	$24.58
93882	X	Extracranial study	968	2.39	$122.89	$79.55	$24.58
93886	X	Intracranial study	968	2.39	$122.89	$79.55	$24.58
93888	X	Intracranial study	968	2.39	$122.89	$79.55	$24.58
93922	X	Extremity study	967	1.70	$87.41	$57.40	$17.48
93923	X	Extremity study	967	1.70	$87.41	$57.40	$17.48
93924	X	Extremity study	967	1.70	$87.41	$57.40	$17.48
93925	X	Lower extremity study	968	2.39	$122.89	$79.55	$24.58
93926	X	Lower extremity study	968	2.39	$122.89	$79.55	$24.58
93930	X	Upper extremity study	968	2.39	$122.89	$79.55	$24.58
93931	X	Upper extremity study	968	2.39	$122.89	$79.55	$24.58
93965	X	Extremity study	967	1.70	$87.41	$57.40	$17.48
93970	X	Extremity study	968	2.39	$122.89	$79.55	$24.58
93971	X	Extremity study	968	2.39	$122.89	$79.55	$24.58
93975	X	Vascular study	968	2.39	$122.89	$79.55	$24.58
93976	X	Vascular study	968	2.39	$122.89	$79.55	$24.58
93978	X	Vascular study	968	2.39	$122.89	$79.55	$24.58
93979	X	Vascular study	968	2.39	$122.89	$79.55	$24.58
93980	X	Penile vascular study	968	2.39	$122.89	$79.55	$24.58
93981	X	Penile vascular study	968	2.39	$122.89	$79.55	$24.58
93990	X	Doppler flow testing	968	2.39	$122.89	$79.55	$24.58
94010	X	Breathing capacity test	971	0.98	$50.39	$26.44	$10.08
94060	X	Evaluation of wheezing	971	0.98	$50.39	$26.44	$10.08
94070	S	Evaluation of wheezing	973	1.81	$93.07	$55.82	$18.61
94150	N	Vital capacity test					
[2] 94160	X	Vital capacity screening	971	0.98	$50.39	$26.44	$10.08
94200	X	Lung function test (MBC/MVV)	971	0.98	$50.39	$26.44	$10.08
94240	X	Residual lung capacity	972	1.00	$51.42	$29.38	$10.28
94250	X	Expired gas collection	971	0.98	$50.39	$26.44	$10.08
94260	X	Thoracic gas volume	971	0.98	$50.39	$26.44	$10.08
94350	X	Lung nitrogen washout curve	972	1.00	$51.42	$29.38	$10.28
94360	X	Measure airflow resistance	971	0.98	$50.39	$26.44	$10.08
94370	X	Breath airway closing volume	972	1.00	$51.42	$29.38	$10.28
94375	X	Respiratory flow volume loop	971	0.98	$50.39	$26.44	$10.08
94400	X	CO2 breathing response curve	971	0.98	$50.39	$26.44	$10.08
94450	X	Hypoxia response curve	971	0.98	$50.39	$26.44	$10.08
94620	S	Pulmonary stress test/simple	973	1.81	$93.07	$55.82	$18.61
94640	S	Airway inhalation treatment	976	0.44	$22.62	$14.69	$4.53
94642	S	Aerosol inhalation treatment	976	0.44	$22.62	$14.69	$4.53
94650	S	Pressure breathing (IPPB)	976	0.44	$22.62	$14.69	$4.53
94651	S	Pressure breathing (IPPB)	976	0.44	$22.62	$14.69	$4.53
94652	C	Pressure breathing (IPPB)					
94656	C	Initial ventilator mgmt					
94657	S	Cont. ventilator	976	0.44	$22.62	$14.69	$4.53
94660	S	Pos airway pressure, CPAP	976	0.44	$22.62	$14.69	$4.53
94662	S	Neg pressure ventilation, cnp	976	0.44	$22.62	$14.69	$4.53
94664	S	Aerosol or vapor inhalations	976	0.44	$22.62	$14.69	$4.53
94665	S	Aerosol or vapor inhalations	976	0.44	$22.62	$14.69	$4.53
94667	S	Chest wall manipulation	976	0.44	$22.62	$14.69	$4.53
94668	S	Chest wall manipulation	976	0.44	$22.62	$14.69	$4.53
94680	X	Exhaled air analysis: O2	972	1.00	$51.42	$29.38	$10.28
94681	X	Exhaled air analysis: O2, CO2	972	1.00	$51.42	$29.38	$10.28
94690	X	Exhaled air analysis	972	1.00	$51.42	$29.38	$10.28
94720	X	Monoxide diffusing capacity	972	1.00	$51.42	$29.38	$10.28
94725	X	Membrane diffusion capacity	972	1.00	$51.42	$29.38	$10.28
94750	S	Pulmonary compliance study	973	1.81	$93.07	$55.82	$18.61
94760	N	Measure blood oxygen level					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
94761	N	Measure blood oxygen level					
94762	X	Measure blood oxygen level	971	0.98	$50.39	$26.44	$10.08
94770	X	Exhaled carbon dioxide test	971	0.98	$50.39	$26.44	$10.08
94772	S	Breath recording, infant	973	1.81	$93.07	$55.82	$18.61
94799	X	Pulmonary service/procedure	971	0.98	$50.39	$26.44	$10.08
95004	X	Allergy skin tests	977	0.56	$28.80	$11.30	$5.76
95010	X	Sensitivity skin tests	977	0.56	$28.80	$11.30	$5.76
95015	X	Sensitivity skin tests	977	0.56	$28.80	$11.30	$5.76
95024	X	Allergy skin tests	977	0.56	$28.80	$11.30	$5.76
95027	X	Skin end point titration	977	0.56	$28.80	$11.30	$5.76
95028	X	Allergy skin tests	977	0.56	$28.80	$11.30	$5.76
95044	X	Allergy patch tests	977	0.56	$28.80	$11.30	$5.76
95052	X	Photo patch test	977	0.56	$28.80	$11.30	$5.76
95056	X	Photosensitivity tests	977	0.56	$28.80	$11.30	$5.76
95060	X	Eye allergy tests	977	0.56	$28.80	$11.30	$5.76
95065	X	Nose allergy test	977	0.56	$28.80	$11.30	$5.76
95070	S	Bronchial allergy tests	973	1.81	$93.07	$55.82	$18.61
95071	S	Bronchial allergy tests	973	1.81	$93.07	$55.82	$18.61
95075	X	Ingestion challenge test	928	2.91	$149.63	$79.78	$29.93
95078	X	Provocative testing	977	0.56	$28.80	$11.30	$5.76
95115	X	Immunotherapy, one injection	978	0.30	$15.43	$3.39	$3.09
95117	X	Immunotherapy injections	978	0.30	$15.43	$3.39	$3.09
95120	E	Immunotherapy, one injection					
95125	E	Immunotherapy, many antigens					
95130	E	Immunotherapy, insect venom					
95131	E	Immunotherapy, insect venoms					
95132	E	Immunotherapy, insect venoms					
95133	E	Immunotherapy, insect venoms					
95134	E	Immunotherapy, insect venoms					
95144	X	Antigen therapy services	978	0.30	$15.43	$3.39	$3.09
95145	X	Antigen therapy services	978	0.30	$15.43	$3.39	$3.09
95146	X	Antigen therapy services	978	0.30	$15.43	$3.39	$3.09
95147	X	Antigen therapy services	978	0.30	$15.43	$3.39	$3.09
95148	X	Antigen therapy services	978	0.30	$15.43	$3.39	$3.09
95149	X	Antigen therapy services	901	0.07	$3.60	$2.49	$0.72
95165	X	Antigen therapy services	978	0.30	$15.43	$3.39	$3.09
95170	X	Antigen therapy services	901	0.07	$3.60	$2.49	$0.72
95180	X	Rapid desensitization	977	0.56	$28.80	$11.30	$5.76
95199	X	Allergy immunology services	977	0.56	$28.80	$11.30	$5.76
95805	S	Multiple sleep latency test	979	10.15	$521.91	$287.25	$104.38
95806	S	Sleep study, unattended	979	10.15	$521.91	$287.25	$104.38
95807	S	Sleep study, attended	979	10.15	$521.91	$287.25	$104.38
95808	S	Polysomnography, 1-3	979	10.15	$521.91	$287.25	$104.38
95810	S	Polysomnography, 4 or more	979	10.15	$521.91	$287.25	$104.38
95811	S	Polysomnography w/cpap	979	10.15	$521.91	$287.25	$104.38
95812	S	Electroencephalogram (EEG)	979	10.15	$521.91	$287.25	$104.38
95813	S	Electroencephalogram (EEG)	979	10.15	$521.91	$287.25	$104.38
95816	S	Electroencephalogram (EEG)	980	2.15	$110.55	$57.86	$22.11
95819	S	Electroencephalogram (EEG)	980	2.15	$110.55	$57.86	$22.11
95822	S	Sleep electroencephalogram	980	2.15	$110.55	$57.86	$22.11
95824	S	Electroencephalography	980	2.15	$110.55	$57.86	$22.11
95827	S	Night electroencephalogram	979	10.15	$521.91	$287.25	$104.38
95829	S	Surgery electrocorticogram	980	2.15	$110.55	$57.86	$22.11
95830	N	Insert electrodes for EEG					
95831	N	Limb muscle testing, manual					
95832	N	Hand muscle testing, manual					
95833	N	Body muscle testing, manual					
95834	N	Body muscle testing, manual					
95851	N	Range of motion measurements					
95852	N	Range of motion measurements					
95857	X	Tensilon test	981	1.22	$62.73	$34.35	$12.55
95858	X	Tensilon test & myogram	982	1.37	$70.45	$38.42	$14.09
95860	X	Muscle test, one limb	982	1.37	$70.45	$38.42	$14.09
95861	X	Muscle test, two limbs	982	1.37	$70.45	$38.42	$14.09
95863	X	Muscle test, 3 limbs	982	1.37	$70.45	$38.42	$14.09
95864	X	Muscle test, 4 limbs	982	1.37	$70.45	$38.42	$14.09
95867	X	Muscle test, head or neck	981	1.22	$62.73	$34.35	$12.55
95868	X	Muscle test, head or neck	982	1.37	$70.45	$38.42	$14.09
95869	X	Muscle test, thor paraspinal	981	1.22	$62.73	$34.35	$12.55
95870	X	Muscle test, non-paraspinal	981	1.22	$62.73	$34.35	$12.55
95872	X	Muscle test, one fiber	982	1.37	$70.45	$38.42	$14.09
95875	X	Limb exercise test	982	1.37	$70.45	$38.42	$14.09
95900	X	Motor nerve conduction test	981	1.22	$62.73	$34.35	$12.55
95903	X	Motor nerve conduction test	982	1.37	$70.45	$38.42	$14.09
95904	X	Sense nerve conduction test	982	1.37	$70.45	$38.42	$14.09

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
95920	C	Intraop nerve test add-on					
95921	X	Autonomic nervous func test	981	1.22	$62.73	$34.35	$12.55
95922	X	Autonomic nervous func test	981	1.22	$62.73	$34.35	$12.55
95923	X	Autonomic nervous func test	981	1.22	$62.73	$34.35	$12.55
95925	X	Somatosensory testing	982	1.37	$70.45	$38.42	$14.09
95926	X	Somatosensory testing	981	1.22	$62.73	$34.35	$12.55
95927	X	Somatosensory testing	981	1.22	$62.73	$34.35	$12.55
95930	X	Visual evoked potential test	981	1.22	$62.73	$34.35	$12.55
95933	X	Blink reflex test	981	1.22	$62.73	$34.35	$12.55
95934	X	'h' reflex test	981	1.22	$62.73	$34.35	$12.55
95936	X	'h' reflex test	981	1.22	$62.73	$34.35	$12.55
95937	X	Neuromuscular junction test	981	1.22	$62.73	$34.35	$12.55
95950	X	Ambulatory eeg monitoring	981	1.22	$62.73	$34.35	$12.55
95951	S	EEG monitoring/videorecord	979	10.15	$521.91	$287.25	$104.38
95953	S	EEG monitoring/computer	979	10.15	$521.91	$287.25	$104.38
95954	S	EEG monitoring/giving drugs	979	10.15	$521.91	$287.25	$104.38
95955	S	EEG during surgery	980	2.15	$110.55	$57.86	$22.11
95956	N	EEG monitoring/cable/radio					
95957	N	EEG digital analysis					
95958	S	EEG monitoring/function test	979	10.15	$521.91	$287.25	$104.38
95961	C	Electrode stimulation, brain					
95962	C	Electrode stimulation, brain					
95999	N	Neurological procedure					
[1] 96100	X	Psychological testing	089	4.06	$208.77	$46.10	$41.75
96105	X	Assessment of aphasia	089	4.06	$208.77	$46.10	$41.75
96110	X	Developmental test, lim	089	4.06	$208.77	$46.10	$41.75
96111	X	Developmental test, extend	089	4.06	$208.77	$46.10	$41.75
[1] 96115	X	Neurobehavior status exam	089	4.06	$208.77	$46.10	$41.75
[1] 96117	X	Neuropsych test battery	089	4.06	$208.77	$46.10	$41.75
96400	S	Chemotherapy, (SC)/(IM)	987	2.09	$107.47	$65.09	$21.49
96405	S	Intralesional chemo admin	987	2.09	$107.47	$65.09	$21.49
96406	S	Intralesional chemo admin	987	2.09	$107.47	$65.09	$21.49
96408	S	Chemotherapy, push technique	988	4.02	$206.71	$110.29	$41.34
96410	S	Chemotherapy,infusion method	988	4.02	$206.71	$110.29	$41.34
96412	S	Chemotx infuse method add-on	988	4.02	$206.71	$110.29	$41.34
96414	S	Chemotx infuse method add-on	989	1.91	$98.21	$44.52	$19.64
96420	S	Chemotherapy, push technique	988	4.02	$206.71	$110.29	$41.34
96422	S	Chemotherapy,infusion method	988	4.02	$206.71	$110.29	$41.34
96423	S	Chemotx infuse method add-on	988	4.02	$206.71	$110.29	$41.34
96425	S	Chemotherapy,infusion method	989	1.91	$98.21	$44.52	$19.64
96440	S	Chemotherapy, intracavitary	989	1.91	$98.21	$44.52	$19.64
96445	S	Chemotherapy, intracavitary	989	1.91	$98.21	$44.52	$19.64
96450	S	Chemotherapy, into CNS	989	1.91	$98.21	$44.52	$19.64
96520	E	Pump refilling, maintenance					
96530	E	Pump refilling, maintenance					
96542	S	Chemotherapy injection	989	1.91	$98.21	$44.52	$19.64
96545	E	Provide chemotherapy agent					
96549	S	Chemotherapy, unspecified	987	2.09	$107.47	$65.09	$21.49
96900	S	Ultraviolet light therapy	990	0.43	$22.11	$8.14	$4.42
96902	N	Trichogram					
96910	S	Photochemotherapy with UV-B	990	0.43	$22.11	$8.14	$4.42
96912	S	Photochemotherapy with UV-A	990	0.43	$22.11	$8.14	$4.42
96913	S	Photochemotherapy, UV-A or B	990	0.43	$22.11	$8.14	$4.42
96999	S	Dermatological procedure	990	0.43	$22.11	$8.14	$4.42
97001	A	Pt evaluation					
97002	A	Pt re-evaluation					
97003	A	Ot evaluation					
97004	A	Ot re-evaluation					
97010	A	Hot or cold packs therapy					
97012	A	Mechanical traction therapy					
97014	A	Electric stimulation therapy					
97016	A	Vasopneumatic device therapy					
97018	A	Paraffin bath therapy					
97020	A	Microwave therapy					
97022	A	Whirlpool therapy					
97024	A	Diathermy treatment					
97026	A	Infrared therapy					
97028	A	Ultraviolet therapy					
97032	A	Electrical stimulation					
97033	A	Electric current therapy					
97034	A	Contrast bath therapy					
97035	A	Ultrasound therapy					
97036	A	Hydrotherapy					
97039	A	Physical therapy treatment					
97110	A	Therapeutic exercises					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
97112	A	Neuromuscular reeducation					
97113	A	Aquatic therapy/exercises					
97116	A	Gait training therapy					
[2] 97122	A	Manual traction therapy					
97124	A	Massage therapy					
97139	A	Physical medicine procedure					
97150	A	Group therapeutic procedures					
[2] 97250	S	Myofascial release	997	0.69	$35.48	$7.46	$7.10
[2] 97260	S	Regional manipulation	997	0.69	$35.48	$7.46	$7.10
[2] 97261	S	Supplemental manipulations	997	0.69	$35.48	$7.46	$7.10
[2] 97265	A	Joint mobilization					
97504	A	Orthotic training					
97520	A	Prosthetic training					
[1] 97530	A	Therapeutic activities					
97535	A	Self care mngment training					
[1] 97537	A	Community/work reintegration					
97542	A	Wheelchair mngement training					
97545	A	Work hardening					
97546	A	Work hardening add-on					
97703	A	Prosthetic checkout					
97750	A	Physical performance test					
[1] 97770	A	Cognitive skills development					
97780	E	Acupuncture w/o stim					
97781	E	Acupuncture w/stim					
97799	A	Physical medicine procedure					
98925	S	Osteopathic manipulation	997	0.69	$35.48	$7.46	$7.10
98926	S	Osteopathic manipulation	997	0.69	$35.48	$7.46	$7.10
98927	S	Osteopathic manipulation	997	0.69	$35.48	$7.46	$7.10
98928	S	Osteopathic manipulation	997	0.69	$35.48	$7.46	$7.10
98929	S	Osteopathic manipulation	997	0.69	$35.48	$7.46	$7.10
98940	S	Chiropractic manipulation	997	0.69	$35.48	$7.46	$7.10
98941	S	Chiropractic manipulation	997	0.69	$35.48	$7.46	$7.10
98942	S	Chiropractic manipulation	997	0.69	$35.48	$7.46	$7.10
98943	E	Chiropractic manipulation					
99000	E	Specimen handling					
99001	N	Specimen handling					
99002	E	Device handling					
99024	N	Post-op follow-up visit					
99025	N	Initial surgical evaluation					
99050	E	Medical services after hrs					
99052	E	Medical services at night					
99054	E	Medical services, unusual hrs					
99056	E	Non-office medical services					
99058	E	Office emergency care					
99070	E	Special supplies					
99071	E	Patient education materials					
99075	E	Medical testimony					
99078	S	Group health education	921				
99080	E	Special reports or forms					
99082	E	Unusual physician travel					
99090	E	Computer data analysis					
99100	N	Special anesthesia service					
99116	N	Anesthesia with hypothermia					
99135	N	Special anesthesia procedure					
99140	N	Emergency anesthesia					
99141	N	Sedation, iv/im or inhalant					
99142	N	Sedation, oral/rectal/nasal					
99175	N	Induction of vomiting					
99183	S	Hyperbaric oxygen therapy	969	2.65	$136.26	$141.70	$27.25
99185	N	Regional hypothermia					
99186	N	Total body hypothermia					
99190	C	Special pump services					
99191	C	Special pump services					
99192	C	Special pump services					
99195	X	Phlebotomy	999	0.43	$22.11	$11.07	$4.42
99199	N	Special service or report					
99201	V	Office/outpatient visit, new	911				
99202	V	Office/outpatient visit, new	911				
99203	V	Office/outpatient visit, new	913				
99204	V	Office/outpatient visit, new	915				
99205	V	Office/outpatient visit, new	915				
99211	V	Office/outpatient visit, est	911				
99212	V	Office/outpatient visit, est	911				
99213	V	Office/outpatient visit, est	913				
99214	V	Office/outpatient visit, est	915				

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
99215	V	Office/outpatient visit, est	915				
99217	N	Observation care discharge					
99218	N	Observation care					
99219	N	Observation care					
99220	N	Observation care					
99221	E	Initial hospital care					
99222	E	Initial hospital care					
99223	E	Initial hospital care					
99231	E	Subsequent hospital care					
99232	E	Subsequent hospital care					
99233	E	Subsequent hospital care					
99234	C	Observ/hosp same date					
99235	C	Observ/hosp same date					
99236	C	Observ/hosp same date					
99238	E	Hospital discharge day					
99239	E	Hospital discharge day					
99241	V	Office consultation	911				
99242	V	Office consultation	911				
99243	V	Office consultation	913				
99244	V	Office consultation	915				
99245	V	Office consultation	915				
99251	C	Initial inpatient consult					
99252	C	Initial inpatient consult					
99253	C	Initial inpatient consult					
99254	C	Initial inpatient consult					
99255	C	Initial inpatient consult					
99261	C	Follow-up inpatient consult					
99262	C	Follow-up inpatient consult					
99263	C	Follow-up inpatient consult					
99271	V	Confirmatory consultation	911				
99272	V	Confirmatory consultation	911				
99273	V	Confirmatory consultation	913				
99274	V	Confirmatory consultation	915				
99275	V	Confirmatory consultation	915				
99281	V	Emergency dept visit	951				
99282	V	Emergency dept visit	951				
99283	V	Emergency dept visit	953				
99284	V	Emergency dept visit	955				
99285	V	Emergency dept visit	955				
99288	E	Direct advanced life support					
99291	S	Critical care, first hour	900	7.54	$387.71	$145.09	$77.54
99292	N	Critical care, addt'l 30 min					
99295	C	Neonatal critical care					
99296	C	Neonatal critical care					
99297	C	Neonatal critical care					
99301	E	Nursing facility care					
99302	E	Nursing facility care					
99303	E	Nursing facility care					
99311	E	Nursing facility care, subseq					
99312	E	Nursing facility care, subseq					
99313	E	Nursing facility care, subseq					
99315	E	Nursing fac discharge day					
99316	E	Nursing fac discharge day					
99321	E	Rest home visit, new patient					
99322	E	Rest home visit, new patient					
99323	E	Rest home visit, new patient					
99331	E	Rest home visit, estab pat					
99332	E	Rest home visit, estab pat					
99333	E	Rest home visit, estab pat					
99341	E	Home visit, new patient					
99342	E	Home visit, new patient					
99343	E	Home visit, new patient					
99344	E	Home visit, new patient					
99345	E	Home visit, new patient					
99347	E	Home visit, estab patient					
99348	E	Home visit, estab patient					
99349	E	Home visit, estab patient					
99350	E	Home visit, estab patient					
99354	N	Prolonged service, office					
99355	N	Prolonged service, office					
99356	C	Prolonged service, inpatient					
99357	C	Prolonged service, inpatient					
99358	N	Prolonged serv, w/o contact					
99359	N	Prolonged serv, w/o contact					
99360	E	Physician standby services					

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CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
99361	E	Physician/team conference					
99362	E	Physician/team conference					
99371	E	Physician phone consultation					
99372	E	Physician phone consultation					
99373	E	Physician phone consultation					
99374	E	Home health care supervision					
99375	E	Home health care supervision					
99377	E	Hospice care supervision					
99378	E	Hospice care supervision					
99379	E	Nursing fac care supervision					
99380	E	Nursing fac care supervision					
99381	E	Preventive visit, new, infant					
99382	E	Preventive visit, new, age 1-4					
99383	E	Preventive visit, new, age 5-11					
99384	E	Preventive visit, new, 12-17					
99385	E	Preventive visit, new, 18-39					
99386	E	Preventive visit, new, 40-64					
99387	E	Preventive visit, new, 65 & over					
99391	E	Preventive visit, est, infant					
99392	E	Preventive visit, est, age 1-4					
99393	E	Preventive visit, est, age 5-11					
99394	E	Preventive visit, est, 12-17					
99395	E	Preventive visit, est, 18-39					
99396	E	Preventive visit, est, 40-64					
99397	E	Preventive visit, est, 65 & over					
99401	E	Preventive counseling, indiv					
99402	E	Preventive counseling, indiv					
99403	E	Preventive counseling, indiv					
99404	E	Preventive counseling, indiv					
99411	E	Preventive counseling, group					
99412	E	Preventive counseling, group					
99420	E	Health risk assessment test					
99429	E	Unlisted preventive service					
99431	N	Initial care, normal newborn					
99432	N	Newborn care not in hospital					
99433	C	Normal newborn care,hospital					
99435	E	Hospital NB discharge day					
99436	N	Attendance, birth					
99440	S	Newborn resuscitation	947	4.11	$211.34	$106.22	$42.27
99450	E	Life/disability evaluation					
99455	E	Disability examination					
99456	E	Disability examination					
99499	E	Unlisted E/M service					
A0021	E	Outside state ambulance serv					
A0030	A	Air ambulance service					
A0040	A	Helicopter ambulance service					
A0050	A	Water amb service emergency					
A0080	E	Noninterest escort in non er					
A0090	E	Interest escort in non er					
A0100	E	Nonemergency transport taxi					
A0110	E	Nonemergency transport bus					
A0120	E	Noner transport mini-bus					
A0130	E	Noner transport wheelch van					
A0140	E	Nonemergency transport air					
A0160	E	Noner transport case worker					
A0170	E	Noner transport parking fees					
A0180	E	Noner transport lodgng recip					
A0190	E	Noner transport meals recip					
A0200	E	Noner transport lodgng escrt					
A0210	E	Noner transport meals escort					
A0225	A	Neonatal emergency transport					
A0300	A	Ambulance basic non-emer all					
A0302	A	Ambulance basic emergeny all					
A0304	A	Amb adv non-er no serv all					
A0306	A	Amb adv non-er spec serv all					
A0308	A	Amb adv er no spec serv all					
A0310	A	Amb adv er spec serv all					
A0320	A	Amb basic non-er + supplies					
A0322	A	Amb basic emerg + supplies					
A0324	A	Adv non-er serv sep mileage					
A0326	A	Adv non-er no serv sep mile					
A0328	A	Adv er no serv sep mileage					
A0330	A	Adv er spec serv sep mile					
A0340	A	Amb basic non-er + mileage					
A0342	A	Ambul basic emer + mileage					

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CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
A0344	A	Amb adv non-er no serv +mile					
A0346	A	Amb adv non-er serv + mile					
A0348	A	Adv emer no spec serv + mile					
A0350	A	Adv emer spec serv + mileage					
A0360	A	Basic non-er sep mile & supp					
A0362	A	Basic emer sep mile & supply					
A0364	A	Adv non-er no serv sep mi&su					
A0366	A	Adv non-er serv sep mil&supp					
A0368	A	Adv er no serv sep mile&supp					
A0370	A	Adv er spec serv sep mi&supp					
A0380	A	Basic life support mileage					
A0382	A	Basic support routine suppls					
A0384	A	Bls defibrillation supplies					
A0390	A	Advanced life support mileag					
A0392	A	Als defibrillation supplies					
A0394	A	Als IV drug therapy supplies					
A0396	A	Als esophageal intub suppls					
A0398	A	Als routine disposble suppls					
A0420	A	Ambulance waiting 1/2 hr					
A0422	A	Ambulance 02 life sustaining					
A0424	A	Extra ambulance attendant					
A0888	E	Noncovered ambulance mileage					
A0999	A	Unlisted ambulance service					
A4206	A	1 CC sterile syringe & needle					
A4207	A	2 CC sterile syringe & needle					
A4208	A	3 CC sterile syringe & needle					
A4209	A	5+ CC sterile syringe & needle					
A4210	E	Nonneedle injection device					
A4211	A	Supp for self-adm injections					
A4212	A	Non coring needle or stylet					
A4213	A	20+ CC syringe only					
A4214	A	30 CC sterile water/saline					
A4215	A	Sterile needle					
A4220	A	Infusion pump refill kit					
A4221	A	Maint drug infus cath per wk					
A4222	A	Drug infusion pump supplies					
A4230	E	Infus insulin pump non needl					
A4231	E	Infusion insulin pump needle					
A4232	E	Syringe w/needle insulin 3cc					
A4244	A	Alcohol or peroxide per pint					
A4245	A	Alcohol wipes per box					
A4246	A	Betadine/phisohex solution					
A4247	A	Betadine/iodine swabs/wipes					
A4250	E	Urine reagent strips/tablets					
A4253	A	Blood glucose/reagent strips					
A4254	A	Battery for glucose monitor					
A4255	A	Glucose monitor platforms					
A4256	A	Calibrator solution/chips					
A4258	A	Lancet device each					
A4259	A	Lancets per box					
A4260	E	Levonorgestrel implant					
A4262	N	Temporary tear duct plug					
A4263	A	Permanent tear duct plug					
A4265	A	Paraffin					
A4270	A	Disposable endoscope sheath					
A4300	A	Cath impl vasc access portal					
A4301	A	Implantable access syst perc					
A4305	A	Drug delivery system ≤=50 ML					
A4306	A	Drug delivery system <=5 ML					
A4310	A	Insert tray w/o bag/cath					
A4311	A	Catheter w/o bag 2-way latex					
A4312	A	Cath w/o bag 2-way silicone					
A4313	A	Catheter w/bag 3-way					
A4314	A	Cath w/drainage 2-way latex					
A4315	A	Cath w/drainage 2-way silcne					
A4316	A	Cath w/drainage 3-way					
A4320	A	Irrigation tray					
A4321	A	Cath therapeutic irrig agent					
A4322	A	Irrigation syringe					
A4323	A	Saline irrigation solution					
A4326	A	Male external catheter					
A4327	A	Fem urinary collect dev cup					
A4328	A	Fem urinary collect pouch					
A4329	A	External catheter start set					
A4330	A	Stool collection pouch					

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CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
A4335	A	Incontinence supply					
A4338	A	Indwelling catheter latex					
A4340	A	Indwelling catheter special					
A4344	A	Cath indw foley 2 way silicn					
A4346	A	Cath indw foley 3 way					
A4347	A	Male external catheter					
A4351	A	Straight tip urine catheter					
A4352	A	Coude tip urinary catheter					
A4353	A	Intermittent urinary cath					
A4354	A	Cath insertion tray w/bag					
A4355	A	Bladder irrigation tubing					
A4356	A	Ext ureth dmp or compr dvc					
A4357	A	Bedside drainage bag					
A4358	A	Urinary leg bag					
A4359	A	Urinary suspensory w/o leg b					
A4361	A	Ostomy face plate					
A4362	A	Solid skin barrier					
A4363	A	Liquid skin barrier					
A4364	A	Ostomy/cath adhesive					
A4365	A	Ostomy adhesive remover wipe					
A4367	A	Ostomy belt					
A4368	A	Ostomy filter					
A4397	A	Irrigation supply sleeve					
A4398	A	Ostomy irrigation bag					
A4399	A	Ostomy irrig cone/cath w brs					
A4400	A	Ostomy irrigation set					
A4402	A	Lubricant per ounce					
A4404	A	Ostomy ring each					
A4421	A	Ostomy supply misc					
A4454	A	Tape all types all sizes					
A4455	A	Adhesive remover per ounce					
A4460	A	Elastic compression bandage					
A4462	A	Abdmnl drssng holder/binder					
A4465	A	Non-elastic extremity binder					
A4470	A	Gravlee jet washer					
A4480	A	Vabra aspirator					
A4481	A	Tracheostoma filter					
A4490	E	Above knee surgical stocking					
A4495	E	Thigh length surg stocking					
A4500	E	Below knee surgical stocking					
A4510	E	Full length surg stocking					
A4550	E	Surgical trays					
A4554	E	Disposable underpads					
A4556	A	Electrodes					
A4557	A	Lead wires					
A4558	A	Conductive paste or gel					
A4560	A	Pessary					
A4565	A	Slings					
A4570	A	Splint					
A4572	A	Rib belt					
A4575	E	Hyperbaric o2 chamber disps					
A4580	A	Cast supplies (plaster)					
A4590	A	Special casting material					
A4595	A	TENS suppl 2 lead per month					
A4611	A	Heavy duty battery					
A4612	A	Battery cables					
A4613	A	Battery charger					
A4615	A	Cannula nasal					
A4616	A	Tubing (oxygen) per foot					
A4617	A	Mouth piece					
A4618	A	Breathing circuits					
A4619	A	Face tent					
A4620	A	Variable concentration mask					
A4621	A	Tracheotomy mask or collar					
A4622	A	Tracheostomy or larngectomy					
A4623	A	Tracheostomy inner cannula					
A4624	A	Tracheal suction tube					
A4625	A	Trach care kit for new trach					
A4626	A	Tracheostomy cleaning brush					
A4627	E	Spacer bag/reservoir					
A4628	A	Oropharyngeal suction cath					
A4629	A	Tracheostomy care kit					
A4630	A	Repl bat t.e.n.s. own by pt					
A4631	A	Wheelchair battery					
A4635	A	Underarm crutch pad					

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CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
A4636	A	Handgrip for cane etc					
A4637	A	Repl tip cane/crutch/walker					
A4640	A	Alternating pressure pad					
A4641	N	Diagnostic imaging agent					
A4642	N	Satumomab pendetide per dose					
A4643	N	High dose contrast MRI					
A4644	N	Contrast 100-199 MGs iodine					
A4645	N	Contrast 200-299 MGs iodine					
A4646	N	Contrast 300-399 MGs iodine					
A4647	N	Supp- paramagnetic contr mat					
A4649	A	Surgical supplies					
A4650	A	Supp esrd centrifuge					
A4655	A	Esrd syringe/needle					
A4660	A	Esrd blood pressure device					
A4663	A	Esrd blood pressure cuff					
A4670	E	Auto blood pressure monitor					
A4680	A	Activated carbon filters					
A4690	A	Dialyzers					
A4700	A	Standard dialysate solution					
A4705	A	Bicarb dialysate solution					
A4712	A	Sterile water					
A4714	A	Treated water for dialysis					
A4730	A	Fistula cannulation set dial					
A4735	A	Local/topical anesthetics					
A4740	A	Esrd shunt accessory					
A4750	A	Arterial or venous tubing					
A4755	A	Arterial and venous tubing					
A4760	A	Standard testing solution					
A4765	A	Dialysate concentrate					
A4770	A	Blood testing supplies					
A4771	A	Blood clotting time tube					
A4772	A	Dextrostick/glucose strips					
A4773	A	Hemostix					
A4774	A	Ammonia test paper					
A4780	A	Esrd sterilizing agent					
A4790	A	Esrd cleansing agents					
A4800	A	Heparin/antidote dialysis					
A4820	A	Supplies hemodialysis kit					
A4850	A	Rubber tipped hemostats					
A4860	A	Disposable catheter caps					
A4870	A	Plumbing/electrical work					
A4880	A	Water storage tanks					
A4890	A	Contracts/repair/maintenance					
A4900	A	Capd supply kit					
A4901	A	Ccpd supply kit					
A4905	A	Ipd supply kit					
A4910	A	Esrd nonmedical supplies					
A4912	A	Gomco drain bottle					
A4913	A	Esrd supply					
A4914	A	Preparation kit					
A4918	A	Venous pressure clamp					
A4919	A	Supp dialysis dialyzer holde					
A4920	A	Harvard pressure clamp					
A4921	A	Measuring cylinder					
A4927	A	Gloves					
A5051	A	Pouch clsd w barr attached					
A5052	A	Clsd ostomy pouch w/o barr					
A5053	A	Clsd ostomy pouch faceplate					
A5054	A	Clsd ostomy pouch w/flange					
A5055	A	Stoma cap					
A5061	A	Pouch drainable w barrier at					
A5062	A	Drnble ostomy pouch w/o barr					
A5063	A	Drain ostomy pouch w/flange					
A5064	E	Drain ostomy pouch w/fceplte					
A5065	E	Drain ostomy pouch on fcplte					
A5071	A	Urinary pouch w/barrier					
A5072	A	Urinary pouch w/o barrier					
A5073	A	Urinary pouch on barr w/flng					
A5074	E	Urinary pouch w/faceplate					
A5075	E	Urinary pouch on faceplate					
A5081	A	Continent stoma plug					
A5082	A	Continent stoma catheter					
A5093	A	Ostomy accessory convex inse					
A5102	A	Bedside drain btl w/wo tube					
A5105	A	Urinary suspensory					

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CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
A5112	A	Urinary leg bag					
A5113	A	Latex leg strap					
A5114	A	Foam/fabric leg strap					
A5119	A	Skin barrier wipes box pr 50					
A5121	A	Solid skin barrier 6x6					
A5122	A	Solid skin barrier 8x8					
A5123	A	Skin barrier with flange					
A5126	A	Adhesive disc/foam pad					
A5131	A	Appliance cleaner					
A5149	A	Incontinence/ostomy supply					
A5500	A	Diab shoe for density insert					
A5501	A	Diabetic custom molded shoe					
A5502	A	Diabetic shoe density insert					
A5503	A	Diabetic shoe w/roller/rockr					
A5504	A	Diabetic shoe with wedge					
A5505	A	Diab shoe w/metatarsal bar					
A5506	A	Diabetic shoe w/off set heel					
A5507	A	Modification diabetic shoe					
A6020	A	Collagen wound dressing					
A6025	E	Silicone gel sheet, each					
A6154	A	Wound pouch each					
A6196	A	Alginate dressing <=16 sq in					
A6197	A	Alginate drsg >16 <=48 sq in					
A6198	A	alginate dressing > 48 sq in					
A6199	A	Alginate drsg wound filler					
A6203	A	Composite drsg <= 16 sq in					
A6204	A	Composite drsg >16<=48 sq in					
A6205	A	Composite drsg > 48 sq in					
A6206	A	Contact layer <= 16 sq in					
A6207	A	Contact layer >16<= 48 sq in					
A6208	A	Contact layer > 48 sq in					
A6209	A	Foam drsg <=16 sq in w/o bdr					
A6210	A	Foam drg >16<=48 sq in w/o b					
A6211	A	Foam drg > 48 sq in w/o brdr					
A6212	A	Foam drg <=16 sq in w/border					
A6213	A	Foam drg >16<=48 sq in w/bdr					
A6214	A	Foam drg > 48 sq in w/border					
A6215	A	Foam dressing wound filler					
A6216	A	Non-sterile gauze<=16 sq in					
A6217	A	Non-sterile gauze >16<=48 sq					
A6218	A	Non-sterile gauze > 48 sq in					
A6219	A	Gauze <= 16 sq in w/border					
A6220	A	Gauze >16 <=48 sq in w/bordr					
A6221	A	Gauze > 48 sq in w/border					
A6222	A	Gauze <=16 in no w/sal w/o b					
A6223	A	Gauze >16<=48 no w/sal w/o b					
A6224	A	Gauze > 48 in no w/sal w/o b					
A6228	A	Gauze <= 16 sq in water/sal					
A6229	A	Gauze >16<=48 sq in watr/sal					
A6230	A	Gauze > 48 sq in water/salne					
A6234	A	Hydrocolld drg <=16 w/o bdr					
A6235	A	Hydrocolld drg >16<=48 w/o b					
A6236	A	Hydrocolld drg > 48 in w/o b					
A6237	A	Hydrocolld drg <=16 in w/bdr					
A6238	A	Hydrocolld drg >16<=48 w/bdr					
A6239	A	Hydrocolld drg > 48 in w/bdr					
A6240	A	Hydrocolld drg filler paste					
A6241	A	Hydrocolloid drg filler dry					
A6242	A	Hydrogel drg <=16 in w/o bdr					
A6243	A	Hydrogel drg >16<=48 w/o bdr					
A6244	A	Hydrogel drg >48 in w/o bdr					
A6245	A	Hydrogel drg <= 16 in w/bdr					
A6246	A	Hydrogel drg >16<=48 in w/b					
A6247	A	Hydrogel drg > 48 sq in w/b					
A6248	A	Hydrogel drsg gel filler					
A6250	A	Skin seal protect moisturizr					
A6251	A	Absorpt drg <=16 sq in w/o b					
A6252	A	Absorpt drg >16 <=48 w/o bdr					
A6253	A	Absorpt drg > 48 sq in w/o b					
A6254	A	Absorpt drg <=16 sq in w/bdr					
A6255	A	Absorpt drg >16<=48 in w/bdr					
A6256	A	Absorpt drg > 48 sq in w/bdr					
A6257	A	Transparent film <= 16 sq in					
A6258	A	Transparent film >16<=48 in					
A6259	A	Transparent film > 48 sq in					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
A6260	A	Wound cleanser any type/size					
A6261	A	Wound filler gel/paste /oz					
A6262	A	Wound filler dry form / gram					
A6263	A	Non-sterile elastic gauze/yd					
A6264	A	Non-sterile no elastic gauze					
A6265	A	Tape per 18 sq inches					
A6266	A	Impreg gauze no h20/sal/yard					
A6402	A	Sterile gauze <= 16 sq in					
A6403	A	Sterile gauze >16 <= 48 sq in					
A6404	A	Sterile gauze > 48 sq in					
A6405	A	Sterile elastic gauze /yd					
A6406	A	Sterile non-elastic gauze/yd					
A9150	E	Misc/exper non-prescript dru					
A9160	E	Podiatrist non-covered servi					
A9170	E	Chiropractor non-covered ser					
A9190	E	Misc/expe personal comfort i					
A9270	E	Non-covered item or service					
A9300	E	Exercise equipment					
A9500	N	Technetium TC 99m sestamibi					
A9502	N	Technetium TC99M tetrofosmin					
A9503	N	Technetium TC 99m medronate					
A9505	N	Thallous chloride TL 201/mci					
A9600	N	Strontium-89 chloride					
B4034	A	Enter feed supkit syr by day					
B4035	A	Enteral feed supp pump per d					
B4036	A	Enteral feed sup kit grav by					
B4081	A	Enteral ng tubing w/ stylet					
B4082	A	Enteral ng tubing w/o stylet					
B4083	A	Enteral stomach tube levine					
B4084	A	Gastrostomy/jejunostomy tubi					
B4085	A	Gastrostomy tube w/ring each					
B4150	A	Enteral formulae category i					
B4151	A	Enteral formulae category i-					
B4152	A	Enteral formulae category ii					
B4153	A	Enteral formulae category ii					
B4154	A	Enteral formulae category IV					
B4155	A	Enteral formulae category v					
B4156	A	Enteral formulae category vi					
B4164	A	Parenteral 50% dextrose solu					
B4168	A	Parenteral sol amino acid 3.					
B4172	A	Parenteral sol amino acid 5.					
B4176	A	Parenteral sol amino acid 7-					
B4178	A	Parenteral sol amino acid >					
B4180	A	Parenteral sol carb > 50%					
B4184	A	Parenteral sol lipids 10%					
B4186	A	Parenteral sol lipids 20%					
B4189	A	Parenteral sol amino acid &					
B4193	A	Parenteral sol 52-73 gm prot					
B4197	A	Parenteral sol 74-100 gm pro					
B4199	A	Parenteral sol > 100gm prote					
B4216	A	Parenteral nutrition additiv					
B4220	A	Parenteral supply kit premix					
B4222	A	Parenteral supply kit homemi					
B4224	A	Parenteral administration ki					
B5000	A	Parenteral sol renal-amirosy					
B5100	A	Parenteral sol hepatic-fream					
B5200	A	Parenteral sol stres-brnch c					
B9000	A	Enter infusion pump w/o alrm					
B9002	A	Enteral infusion pump w/ ala					
B9004	A	Parenteral infus pump portab					
B9006	A	Parenteral infus pump statio					
B9998	A	Enteral supp not otherwise c					
B9999	A	Parenteral supp not othrws c					
D0120	E	Periodic oral evaluation					
D0140	E	Limit oral eval problm focus					
D0150	S	Comprehensve oral evaluation	031	1.37	$70.45	$14.09	$14.09
D0160	E	Extensv oral eval prob focus					
D0210	E	Intraor complete film series					
D0220	E	Intraoral periapical first f					
D0230	E	Intraoral periapical ea add					
D0240	S	Intraoral occlusal film	031	1.37	$70.45	$14.09	$14.09
D0250	S	Extraoral first film	031	1.37	$70.45	$14.09	$14.09
D0260	S	Extraoral ea additional film	031	1.37	$70.45	$14.09	$14.09
D0270	S	Dental bitewing single film	031	1.37	$70.45	$14.09	$14.09
D0272	S	Dental bitewings two films	031	1.37	$70.45	$14.09	$14.09

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
D0274	S	Dental bitewings four films	031	1.37	$70.45	$14.09	$14.09
D0290	E	Dental film skull/facial bon					
D0310	E	Dental saliography					
D0320	E	Dental tmj arthrogram incl i					
D0321	E	Dental other tmj films					
D0322	E	Dental tomographic survey					
D0330	E	Dental panoramic film					
D0340	E	Dental cephalometric film					
D0415	E	Bacteriologic study					
D0425	E	Caries susceptibility test					
D0460	S	Pulp vitality test	031	1.37	$70.45	$14.09	$14.09
D0470	E	Diagnostic casts					
D0471	S	Diagnostic photographs	031	1.37	$70.45	$14.09	$14.09
D0501	S	Histopathologic examinations	031	1.37	$70.45	$14.09	$14.09
D0502	S	Other oral pathology procedu	031	1.37	$70.45	$14.09	$14.09
D0999	S	Unspecified diagnostic proce	031	1.37	$70.45	$14.09	$14.09
D1110	E	Dental prophylaxis adult					
D1120	E	Dental prophylaxis child					
D1201	E	Topical fluor w prophy child					
D1203	E	Topical fluor w/o prophy chi					
D1204	E	Topical fluor w/o prophy adu					
D1205	E	Topical fluoride w/ prophy a					
D1310	E	Nutri counsel-control caries					
D1320	E	Tobacco counseling					
D1330	E	Oral hygiene instruction					
D1351	E	Dental sealant per tooth					
D1510	S	Space maintainer fxd unilat	031	1.37	$70 45	$14.09	$14.09
D1515	S	Fixed bilat space maintainer	031	1.37	$70.45	$14.09	$14.09
D1520	S	Remove unilat space maintain	031	1.37	$70.45	$14.09	$14.09
D1525	S	Remove bilat space maintain	031	1.37	$70.45	$14.09	$14.09
D1550	S	Recement space maintainer	031	1.37	$70.45	$14.09	$14.09
D2110	E	Amalgam one surface primary					
D2120	E	Amalgam two surfaces primary					
D2130	E	Amalgam three surfaces prima					
D2131	E	Amalgam four/more surf prima					
D2140	E	Amalgam one surface permanen					
D2150	E	Amalgam two surfaces permane					
D2160	E	Amalgam three surfaces perma					
D2161	E	Amalgam 4 or > surfaces perm					
D2210	E	Slcate cement per restorat					
D2330	E	Resin one surface-anterior					
D2331	E	Resin two surfaces-anterior					
D2332	E	Resin three surfaces-anterio					
D2335	E	Resin 4/> surf or w incis an					
D2336	E	Composite resin crown					
D2380	E	Resin one surf poster primar					
D2381	E	Resin two surf poster primar					
D2382	E	Resin three/more surf post p					
D2385	E	Resin one surf poster perman					
D2386	E	Resin two surf poster perman					
D2387	E	Resin three/more surf post p					
D2410	E	Dental gold foil one surface					
D2420	E	Dental gold foil two surface					
D2430	E	Dental gold foil three surfa					
D2510	E	Dental inlay metalic 1 surf					
D2520	E	Dental inlay metallic 2 surf					
D2530	E	Dental inlay metl 3/more sur					
D2543	E	Dental onlay metallic 3 surf					
D2544	E	Dental onlay metl 4/more sur					
D2610	E	Inlay porcelain/ceramic 1 su					
D2620	E	Inlay porcelain/ceramic 2 su					
D2630	E	Dental onlay porc 3/more sur					
D2642	E	Dental onlay porcelin 2 surf					
D2643	E	Dental onlay porcelin 3 surf					
D2644	E	Dental onlay porc 4/more sur					
D2650	E	Inlay composite/resin one su					
D2651	E	Inlay composite/resin two su					
D2652	E	Dental inlay resin 3/mre sur					
D2662	E	Dental onlay resin 2 surface					
D2663	E	Dental onlay resin 3 surface					
D2664	E	Dental onlay resin 4/mre sur					
D2710	E	Crown resin laboratory					
D2720	E	Crown resin w/ high noble me					
D2721	E	Crown resin w/ base metal					
D2722	E	Crown resin w/ noble metal					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
D2740	E	Crown porcelain/ceramic subs					
D2750	E	Crown porcelain w/ h noble m					
D2751	E	Crown porcelain fused base m					
D2752	E	Crown porcelain w/ noble met					
D2790	E	Crown full cast high noble m					
D2791	E	Crown full cast base metal					
D2792	E	Crown full cast noble metal					
D2810	E	Crown 3/4 cast metallic					
D2910	E	Dental recement inlay					
D2920	E	Dental recement crown					
D2930	E	Prefab stnlss steel crwn pri					
D2931	E	Prefab stnlss steel crown pe					
D2932	E	Prefabricated resin crown					
D2933	E	Prefab stainless steel crown					
D2940	E	Dental sedative filling					
D2950	E	Core build-up incl any pins					
D2951	E	Tooth pin retention					
D2952	E	Post and core cast + crown					
D2954	E	Prefab post/core + crown					
D2955	E	Post removal					
D2960	E	Laminate labial veneer					
D2961	E	Lab labial veneer resin					
D2962	E	Lab labial veneer porcelain					
D2970	S	Temporary- fractured tooth	031	1.37	$70.45	$14.09	$14.09
D2980	E	Crown repair					
D2999	S	Dental unspec restorative pr	031	1.37	$70.45	$14.09	$14.09
D3110	E	Pulp cap direct					
D3120	E	Pulp cap indirect					
D3220	E	Therapeutic pulpotomy					
D3230	E	Pulpal therapy anterior prim					
D3240	E	Pulpal therapy posterior pri					
D3310	E	Anterior					
D3320	E	Root canal therapy 2 canals					
D3330	E	Root canal therapy 3 canals					
D3346	E	Retreat root canal anterior					
D3347	E	Retreat root canal bicuspid					
D3348	E	Retreat root canal molar					
D3351	E	Apexification/recalc initial					
D3352	E	Apexification/recalc interim					
D3353	E	Apexification/recalc final					
D3410	E	Apicoect/perirad surg anter					
D3421	E	Root surgery bicuspid					
D3425	E	Root surgery molar					
D3426	E	Root surgery ea add root					
D3430	E	Retrograde filling					
D3450	E	Root amputation					
D3460	S	Endodontic endosseous implan	031	1.37	$70.45	$14.09	$14.09
D3470	E	Intentional replantation					
D3910	E	Isolation- tooth w rubb dam					
D3920	E	Tooth splitting					
D3950	E	Canal prep/fitting of dowel					
D3960	E	Bleaching of discolored toot					
D3999	S	Endodontic procedure	031	1.37	$70.45	$14.09	$14.09
D4210	E	Gingivectomy/plasty per quad					
D4211	E	Gingivectomy/plasty per toot					
D4220	E	Gingival curettage per quadr					
D4240	E	Gingival flap proc w/ planin					
D4249	E	Crown lengthen hard tissue					
D4250	S	Mucogingival surg per quadra	031	1.37	$70.45	$14.09	$14.09
D4260	S	Osseous surgery per quadrant	031	1.37	$70.45	$14.09	$14.09
D4263	S	Bone replce graft first site	031	1.37	$70.45	$14.09	$14.09
D4264	S	Bone replce graft each add	031	1.37	$70.45	$14.09	$14.09
D4266	E	Guided tiss regen resorble					
D4267	E	Guided tiss regen nonresorb					
D4270	S	Pedicle soft tissue graft pr	031	1.37	$70.45	$14.09	$14.09
D4271	S	Free soft tissue graft proc	031	1.37	$70.45	$14.09	$14.09
D4273	S	Subepithelial tissue graft	031	1.37	$70.45	$14.09	$14.09
D4274	E	Distal/proximal wedge proc					
D4320	E	Provision splnt intracoronal					
D4321	E	Provisional splint extracoro					
D4341	E	Periodontal scaling & root					
D4355	S	Full mouth debridement	031	1.37	$70.45	$14.09	$14.09
D4381	S	Localized chemo delivery	031	1.37	$70.45	$14.09	$14.09
D4910	E	Periodontal maint procedures					
D4920	E	Unscheduled dressing change					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
D4999	E	Unspecified periodontal proc					
D5110	E	Dentures complete maxillary					
D5120	E	Dentures complete mandible					
D5130	E	Dentures immediat maxillary					
D5140	E	Dentures immediat mandible					
D5211	E	Dentures maxill part resin					
D5212	E	Dentures mand part resin					
D5213	E	Dentures maxill part metal					
D5214	E	Dentures mandibl part metal					
D5281	E	Removable partial denture					
D5410	E	Dentures adjust cmplt maxil					
D5411	E	Dentures adjust cmplt mand					
D5421	E	Dentures adjust part maxill					
D5422	E	Dentures adjust part mandbl					
D5510	E	Dentur repr broken compl bas					
D5520	E	Replace denture teeth complt					
D5610	E	Dentures repair resin base					
D5620	E	Rep part denture cast frame					
D5630	E	Rep partial denture clasp					
D5640	E	Replace part denture teeth					
D5650	E	Add tooth to partial denture					
D5660	E	Add clasp to partial denture					
D5710	E	Dentures rebase cmplt maxil					
D5711	E	Dentures rebase cmplt mand					
D5720	E	Dentures rebase part maxill					
D5721	E	Dentures rebase part mandbl					
D5730	E	Denture reln cmplt maxil ch					
D5731	E	Denture reln cmplt mand chr					
D5740	E	Denture reln part maxil chr					
D5741	E	Denture reln part mand chr					
D5750	E	Denture reln cmplt max lab					
D5751	E	Denture reln cmplt mand lab					
D5760	E	Denture reln part maxil lab					
D5761	E	Denture reln part mand lab					
D5810	E	Denture interm cmplt maxill					
D5811	E	Denture interm cmplt mandbl					
D5820	E	Denture interm part maxill					
D5821	E	Denture interm part mandbl					
D5850	E	Denture tiss conditn maxill					
D5851	E	Denture tiss condtin mandbl					
D5860	E	Overdenture complete					
D5861	E	Overdenture partial					
D5862	E	Precision attachment					
D5899	E	Removable prosthodontic proc					
D5911	S	Facial moulage sectional	031	1.37	$70.45	$14.09	$14.09
D5912	S	Facial moulage complete	031	1.37	$70.45	$14.09	$14.09
D5913	E	Nasal prosthesis					
D5914	E	Auricular prosthesis					
D5915	E	Orbital prosthesis					
D5916	E	Ocular prosthesis					
D5919	E	Facial prosthesis					
D5922	E	Nasal septal prosthesis					
D5923	E	Ocular prosthesis interim					
D5924	E	Cranial prosthesis					
D5925	E	Facial augmentation implant					
D5926	E	Replacement nasal prosthesis					
D5927	E	Auricular replacement					
D5928	E	Orbital replacement					
D5929	E	Facial replacement					
D5931	E	Surgical obturator					
D5932	E	Postsurgical obturator					
D5933	E	Refitting of obturator					
D5934	E	Mandibular flange prosthesis					
D5935	E	Mandibular denture prosth					
D5936	E	Temp obturator prosthesis					
D5937	E	Trismus appliance					
D5951	E	Feeding aid					
D5952	E	Pediatric speech aid					
D5953	E	Adult speech aid					
D5954	E	Superimposed prosthesis					
D5955	E	Palatal lift prosthesis					
D5958	E	Intraoral con def inter plt					
D5959	E	Intraoral con def mod palat					
D5960	E	Modify speech aid prosthesis					
D5982	E	Surgical stent					

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CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
D5983	S	Radiation applicator	031	1.37	$70.45	$14.09	$14.09
D5984	S	Radiation shield	031	1.37	$70.45	$14.09	$14.09
D5985	S	Radiation cone locator	031	1.37	$70.45	$14.09	$14.09
D5986	E	Fluoride applicator					
D5987	S	Commissure splint	031	1.37	$70.45	$14.09	$14.09
D5988	E	Surgical splint					
D5999	E	Maxillofacial prosthesis					
D6010	E	Odontics endosteal implant					
D6020	E	Odontics abutment placement					
D6040	E	Odontics eposteal implant					
D6050	E	Odontics transosteal implnt					
D6055	E	Implant connecting bar					
D6080	E	Implant maintenance					
D6090	E	Repair implant					
D6095	E	Odontics repr abutment					
D6100	E	Removal of implant					
D6199	E	Implant procedure					
D6210	E	Prosthodont high noble metal					
D6211	E	Bridge base metal cast					
D6212	E	Bridge noble metal cast					
D6240	E	Bridge porcelain high noble					
D6241	E	Bridge porcelain base metal					
D6242	E	Bridge porcelain nobel metal					
D6250	E	Bridge resin w/high noble					
D6251	E	Bridge resin base metal					
D6252	E	Bridge resin w/noble metal					
D6520	E	Dental retainer two surfaces					
D6530	E	Retainer metallic 3+ surface					
D6543	E	Dental retainr onlay 3 surf					
D6544	E	Dental retainr onlay 4/more					
D6545	E	Dental retainr cast metl					
D6720	E	Retain crown resin w hi nble					
D6721	E	Crown resin w/base metal					
D6722	E	Crown resin w/noble metal					
D6750	E	Crown porcelain high noble					
D6751	E	Crown porcelain base metal					
D6752	E	Crown porcelain noble metal					
D6780	E	Crown 3/4 high noble metal					
D6790	E	Crown full high noble metal					
D6791	E	Crown full base metal cast					
D6792	E	Crown full noble metal cast					
D6920	S	Dental connector bar	031	1.37	$70.45	$14.09	$14.09
D6930	E	Dental recement bridge					
D6940	E	Stress breaker					
D6950	E	Precision attachment					
D6970	E	Post & core plus retainer					
D6971	E	Cast post bridge retainer					
D6972	E	Prefab post & core plus reta					
D6973	E	Core build up for retainer					
D6975	E	Coping metal					
D6980	E	Bridge repair					
D6999	E	Fixed prosthodontic proc					
D7110	S	Oral surgery single tooth	031	1.37	$70.45	$14.09	$14.09
D7120	S	Each add tooth extraction	031	1.37	$70.45	$14.09	$14.09
D7130	S	Tooth root removal	031	1.37	$70.45	$14.09	$14.09
D7210	S	Rem imp tooth w mucoper flp	031	1.37	$70.45	$14.09	$14.09
D7220	S	Impact tooth remov soft tiss	031	1.37	$70.45	$14.09	$14.09
D7230	S	Impact tooth remov part bony	031	1.37	$70.45	$14.09	$14.09
D7240	S	Impact tooth remov comp bony	031	1.37	$70.45	$14.09	$14.09
D7241	S	Impact tooth rem bony w/comp	031	1.37	$70.45	$14.09	$14.09
D7250	S	Tooth root removal	031	1.37	$70.45	$14.09	$14.09
D7260	S	Oral antral fistula closure	031	1.37	$70.45	$14.09	$14.09
D7270	E	Tooth reimplantation					
D7272	E	Tooth transplantation					
D7280	E	Exposure impact tooth orthod					
D7281	E	Exposure tooth aid eruption					
D7285	E	Biopsy of oral tissue hard					
D7286	E	Biopsy of oral tissue soft					
D7290	E	Repositioning of teeth					
D7291	S	Transseptal fiberotomy	031	1.37	$70.45	$14.09	$14.09
D7310	E	Alveoplasty w/ extraction					
D7320	E	Alveoplasty w/o extraction					
D7340	E	Vestibuloplasty ridge extens					
D7350	E	Vestibuloplasty exten graft					
D7410	E	Rad exc lesion up to 1.25 cm					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
D7420	E	Lesion > 1.25 cm					
D7430	E	Exc benign tumor to 1.25 cm					
D7431	E	Benign tumor exc > 1.25 cm					
D7440	E	Malig tumor exc to 1.25 cm					
D7441	E	Malig tumor > 1.25 cm					
D7450	E	Rem odontogen cyst to 1.25cm					
D7451	E	Rem odontogen cyst > 1.25 cm					
D7460	E	Rem nonodonto cyst to 1.25cm					
D7461	E	Rem nonodonto cyst > 1.25 cm					
D7465	E	Lesion destruction					
D7470	E	Rem exostosis maxilla/mandib					
D7480	E	Partial ostectomy					
D7490	E	Mandible resection					
D7510	E	I&d absc intraoral soft tiss					
D7520	E	I&d abscess extraoral					
D7530	E	Removal fb skin/areolar tiss					
D7540	E	Removal of fb reaction					
D7550	E	Removal of sloughed off bone					
D7560	E	Maxillary sinusotomy					
D7610	E	Maxilla open reduct simple					
D7620	E	Clsd reduct simpl maxilla fx					
D7630	E	Open red simpl mandible fx					
D7640	E	Clsd red simpl mandible fx					
D7650	E	Open red simp malar/zygom fx					
D7660	E	Clsd red simp malar/zygom fx					
D7670	E	Open red simple alveolus fx					
D7680	E	Reduct simple facial bone fx					
D7710	E	Maxilla open reduct compound					
D7720	E	Clsd reduct compd maxilla fx					
D7730	E	Open reduct compd mandble fx					
D7740	E	Clsd reduct compd mandble fx					
D7750	E	Open red comp malar/zygma fx					
D7760	E	Clsd red comp malar/zygma fx					
D7770	E	Open reduc compd alveolus fx					
D7780	E	Reduct compnd facial bone fx					
D7810	E	Tmj open reduct-dislocation					
D7820	E	Closed tmp manipulation					
D7830	E	Tmj manipulation under anest					
D7840	E	Removal of tmj condyle					
D7850	E	Tmj meniscectomy					
D7852	E	Tmj repair of joint disc					
D7854	E	Tmj excisn of joint membrane					
D7656	E	Tmj cutting of a muscle					
D7858	E	Tmj reconstruction					
D7860	E	Tmj cutting into joint					
D7865	E	Tmj reshaping components					
D7870	E	Tmj aspiration joint fluid					
D7872	E	Tmj diagnostic arthroscopy					
D7873	E	Tmj arthroscopy lysis adhesn					
D7874	E	Tmj arthroscopy disc reposit					
D7875	E	Tmj arthroscopy synovectomy					
D7876	E	Tmj arthroscopy discectomy					
D7877	E	Tmj arthroscopy debridement					
D7880	E	Occlusal orthotic appliance					
D7899	E	Tmj unspecified therapy					
D7910	E	Dent sutur recent wnd to 5cm					
D7911	E	Dental suture wound to 5 cm					
D7912	E	Suture complicate wnd > 5 cm					
D7920	E	Dental skin graft					
D7940	S	Reshaping bone orthognathic	031	1.37	$70.45	$14.09	$14.09
D7941	E	Bone cutting ramus closed					
D7942	E	Bone cutting ramus open					
D7943	E	Cutting ramus open w/graft					
D7944	E	Bone cutting segmented					
D7945	E	Bone cutting body mandible					
D7946	E	Reconstruction maxilla total					
D7947	E	Reconstruct maxilla segment					
D7948	E	Reconstruct midface no graft					
D7949	E	Reconstruct midface w/graft					
D7950	E	Mandible graft					
D7955	E	Repair maxillofacial defects					
D7960	E	Frenulectomy/frenulotomy					
D7970	E	Excision hyperplastic tissue					
D7971	E	Excision pericoronal gingiva					
D7980	E	Sialolithotomy					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
D7981	E	Excision of salivary gland					
D7982	E	Sialodochoplasty					
D7983	E	Closure of salivary fistula					
D7990	E	Emergency tracheotomy					
D7991	E	Dental coronoidectomy					
D7995	E	Synthetic graft facial bones					
D7996	E	Implant mandible for augment					
D7999	E	Oral surgery procedure					
D8010	E	Limited dental tx primary					
D8020	E	Limited dental tx transition					
D8030	E	Limited dental tx adolescent					
D8040	E	Limited dental tx adult					
D8050	E	Intercep dental tx primary					
D8060	E	Intercep dental tx transitn					
D8070	E	Compre dental tx transition					
D8080	E	Compre dental tx adolescent					
D8090	E	Compre dental tx adult					
D8210	E	Orthodontic rem appliance tx					
D8220	E	Fixed appliance therapy habt					
D8660	E	Preorthodontic tx visit					
D8670	E	Periodic orthodontc tx visit					
D8680	E	Orthodontic retention					
D8690	E	Orthodontic treatment					
D8999	E	Orthodontic procedure					
D9110	N	Tx dental pain minor proc					
D9210	E	Dent anesthesia w/o surgery					
D9211	E	Regional block anesthesia					
D9212	E	Trigeminal block anesthesia					
D9215	E	Local anesthesia					
D9220	E	General anesthesia					
D9221	E	General anesthesia ea ad 15m					
D9230	N	Analgesia					
D9240	E	Intravenous sedation					
D9310	E	Dental consultation					
D9410	E	Dental house call					
D9420	E	Hospital call					
D9430	E	Office visit during hours					
D9440	E	Office visit after hours					
D9610	E	Dent therapeutic drug inject					
D9630	S	Other drugs/medicaments	031	1.37	$70.45	$14.09	$14.09
D9910	E	Dent appl desensitizing med					
D9920	E	Behavior management					
D9930	S	Treatment of complications	031	1.37	$70.45	$14.09	$14.09
D9940	S	Dental occlusal guard	031	1.37	$70.45	$14.09	$14.09
D9941	E	Fabrication athletic guard					
D9950	S	Occlusion analysis	031	1.37	$70.45	$14.09	$14.09
D9951	S	Limited occlusal adjustment	031	1.37	$70.45	$14.09	$14.09
D9952	S	Complete occlusal adjustment	031	1.37	$70.45	$14.09	$14.09
D9970	E	Enamel microabrasion					
D9999	E	Adjunctive procedure					
E0100	A	Cane adjust/fixed with tip					
E0105	A	Cane adjust/fixed quad/3 pro					
E0110	A	Crutch forearm pair					
E0111	A	Crutch forearm each					
E0112	A	Crutch underarm pair wood					
E0113	A	Crutch underarm each wood					
E0114	A	Crutch underarm pair no wood					
E0116	A	Crutch underarm each no wood					
E0130	A	Walker rigid adjust/fixed ht					
E0135	A	Walker folding adjust/fixed					
E0141	A	Rigid walker wheeled wo seat					
E0142	A	Walker rigid wheeled with se					
E0143	A	Walker folding wheeled w/o s					
E0145	A	Walker whled seat/crutch att					
E0146	A	Folding walker wheels w seat					
E0147	A	Walker variable wheel resist					
E0153	A	Forearm crutch platform atta					
E0154	A	Walker platform attachment					
E0155	A	Walker rigd pick-up/wheel at					
E0156	A	Walker seat attachment					
E0157	A	Walker crutch attachment					
E0158	A	Walker leg extensions					
E0159	A	Brake for wheeled walker					
E0160	A	Sitz type bath or equipment					
E0161	A	Sitz bath/equipment w/faucet					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
E0162	A	Sitz bath chair					
E0163	A	Commode chair stationry fxd					
E0164	A	Commode chair mobile fixed a					
E0165	A	Commode chair stationry det					
E0166	A	Commode chair mobile detach					
E0167	A	Commode chair pail or pan					
E0175	A	Commode chair foot rest					
E0176	A	Air pressre pad/cushion nonp					
E0177	A	Water press pad/cushion nonp					
E0178	A	Gel pressre pad/cushion nonp					
E0179	A	Dry pressre pad/cushion nonp					
E0180	A	Press pad alternating w pump					
E0181	A	Press pad alternating w/ pum					
E0182	A	Pressure pad alternating pum					
E0184	A	Dry pressure mattress					
E0185	A	Gel pressure mattress pad					
E0186	A	Air pressure mattress					
E0187	A	Water pressure mattress					
E0188	E	Synthetic sheepskin pad					
E0189	E	Lambswool sheepskin pad					
E0191	A	Protector heel or elbow					
E0192	A	Pad wheelchr low press/posit					
E0193	A	Powered air flotation bed					
E0194	A	Air fluidized bed					
E0196	A	Gel pressure mattress					
E0197	A	Air pressure pad for mattres					
E0198	A	Water pressure pad for mattr					
E0199	A	Dry pressure pad for mattres					
E0200	A	Heat lamp without stand					
E0202	A	Phototherapy light w/ photom					
E0205	A	Heat lamp with stand					
E0210	A	Electric heat pad standard					
E0215	A	Electric heat pad moist					
E0217	A	Water circ heat pad w pump					
E0218	A	Water circ cold pad w pump					
E0220	A	Hot water bottle					
E0225	A	Hydrocollator unit					
E0230	A	Ice cap or collar					
E0235	A	Paraffin bath unit portable					
E0236	A	Pump for water circulating p					
E0238	A	Heat pad non-electric moist					
E0239	A	Hydrocollator unit portable					
E0241	E	Bath tub wall rail					
E0242	E	Bath tub rail floor					
E0243	E	Toilet rail					
E0244	E	Toilet seat raised					
E0245	E	Tub stool or bench					
E0246	A	Transfer tub rail attachment					
E0249	A	Pad water circulating heat u					
E0250	A	Hosp bed fixed ht w/ mattres					
E0251	A	Hosp bed fixd ht w/o mattres					
E0255	A	Hospital bed var ht w/ mattr					
E0256	A	Hospital bed var ht w/o matt					
E0260	A	Hosp bed semi-electr w/ matt					
E0261	A	Hosp bed semi-electr w/o mat					
E0265	A	Hosp bed total electr w/ mat					
E0266	A	Hosp bed total elec w/o matt					
E0270	A	Hospital bed institutional t					
E0271	A	Mattress innerspring					
E0272	A	Mattress foam rubber					
E0273	A	Bed board					
E0274	A	Over-bed table					
E0275	A	Bed pan standard					
E0276	A	Bed pan fracture					
E0277	A	Powered pres-redu air mattrs					
E0280	A	Bed cradle					
E0290	A	Hosp bed fx ht w/o rails w/m					
E0291	A	Hosp bed fx ht w/o rail w/o					
E0292	A	Hosp bed var ht w/o rail w/o					
E0293	A	Hosp bed var ht w/o rail w/					
E0294	A	Hosp bed semi-elect w/ mattr					
E0295	A	Hosp bed semi-elect w/o matt					
E0296	A	Hosp bed total elect w/ matt					
E0297	A	Hosp bed total elect w/o mat					
E0305	A	Rails bed side half length					

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CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
E0310	A	Rails bed side full length					
E0315	A	Bed accessory brd/tbl/supprt					
E0325	A	Urinal male jug-type					
E0326	A	Urinal female jug-type					
E0350	A	Control unit bowel system					
E0352	A	Disposable pack w/bowel syst					
E0370	A	Air elevator for heel					
E0371	A	Nonpower mattress overlay					
E0372	A	Powered air mattress overlay					
E0373	A	Nonpowered pressure mattress					
E0424	A	Stationary compressed gas 02					
E0425	A	Gas system stationary compre					
E0430	A	Oxygen system gas portable					
E0431	A	Portable gaseous 02					
E0434	A	Portable liquid 02					
E0435	A	Oxygen system liquid portabl					
E0439	A	Stationary liquid 02					
E0440	A	Oxygen system liquid station					
E0441	A	Oxygen contents gas per/unit					
E0442	A	Oxygen contents liq per/unit					
E0443	A	Port 02 contents gas/unit					
E0444	A	Port 02 contents liq/unit					
E0450	A	Volume vent stationary/porta					
E0452	A	Intermit assis device w cpap					
E0453	A	Ventilator 12 hrs/less per d					
E0455	A	Oxygen tent excl croup/ped t					
E0457	A	Chest shell					
E0459	A	Chest wrap					
E0460	A	Neg press vent portabl/statn					
E0462	A	Rocking bed w/ or w/o side r					
E0480	A	Percussor elect/pneum home m					
E0500	A	Ippb all types					
E0550	A	Humidif extens supple w ippb					
E0555	A	Humidifier for use w/ regula					
E0560	A	Humidifier supplemental w/ i					
E0565	A	Compressor air power source					
E0570	A	Nebulizer with compression					
E0575	A	Nebulizer ultrasonic					
E0580	A	Nebulizer for use w/ regulat					
E0585	A	Nebulizer w/ compressor & he					
E0600	A	Suction pump portab hom modl					
E0601	A	Cont airway pressure device					
E0605	A	Vaporizer room type					
E0606	A	Drainage board postural					
E0607	A	Blood glucose monitor home					
E0608	A	Apnea monitor					
E0609	A	Blood gluc mon w/special fea					
E0610	A	Pacemaker monitr audible/vis					
E0615	A	Pacemaker monitr digital/vis					
E0621	A	Patient lift sling or seat					
E0625	A	Patient lift bathroom or toi					
E0627	A	Seat lift incorp lift-chair					
E0628	A	Seat lift for pt furn-electr					
E0629	A	Seat lift for pt furn-non-el					
E0630	A	Patient lift hydraulic					
E0635	A	Patient lift electric					
E0650	A	Pneuma compresor non-segment					
E0651	A	Pneum compressor segmental					
E0652	A	Pneum compres w/cal pressure					
E0655	A	Pneumatic appliance half arm					
E0660	A	Pneumatic appliance full leg					
E0665	A	Pneumatic appliance full arm					
E0666	A	Pneumatic appliance half leg					
E0667	A	Seg pneumatic appl full leg					
E0668	A	Seg pneumatic appl full arm					
E0669	A	Seg pneumatic appli half leg					
E0671	A	Pressure pneum appl full leg					
E0672	A	Pressure pneum appl full arm					
E0673	A	Pressure pneum appl half leg					
E0690	A	Ultraviolet cabinet					
E0700	A	Safety equipment					
E0710	A	Restraints any type					
E0720	A	Tens two lead					
E0730	A	Tens four lead					
E0731	A	Conductive garment for tens/					

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CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
E0740	A	Incontinence treatment systm					
E0744	A	Neuromuscular stim for scoli					
E0745	A	Neuromuscular stim for shock					
E0746	A	Electromyograph biofeedback					
E0747	A	Elec osteogen stim not spine					
E0748	A	Elec osteogen stim spinal					
E0749	A	Elec osteogen stim implanted					
E0751	A	Pulse generator or receiver					
E0753	A	Neurostimulator electrodes					
E0755	A	Electronic salivary reflex s					
E0760	A	Osteogen ultrasound stimltor					
E0776	A	Iv pole					
E0781	A	External ambulatory infus pu					
E0782	A	Non-programble infusion pump					
E0783	A	Programmable infusion pump					
E0784	A	Ext amb infusn pump insulin					
E0791	A	Parenteral infusion pump sta					
E0840	A	Tract frame attach headboard					
E0850	A	Traction stand free standing					
E0855	A	Cervical traction equipment					
E0860	A	Tract equip cervical tract					
E0870	A	Tract frame attach footboard					
E0880	A	Trac stand free stand extrem					
E0890	A	Traction frame attach pelvic					
E0900	A	Trac stand free stand pelvic					
E0910	A	Trapeze bar attached to bed					
E0920	A	Fracture frame attached to b					
E0930	A	Fracture frame free standing					
E0935	A	Exercise device passive moti					
E0940	A	Trapeze bar free standing					
E0941	A	Gravity assisted traction de					
E0942	A	Cervical head harness/halter					
E0943	A	Cervical pillow					
E0944	A	Pelvic belt/harness/boot					
E0945	A	Belt/harness extremity					
E0946	A	Fracture frame dual w cross					
E0947	A	Fracture frame attachmnts pe					
E0948	A	Fracture frame attachmnts ce					
E0950	A	Tray					
E0951	A	Loop heel					
E0952	A	Loop tie					
E0953	A	Pneumatic tire					
E0954	A	Wheelchair semi-pneumatic ca					
E0958	A	Whlchr att- conv 1 arm drive					
E0959	A	Amputee adapter					
E0961	A	Wheelchair brake extension					
E0962	A	Wheelchair 1 inch cushion					
E0963	A	Wheelchair 2 inch cushion					
E0964	A	Wheelchair 3 inch cushion					
E0965	A	Wheelchair 4 inch cushion					
E0966	A	Wheelchair head rest extensi					
E0967	A	Wheelchair hand rims					
E0968	A	Wheelchair commode seat					
E0969	A	Wheelchair narrowing device					
E0970	A	Wheelchair no. 2 footplates					
E0971	A	Wheelchair anti-tipping devi					
E0972	A	Transfer board or device					
E0973	A	Wheelchair adjustabl height					
E0974	A	Wheelchair grade-aid					
E0975	A	Wheelchair reinforced seat u					
E0976	A	Wheelchair reinforced back u					
E0977	A	Wheelchair wedge cushion					
E0978	A	Wheelchair belt w/airplane b					
E0979	A	Wheelchair belt with velcro					
E0980	A	Wheelchair safety vest					
E0990	A	Whellchair elevating leg res					
E0991	A	Wheelchair upholstry seat					
E0992	A	Wheelchair solid seat insert					
E0993	A	Wheelchair back upholstery					
E0994	A	Wheelchair arm rest					
E0995	A	Wheelchair calf rest					
E0996	A	Wheelchair tire solid					
E0997	A	Wheelchair caster w/ a fork					
E0998	A	Wheelchair caster w/o a fork					
E0999	A	Wheelchr pneumatic tire w/wh					

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CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
E1000	A	Wheelchair tire pneumatic ca					
E1001	A	Wheelchair wheel					
E1031	A	Rollabout chair with casters					
E1050	A	Whelchr fxd full length arms					
E1060	A	Wheelchair detachable arms					
E1065	A	Wheelchair power attachment					
E1066	A	Wheelchair battery charger					
E1069	A	Wheelchair deep cycle batter					
E1070	A	Wheelchair detachable foot r					
E1083	A	Hemi-wheelchair fixed arms					
E1084	A	Hemi-wheelchair detachable a					
E1085	A	Hemi-wheelchair fixed arms					
E1086	A	Hemi-wheelchair detachable a					
E1087	A	Wheelchair lightwt fixed arm					
E1088	A	Wheelchair lightweight det a					
E1089	A	Wheelchair lightwt fixed arm					
E1090	A	Wheelchair lightweight det a					
E1091	A	Wheelchair youth					
E1092	A	Wheelchair wide w/ leg rests					
E1093	A	Wheelchair wide w/ foot rest					
E1100	A	Whchr s-recl fxd arm leg res					
E1110	A	Wheelchair semi-recl detach					
E1130	A	Whlchr stand fxd arm ft rest					
E1140	A	Wheelchair standard detach a					
E1150	A	Wheelchair standard w/ leg r					
E1160	A	Wheelchair fixed arms					
E1170	A	Whlchr ampu fxd arm leg rest					
E1171	A	Wheelchair amputee w/o leg r					
E1172	A	Wheelchair amputee detach ar					
E1180	A	Wheelchair amputee w/ foot r					
E1190	A	Wheelchair amputee w/ leg re					
E1195	A	Wheelchair amputee heavy dut					
E1200	A	Wheelchair amputee fixed arm					
E1210	A	Whlchr moto ful arm leg rest					
E1211	A	Wheelchair motorized w/ det					
E1212	A	Wheelchair motorized w full					
E1213	A	Wheelchair motorized w/ det					
E1220	A	Whlchr special size/constrc					
E1221	A	Wheelchair spec size w foot					
E1222	A	Wheelchair spec size w/ leg					
E1223	A	Wheelchair spec size w foot					
E1224	A	Wheelchair spec size w/ leg					
E1225	A	Wheelchair spec sz semi-recl					
E1226	A	Wheelchair spec sz full-recl					
E1227	A	Wheelchair spec sz spec ht a					
E1228	A	Wheelchair spec sz spec ht b					
E1230	A	Power operated vehicle					
E1240	A	Whchr litwt det arm leg rest					
E1250	A	Wheelchair lightwt fixed arm					
E1260	A	Wheelchair lightwt foot rest					
E1270	A	Wheelchair lightweight leg r					
E1280	A	Whlchr n-duty det arm leg res					
E1285	A	Wheelchair heavy duty fixed					
E1290	A	Wheelchair hvy duty detach a					
E1295	A	Wheelchair heavy duty fixed					
E1296	A	Wheelchair special seat heig					
E1297	A	Wheelchair special seat dept					
E1298	A	Wheelchair spec seat depth/w					
E1300	A	Whirlpool portable					
E1310	A	Whirlpool non-portable					
E1340	A	Repair for DME, per 15 min					
E1353	A	Oxygen supplies regulator					
E1355	A	Oxygen supplies stand/rack					
E1372	A	Oxy suppl heater for nebuliz					
E1375	A	Oxygen suppl nebulizer porta					
E1377	A	Oxygen concentrator to 244 c					
E1378	A	Oxygen concentrator to 488 c					
E1379	A	Oxygen concentrator to 732 c					
E1380	A	Oxygen concentrator to D976 c					
E1381	A	Oxygen concentrat to 1220 cu					
E1382	A	Oxygen concentrat to 1464 cu					
E1383	A	Oxygen concentrat to 1708 cu					
E1384	A	Oxygen concentrat to 1952 cu					
E1385	A	Oxygen concentrator > 1952 c					
E1399	A	Durable medical equipment mi					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
E1400	A	Oxygen concentrator < 2 lite					
E1401	A	Oxygen concentrator 2-3 lite					
E1402	A	Oxygen concentrator 3-4 lite					
E1403	A	Oxygen concentrator 4-5 lite					
E1404	A	Oxygen concentrator > 5 lite					
E1405	A	O2/water vapor enrich w/heat					
E1406	A	O2/water vapor enrich w/o he					
E1510	A	Kidney dialysate delivry sys					
E1520	A	Heparin infusion pump for di					
E1530	A	Air bubble detector for dial					
E1540	A	Pressure alarm for dialysis					
E1550	A	Bath conductivity meter					
E1560	A	Blood leak detector for dial					
E1570	A	Adjustable chair for esrd pt					
E1575	A	Transducer protector/fluid b					
E1580	A	Unipuncture control system					
E1590	A	Hemodialysis machine					
E1592	A	Auto interm peritoneal dialy					
E1594	A	Cycler dialysis machine					
E1600	A	Deliv/install equip for dial					
E1610	A	Reverse osmosis water purifi					
E1615	A	Deionizer water purification					
E1620	A	Blood pump for dialysis					
E1625	A	Water softening system					
E1630	A	Reciprocating peritoneal dia					
E1632	A	Wearable artificial kidney					
E1635	A	Compact travel hemodialyzer					
E1636	A	Sorbent cartridges for dialy					
E1640	A	Replacement components for d					
E1699	A	Dialysis equipment unspecifi					
E1700	A	Jaw motion rehab system					
E1701	A	Repl cushions for jaw motion					
E1702	A	Repl measr scales jaw motion					
E1800	A	Adjust elbow ext/flex device					
E1805	A	Adjust wrist ext/flex device					
E1810	A	Adjust knee ext/flex device					
E1815	A	Adjust ankle ext/flex device					
E1820	A	Soft interface material					
E1825	A	Adjust finger ext/flex devc					
E1830	A	Adjust toe ext/flex device					
G0001	A	Drawing blood for specimen					
G0002	N	Temporary urinary catheter					
G0004	X	ECG transm phys review & int	956	1.09	$56.05	$54.47	$11.21
G0005	X	ECG 24 hour recording	956	1.09	$56.05	$54.47	$11.21
G0006	X	ECG transmission & analysis	956	1.09	$56.05	$54.47	$11.21
G0007	N	ECG phy review & interpret					
G0008	X	Admin influenza virus vac	901	0.07	$3.60	$2.49	$0.72
G0009	X	Admin pneumococcal vaccine	901	0.07	$3.60	$2.49	$0.72
G0010	X	Admin hepatitis b vaccine	902	1.31	$67.36	$38.19	$13.47
G0015	X	Post symptom ECG tracing	956	1.09	$56.05	$54.47	$11.21
G0016	N	Post symptom ECG md review					
G0025	X	Collagen skin test kit	881	0.22	$11.31	$6.78	$2.26
G0026	A	Fecal leukocyte examination					
G0027	A	Semen analysis					
G0030	S	PET imaging prev PET single	760	14.89	$765.64	$419.46	$153.13
G0031	S	PET imaging prev PET multple	760	14.89	$765.64	$419.46	$153.13
G0032	S	PET follow SPECT 78464 singl	760	14.89	$765.64	$419.46	$153.13
G0033	S	PET follow SPECT 78464 mult	760	14.89	$765.64	$419.46	$153.13
G0034	S	PET follow SPECT 76865 singl	760	14.89	$765.64	$419.46	$153.13
G0035	S	PET follow SPECT 78465 mult	760	14.89	$765.64	$419.46	$153.13
G0036	S	PET follow cornry angio sing	760	14.89	$765.64	$419.46	$153.13
G0037	S	PET follow cornry angio mult	760	14.89	$765.64	$419.46	$153.13
G0038	S	PET follow myocard perf sing	760	14.89	$765.64	$419.46	$153.13
G0039	S	PET follow myocard perf mult	760	14.89	$765.64	$419.46	$153.13
G0040	S	PET follow stress echo singl	760	14.89	$765.64	$419.46	$153.13
G0041	S	PET follow stress echo mult	760	14.89	$765.64	$419.46	$153.13
G0042	S	PET follow ventriculogm sing	760	14.89	$765.64	$419.46	$153.13
G0043	S	PET follow ventriculogm mult	760	14.89	$765.64	$419.46	$153.13
G0044	S	PET following rest ECG singl	760	14.89	$765.64	$419.46	$153.13
G0045	S	PET following rest ECG mult	760	14.89	$765.64	$419.46	$153.13
G0046	S	PET follow stress ECG singl	760	14.89	$765.64	$419.46	$153.13
G0047	S	PET follow stress ECG mult	760	14.89	$765.64	$419.46	$153.13
G0050	S	Residual urine by ultrasound	747	1.65	$84.84	$54.47	$16.97
G0101	V	CA screen;pelvic/breast exam	913				
G0104	S	CA screen;flexi sigmoidscope	446	2.54	$130.61	$64.86	$26.12

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
G0105	S	Colorectal scrn; hi risk ind	426	6.74	$346.57	$185.32	$69.31
G0106	S	Colon CA screen;barium enema	736	1.85	$95.13	$53.79	$19.03
G0107	A	CA screen; fecal blood test					
G0110	A	Nett pulm-rehab educ; ind					
G0111	A	Nett pulm-rehab educ; group					
G0112	A	Nett;nutrition guid, initial					
G0113	A	Nett;nutrition guid,subseqnt					
G0114	A	Nett; psychosocial consult					
G0115	A	Nett; psychological testing					
G0116	A	Nett; psychosocial counsel					
G0120	S	Colon ca scrn; barium enema	736	1.85	$95.13	$53.79	$19.03
G0121	E	Colon ca scrn not hi rsk ind					
G0122	E	Colon ca scrn; barium enema					
J0120	N	Tetracyclin injection					
J0150	N	Injection adenosine 6 MG					
J0170	N	Adrenalin epinephrin inject					
J0190	N	Inj biperiden lactate/5 mg					
J0205	N	Alglucerase injection					
J0207	N	Amifostine					
J0210	N	Methyldopate hcl injection					
J0256	N	Alpha 1 proteinase inhibitor					
J0270	E	Alprostadil for injection					
J0280	N	Aminophyllin 250 MG inj					
J0290	N	Ampicillin 500 MG inj					
J0295	N	Ampicillin sodium per 1.5 gm					
J0300	N	Amobarbital 125 MG inj					
J0330	N	Succinycholine chloride inj					
J0340	N	Nandrolon phenpropionate inj					
J0350	N	Injection anistreplase 30 u					
J0360	N	Hydralazine hcl injection					
J0380	N	Inj metaraminol bitartrate					
J0390	N	Chloroquine injection					
J0400	N	Inj trimethaphan camsylate					
J0460	N	Atropine sulfate injection					
J0470	N	Dimecaprol injection					
J0475	N	Baclofen 10 MG injection					
J0500	N	Dicyclomine injection					
J0510	N	Benzquinamide injection					
J0515	N	Inj benztropine mesylate					
J0520	N	Bethanechol chloride inject					
J0530	N	Penicillin g benzathine inj					
J0540	N	Penicillin g benzathine inj					
J0550	N	Penicillin g benzathine inj					
J0560	N	Penicillin g benzathine inj					
J0570	N	Penicillin g benzathine inj					
J0580	N	Penicillin g benzathine inj					
J0585	N	Botulinum toxin a per unit					
J0590	N	Ethylnorepinephrine hcl inj					
J0600	N	Edetate calcium disodium inj					
J0610	N	Calcium gluconate injection					
J0620	N	Calcium glycer & lact/10 ML					
J0630	N	Calcitonin salmon injection					
J0635	N	Calcitriol injection					
J0640	X	Leucovorin calcium injection	064	4.15	$213.39	$138.99	$42.68
J0670	N	Inj mepivacaine HCL/10 ml					
J0690	N	Cefazolin sodium injection					
J0694	N	Cefoxitin sodium injection					
J0695	N	Cefonocid sodium injection					
J0696	N	Ceftriaxone sodium injection					
J0697	N	Sterile cefuroxime injection					
J0698	N	Cefotaxime sodium injection					
J0702	N	Betamethasone acet&sod phosp					
J0704	N	Betamethasone sod phosp/4 MG					
J0710	N	Cephapirin sodium injection					
J0713	N	Inj ceftazidime per 500 mg					
J0715	N	Ceftizoxime sodium/500 MG					
J0720	N	Chloramphenicol sodium injec					
J0725	N	Chorionic gonadotropin/1000u					
J0730	N	Chlorpheniramin maleate inj					
J0735	N	Clonidine hydrochloride					
J0740	N	Cidofovir injection					
J0743	N	Cilastatin sodium injection					
J0745	N	Inj codeine phosphate /30 MG					
J0760	N	Colchicine injection					
J0770	N	Colistimethate sodium inj					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
J0780	N	Prochlorperazine injection					
J0800	N	Corticotropin injection					
J0810	N	Cortisone injection					
J0835	N	Inj cosyntropin per 0.25 MG					
J0850	N	Cytomegalovirus imm IV /vial					
J0895	N	Deferoxamine mesylate inj					
J0900	N	Testosterone enanthate inj					
J0945	N	Brompheniramine maleate inj					
J0970	N	Estradiol valerate injection					
J1000	N	Depo-estradiol cypionate inj					
J1020	N	Methylprednisolone 20 MG inj					
J1030	N	Methylprednisolone 40 MG inj					
J1040	N	Methylprednisolone 80 MG inj					
J1050	N	Medroxyprogesterone inj					
J1055	E	Medrxyprogester acetate inj					
J1060	N	Testosterone cypionate 1 ML					
J1070	N	Testosterone cypionat 100 MG					
J1080	N	Testosterone cypionat 200 MG					
J1090	N	Testosterone cypionate 50 MG					
J1095	N	Inj dexamethasone acetate					
J1100	N	Dexamethosone sodium phos					
J1110	N	Inj dihydroergotamine mesylt					
J1120	N	Acetazolamid sodium injectio					
J1160	N	Digoxin injection					
J1165	N	Phenytoin sodium injection					
J1170	N	Hydromorphone injection					
J1180	N	Dyphylline injection					
J1190	N	Dexrazoxane HCl injection					
J1200	N	Diphenhydramine hcl injectio					
J1205	N	Chlorothiazide sodium inj					
J1212	N	Dimethyl sulfoxide 50% 50 ML					
J1230	N	Methadone injection					
J1240	N	Dimenhydrinate injection					
J1245	N	Dipyridamole injection					
J1250	N	Inj dobutamine HCL/250 mg					
J1320	N	Amitriptyline injection					
J1325	N	Epoprostenol injection					
J1330	N	Ergonovine maleate injection					
J1362	N	Erythromycin glucep/250 MG					
J1364	N	Erythro lactobionate/500 MG					
J1380	N	Estradiol valerate 10 MG inj					
J1390	N	Estradiol valerate 20 MG inj					
J1410	N	Inj estrogen conjugate 25 MG					
J1435	N	Injection estrone per 1 MG					
J1436	N	Etidronate disodium inj					
J1440	N	grastim 300 mcg injeciton					
J1441	N	Filgrastim 480 mcg injection					
J1455	N	Foscarnet sodium injection					
J1460	N	Gamma globulin 1 CC inj					
J1470	N	Gamma globulin 2 CC inj					
J1480	N	Gamma globulin 3 CC inj					
J1490	N	Gamma globulin 4 CC inj					
J1500	N	Gamma globulin 5 CC inj					
J1510	N	Gamma globulin 6 CC inj					
J1520	N	Gamma globulin 7 CC inj					
J1530	N	Gamma globulin 8 CC inj					
J1540	N	Gamma globulin 9 CC inj					
J1550	N	Gamma globulin 10 CC inj					
J1560	N	Gamma globulin > 10 CC inj					
J1561	N	Immune globulin 500 mg					
J1562	N	Immune globulin 5 gms					
J1565	N	RSV-ivig					
J1570	N	Ganciclovir sodium injection					
J1580	N	Garamycin gentamicin inj					
J1600	N	Gold sodium thiomaleate inj					
J1610	N	Glucagon hydrochloride/1 MG					
J1620	N	Gonadorelin hydroch/ 100 mcg					
J1626	N	Granisetron HCl injection					
J1630	N	Haloperidol injection					
J1631	N	Haloperidol decanoate inj					
J1642	N	Inj heparin sodium per 10 u					
J1644	N	Inj heparin sodium per 1000u					
J1645	N	Dalteparin sodium					
J1650	N	Inj enoxaparin sodium 30 mg					
J1670	N	Tetanus immune globulin inj					

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CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
J1690	N	Prednisolone tebutate inj					
J1700	N	Hydrocortisone acetate inj					
J1710	N	Hydrocortisone sodium ph inj					
J1720	N	Hydrocortisone sodium succ i					
J1730	N	Diazoxide injection					
J1739	N	Hydroxyprogesterone cap 125					
J1741	N	Hydroxyprogesterone cap 250					
J1742	N	Ibutilide fumarate injection					
J1760	N	Iron dextran 2 CC inj					
J1770	N	Iron dextran 5 CC inj					
J1780	N	Iron dextran 10 CC inj					
J1785	N	Injection imiglucerase /unit					
J1790	N	Droperidol injection					
J1800	N	Propranolol injection					
J1810	N	Droperidol/fentanyl inj					
J1820	N	Insulin injection					
J1825	N	Interferon beta-1a					
J1830	N	Interferon beta-1b / .25 MG					
J1840	N	Kanamycin sulfate 500 MG inj					
J1850	N	Kanamycin sulfate 75 MG inj					
J1885	N	Ketorolac tromethamine inj					
J1890	N	Cephalothin sodium injection					
J1910	N	Kutapressin injection					
J1930	N	Propiomazine injection					
J1940	N	Furosemide injection					
J1950	X	Leuprolide acetate /3.75 MG	064	4.15	$213.39	$138.99	$42.68
J1955	N	Inj levocarnitine per 1 gm					
J1960	N	Levorphanol tartrate inj					
J1970	N	Methotrimeprazine injection					
J1980	N	Hyoscyamine sulfate inj					
J1990	N	Chlordiazepoxide injection					
J2000	N	Lidocaine injection					
J2010	N	Lincomycin injection					
J2060	N	Lorazepam injection					
J2150	N	Mannitol injection					
J2175	N	Meperidine hydrochl /100 MG					
J2180	N	Meperidine/promethazine inj					
J2210	N	Methylergonovin maleate inj					
J2240	N	Metocurine iodide injection					
J2250	N	Inj midazolam hydrochloride					
J2260	N	Inj milrinone lactate / 5 ML					
J2270	N	Morphine sulfate injection					
J2275	N	Morphine sulfate injection					
J2300	N	Inj nalbuphine hydrochloride					
J2310	N	Inj naloxone hydrochloride					
J2320	N	Nandrolone decanoate 50 MG					
J2321	N	Nandrolone decanoate 100 MG					
J2322	N	Nandrolone decanoate 200 MG					
J2330	N	Thiothixene injection					
J2350	N	Niacinamide/niacin injection					
J2360	N	Orphenadrine injection					
J2370	N	Phenylephrine hcl injection					
J2400	N	Chloroprocaine hcl injection					
J2405	N	Ondansetron hcl injection					
J2410	N	Oxymorphone hcl injection					
J2430	N	Pamidronate disodium /30 MG					
J2440	N	Papaverin hcl injection					
J2460	N	Oxytetracycline injection					
J2480	N	Hydrochlorides of opium inj					
J2510	N	Penicillin g procaine inj					
J2512	N	Inj pentagastrin per 2 ML					
J2515	N	Pentobarbital sodium inj					
J2540	N	Penicillin g potassium inj					
J2545	A	Pentamidine isethionte/300mg					
J2550	N	Promethazine hcl injection					
J2560	N	Phenobarbital sodium inj					
J2590	N	Oxytocin injection					
J2597	N	Inj desmopressin acetate					
J2640	N	Prednisolone sodium ph inj					
J2650	N	Prednisolone acetate inj					
J2670	N	Totazoline hcl injection					
J2675	N	Inj progesterone per 50 MG					
J2680	N	Fluphenazine decanoate 25 MG					
J2690	N	Procainamide hcl injection					
J2700	N	Oxacillin sodium injeciton					

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CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
J2710	N	Neostigmine methylsIfte inj					
J2720	N	Inj protamine sulfate/10 MG					
J2725	N	Inj protirelin per 250 mcg					
J2730	N	Pralidoxime chloride inj					
J2760	N	Phentolaine mesylate inj					
J2765	N	Metoclopramide hcl injection					
J2790	N	Rho d immune globulin inj					
J2800	N	Methocarbamol injection					
J2810	N	Inj theophylline per 40 MG					
J2820	N	Sargramostim injection					
J2860	N	Secobarbital sodium inj					
J2910	N	Aurothioglucose injeciton					
J2912	N	Sodium chloride injection					
J2920	N	Methylprednisolone injection					
J2930	N	Methylprednisolone injection					
J2950	N	Promazine hcl injeciton					
J2970	N	Methicillin sodium injection					
J2995	N	Inj streptokinase /250000 IU					
J2996	N	Alteplase recombinant inj					
J3000	N	Streptomycin injection					
J3010	N	Fentanyl citrate injeciton					
J3030	N	Sumatriptan succinate / 6 MG					
J3070	N	Pentazocine hcl injeciton					
J3080	N	Chlorprothixene injection					
J3105	N	Terbutaline sulfate inj					
J3120	N	Testosterone enanthate inj					
J3130	N	Testosterone enanthate inj					
J3140	N	Testosterone suspension inj					
J3150	N	Testosteron propionate inj					
J3230	N	Chlorpromazine hcl injection					
J3240	N	Thyrotropin injection					
J3250	N	Trimethobenzamide hcl inj					
J3260	N	Tobramycin sulfate injection					
J3265	N	Injection torsemide 10 mg/ml					
J3270	N	Imipramine hcl injection					
J3280	N	Thiethylperazine maleate inj					
J3301	N	Triamcinolone acetonide inj					
J3302	N	Triamcinolone diacetate inj					
J3303	N	Triamcinolone hexacetonl inj					
J3305	N	Inj trimetrexate glucoronate					
J3310	N	Perphenazine injeciton					
J3320	N	Spectinomycn di-hcl inj					
J3350	N	Urea injection					
J3360	N	Diazepam injection					
J3364	N	Urokinase 5000 IU injection					
J3365	N	Urokinase 250,000 IU inj					
J3370	N	Vancomycin hcl injeciton					
J3390	N	Methoxamine injection					
J3400	N	Triflupromazine hcl inj					
J3410	N	Hydroxyzine hcl injeciton					
J3420	N	Vitamin b12 injection					
J3430	N	Vitamin k phytonadione inj					
J3450	N	Mephentermine sulfate inj					
J3470	N	Hyaluronidase injection					
J3475	N	Inj magnesium sulfate					
J3480	N	Inj potassium chloride					
J3490	N	Drugs unclassified injection					
J3520	E	Edetate disodium per 150 mg					
J3530	N	Nasal vaccine inhalation					
J3535	E	Metered dose inhaler drug					
J3570	E	Laetrile amygdalin vit B17					
J7030	N	Normal saline solution infus					
J7040	N	Normal saline solution infus					
J7042	N	5% dextrose/normal saline					
J7050	N	Normal saline solution infus					
J7051	N	Sterile saline/water					
J7060	N	5% dextrose/water					
J7070	N	D5w infusion					
J7100	N	Dextran 40 infusion					
J7110	N	Dextran 75 infusion					
J7120	N	Ringers lactate infusion					
J7130	N	Hypertonic saline solution					
J7190	N	Factor viii					
J7191	N	Factor VIII (porcine)					
J7192	N	Factor viii recombinant					

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CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
J7194	N	Factor ix complex					
J7196	N	Othr hemophilia clot factors					
J7197	N	Antithrombin iii injection					
J7300	E	Intraut copper contraceptive					
J7310	N	Ganciclovir long act implant					
J7500	N	Azathiop po tab 50mg 100s ea					
J7501	N	Azathioprine parenteral					
J7503	N	Cyclosporine parenteral					
J7504	N	Lymphocyte immune globulin					
J7505	N	Monoclonal antibodies					
J7506	N	Prednisone oral					
J7507	N	Tacrolimus oral per 1 MG					
J7508	N	Tacrolimus oral per 5 MG					
J7509	N	Methylprednisolone oral					
J7510	N	Prednisolone oral per 5 mg					
J7599	N	Immunosuppressive drug noc					
J7610	A	Acetylcysteine 10% injection					
J7615	A	Acetylcysteine 20% injection					
J7620	A	Albuterol sulfate .083%/ml					
J7625	A	Albuterol sulfate .5% inj					
J7627	A	Bitolterolmesylate inhal sol					
J7630	A	Cromolyn sodium injeciton					
J7640	A	Epinephrine injection					
J7645	A	Ipratropium bromide .02%/ml					
J7650	A	Isoetharine hcl .1% inj					
J7651	A	Isoetharine hcl .125% inj					
J7652	A	Isoetharine hcl .167% inj					
J7653	A	Isoetharine hcl .2%/ inj					
J7654	A	Isoetharine hcl .25% inj					
J7655	A	Isoetharine hcl 1% inj					
J7660	A	Isoproterenol hcl .5% inj					
J7665	A	Isoproterenol hcl 1% inj					
J7670	A	Metaproterenol sulfate .4%					
J7672	A	Metaproterenol sulfate .6%					
J7675	A	Metaproterenol sulfate 5%					
J7699	A	Inhalation solution for DME					
J7799	A	Non-inhalation drug for DME					
J8499	E	Oral prescrip drug non chemo					
J8530	N	Cyclophosphamide oral 25 MG					
J8560	N	Etoposide oral 50 MG					
J8600	N	Melphalan oral 2 MG					
J8610	X	Methotrexate oral 2.5 MG	061	1.15	$59.13	$37.52	$11.83
J8999	X	Oral prescription drug chemo	061	1.15	$59.13	$37.52	$11.83
J9000	X	Doxorubic hcl 10 MG vl chemo	062	1.78	$91.53	$36.61	$18.31
[2] J9010	X	Doxorubicin hcl 50 MG inj	063	2.94	$151.17	$110.97	$30.24
J9015	X	Aldesleukin/single use vial	061	1.15	$59.13	$37.52	$11.83
J9020	X	Asparaginase injection	062	1.78	$91.53	$36.61	$18.31
J9031	X	Bcg live intravesical vac	063	2.94	$151.17	$110.97	$30.24
J9040	X	Bleomycin sulfate injection	063	2.94	$151.17	$110.97	$30.24
J9045	X	Carboplatin injection	063	2.94	$151.17	$110.97	$30.24
J9050	X	Carmus bischl nitro inj	063	2.94	$151.17	$110.97	$30.24
J9060	X	Cisplatin 10 MG injection	062	1.78	$91.53	$36.61	$18.31
J9062	X	Cisplatin 50 MG injection	063	2.94	$151.17	$110.97	$30.24
J9065	X	Inj cladribine per 1 MG	062	1.78	$91.53	$36.61	$18.31
J9070	X	Cyclophosphamide 100 MG inj	061	1.15	$59.13	$37.52	$11.83
J9080	X	Cyclophosphamide 200 MG inj	061	1.15	$59.13	$37.52	$11.83
J9090	X	Cyclophosphamide 500 MG inj	061	1.15	$59.13	$37.52	$11.83
J9091	X	Cyclophosphamide 1.0 grm inj	062	1.78	$91.53	$36.61	$18.31
J9092	X	Cyclophosphamide 2.0 grm inj	062	1.78	$91.53	$36.61	$18.31
J9093	X	Cyclophosphamide lyophilized	061	1.15	$59.13	$37.52	$11.83
J9094	X	Cyclophosphamide lyophilized	061	1.15	$59.13	$37.52	$11.83
J9095	X	Cyclophosphamide lyophilized	061	1.15	$59.13	$37.52	$11.83
J9096	X	Cyclophosphamide lyophilized	062	1.78	$91.53	$36.61	$18.31
J9097	X	Cyclophosphamide lyophilized	062	1.78	$91.53	$36.61	$18.31
J9100	X	Cytarabine hcl 100 MG inj	061	1.15	$59.13	$37.52	$11.83
J9110	X	Cytarabine hcl 500 MG inj	061	1.15	$59.13	$37.52	$11.83
J9120	X	Dactinomycin actinomycin d	061	1.15	$59.13	$37.52	$11.83
J9130	X	Dacarbazine 10 MG inj	061	1.15	$59.13	$37.52	$11.83
J9140	X	Dacarbazine 200 MG inj	061	1.15	$59.13	$37.52	$11.83
J9150	X	Daunorubicin	062	1.78	$91.53	$36.61	$18.31
J9165	X	Diethylstilbestrol injection	061	1.15	$59.13	$37.52	$11.83
J9170	X	Docetaxel	061	1.15	$59.13	$37.52	$11.83
J9181	X	Etoposide 10 MG inj	061	1.15	$59.13	$37.52	$11.83
J9182	X	Etoposide 100 MG inj	063	2.94	$151.17	$110.97	$30.24
J9185	X	Fludarabine phosphate inj	063	2.94	$151.17	$110.97	$30.24

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
J9190	X	Fluorouracil injection	061	1.15	$59.13	$37.52	$11.83
J9200	X	Floxuridine injection	063	2.94	$151.17	$110.97	$30.24
J9201	X	Gemcitabine HCl	061	1.15	$59.13	$37.52	$11.83
J9202	X	Goserelin acetate implant	063	2.94	$151.17	$110.97	$30.24
J9206	X	Irinotecan injection	061	1.15	$59.13	$37.52	$11.83
J9208	X	Ifosfomide injection	063	2.94	$151.17	$110.97	$30.24
J9209	X	Mesna injection	063	2.94	$151.17	$110.97	$30.24
J9211	X	Idarubicin hcl injeciton	062	1.78	$91.53	$36.61	$18.31
J9213	X	Interferon alfa-2a inj	062	1.78	$91.53	$36.61	$18.31
J9214	X	Interferon alfa-2b inj	061	1.15	$59.13	$37.52	$11.83
J9215	X	Interferon alfa-n3 inj	061	1.15	$59.13	$37.52	$11.83
J9216	X	Interferon gamma 1-b inj	063	2.94	$151.17	$110.97	$30.24
J9217	X	Leuprolide acetate suspnsion	064	4.15	$213.39	$138.99	$42.68
J9218	X	Leuprolide acetate injeciton	061	1.15	$59.13	$37.52	$11.83
J9230	X	Mechlorethamine hcl inj	061	1.15	$59.13	$37.52	$11.83
J9245	X	Inj melphalan hydrochl 50 MG	064	4.15	$213.39	$138.99	$42.68
J9250	X	Methotrexate sodium inj	061	1.15	$59.13	$37.52	$11.83
J9260	X	Methotrexate sodium inj	061	1.15	$59.13	$37.52	$11.83
J9265	X	Paclitaxel injection	062	1.78	$91.53	$36.61	$18.31
J9266	X	Pegaspargase/singl dose vial	061	1.15	$59.13	$37.52	$11.83
J9268	X	Pentostatin injection	062	1.78	$91.53	$36.61	$18.31
J9270	X	Plicamycin (mithramycin) inj	063	2.94	$151.17	$110.97	$30.24
J9280	X	Mitomycin 5 MG inj	063	2.94	$151.17	$110.97	$30.24
J9290	X	Mitomycin 20 MG inj	064	4.15	$213.39	$138.99	$42.68
J9291	X	Mitomycin 40 MG inj	064	4.15	$213.39	$138.99	$42.68
J9293	X	Mitoxantrone hydrochl / 5 MG	064	4.15	$213.39	$138.99	$42.68
J9320	X	Streptozocin injection	063	2.94	$151.17	$110.97	$30.24
J9340	X	Thiotepa injection	063	2.94	$151.17	$110.97	$30.24
J9350	X	Topotecan	061	1.15	$59.13	$37.52	$11.83
J9360	X	Vinblastine sulfate inj	061	1.15	$59.13	$37.52	$11.83
J9370	X	Vincristine sulfate 1 MG inj	062	1.78	$91.53	$36.61	$18.31
J9375	X	Vincristine sulfate 2 MG inj	063	2.94	$151.17	$110.97	$30.24
J9380	X	Vincristine sulfate 5 MG inj	063	2.94	$151.17	$110.97	$30.24
J9390	X	Vinorelbine tartrate/10 mg	061	1.15	$59.13	$37.52	$11.83
J9600	X	Porfimer sodium	061	1.15	$59.13	$37.52	$11.83
J9999	X	Chemotherapy drug	061	1 15	$59.13	$37.52	$11.83
K0001	A	Standard wheelchair					
K0002	A	Stnd hemi (low seat) whlchr					
K0003	A	Lightweight wheelchair					
K0004	A	High strength ltwt whlchr					
K0005	A	Ultralightweight wheelchair					
K0006	A	Heavy duty wheelchair					
K0007	A	Extra heavy duty wheelchair					
K0008	A	Cstm manual wheelchair/base					
K0009	A	Other manual wheelchair/base					
K0010	A	Stnd wt frame power whlchr					
K0011	A	Stnd wt pwr whlchr w control					
K0012	A	Ltwt portbl power whlchr					
K0013	A	Custom power whlchr base					
K0014	A	Other power whlchr base					
K0015	A	Detach non-adjus hght armrst					
K0016	A	Detach adjust armrst cmplete					
K0017	A	Detach adjust armrest base					
K0018	A	Detach adjust armrst upper					
K0019	A	Arm pad each					
K0020	A	Fixed adjust armrest pair					
K0021	A	Anti-tipping device each					
K0022	A	Reinforced back upholstery					
K0023	A	Planr back insrt foam w/strp					
K0024	A	Plnr back insrt foam w/hrdwr					
K0025	A	Hook-on headrest extension					
K0026	A	Back upholst lgtwt whlchr					
K0027	A	Back upholst other whlchr					
K0028	A	Fully reclining back					
K0029	A	Reinforced seat upholstery					
K0030	A	Solid plnr seat sngl dnsfoam					
K0031	A	Safety belt/pelvic strap					
K0032	A	Seat uphols lgtwt whlchr					
K0033	A	Seat upholstery other whlchr					
K0034	A	Heel loop each					
K0035	A	Heel loop with ankle strap					
K0036	A	Toe loop each					
K0037	A	High mount flip-up footrest					
K0038	A	Leg strap each					
K0039	A	Leg strap h style each					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
K0040	A	Adjustable angle footplate					
K0041	A	Large size footplate each					
K0042	A	Standard size footplate each					
K0043	A	Ftrst lower extension tube					
K0044	A	Ftrst upper hanger bracket					
K0045	A	Footrest complete assembly					
K0046	A	Elevat legrst low extension					
K0047	A	Elevat legrst up hangr brack					
K0048	A	Elevate legrest complete					
K0049	A	Calf pad each					
K0050	A	Ratchet assembly					
K0051	A	Cam relese assem ftrst/lgrst					
K0052	A	Swingaway detach footrest					
K0053	A	Elevate footrest articulate					
K0054	A	Seat wdth 10-12/15/17/20 wc					
K0055	A	Seat dpth 15/17/18 ltwt wc					
K0056	A	Seat ht <17 or >=21 ltwt wc					
K0057	A	Seat wdth 19/20 hvy dty wc					
K0058	A	Seat dpth 17/18 power wc					
K0059	A	Plastic coated handrim each					
K0060	A	Steel handrim each					
K0061	A	Aluminum handrim each					
K0062	A	Handrim 8-10 vert/obliq proj					
K0063	A	Hndrm 12-16 vert/obliq proj					
K0064	A	Zero pressure tube flat free					
K0065	A	Spoke protectors					
K0066	A	Solid tire any size each					
K0067	A	Pneumatic tire any size each					
K0068	A	Pneumatic tire tube each					
K0069	A	Rear whl complete solid tire					
K0070	A	Rear whl compl pneum tire					
K0071	A	Front castr compl pneum tire					
K0072	A	Frnt cstr cmpl sem-pneum tir					
K0073	A	Caster pin lock each					
K0074	A	Pneumatic caster tire each					
K0075	A	Semi-pneumatic caster tire					
K0076	A	Solid caster tire each					
K0077	A	Front caster assem complete					
K0078	A	Pneumatic caster tire tube					
K0079	A	Wheel lock extension pair					
K0080	A	Anti-rollback device pair					
K0081	A	Wheel lock assembly complete					
K0082	A	22 nf deep cycl acid battery					
K0083	A	22 nf gel cell battery each					
K0084	A	Grp 24 deep cycl acid battry					
K0085	A	Group 24 gel cell battery					
K0086	A	U-1 lead acid battery each					
K0087	A	U-1 gel cell battery each					
K0088	A	Battry chrgr acid/gel cell					
K0089	A	Battery charger dual mode					
K0090	A	Rear tire power wheelchair					
K0091	A	Rear tire tube power whlchr					
K0092	A	Rear assem cmplt powr whlchr					
K0093	A	Rear zero pressure tire tube					
K0094	A	Wheel tire for power base					
K0095	A	Wheel tire tube each base					
K0096	A	Wheel assem powr base complt					
K0097	A	Wheel zero presure tire tube					
K0098	A	Drive belt power wheelchair					
K0099	A	Front caster power whelchair					
K0100	A	Amputee adapter pair					
K0101	A	One-arm drive attachment					
K0102	A	Crutch and cane holder					
K0103	A	Transfer board < 25"					
K0104	A	Cylinder tank carrier					
K0105	A	Iv hanger					
K0106	A	Arm trough each					
K0107	A	Wheelchair tray					
K0108	A	Other accessories					
K0109	A	Customize whlchr base frame					
K0112	A	Trunk vest supprt innr frame					
K0113	A	Trunk vest suprt w/o inr frm					
K0114	A	Whlchr back suprt inr frame					
K0115	A	Back module orthotic system					
K0116	A	Back & seat modul orthot sys					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
K0119	N	Azathioprine oral tab 50 MG					
K0120	N	Azathioprine prentrl 100 MG					
K0121	N	Cyclosporine oral 25 MG					
K0122	N	Cyclosporine prentrl 250 MG					
K0123	N	Imun/antitymocyt glob 250 MG					
K0137	A	Skin barrier liquid per oz					
K0138	A	Skin barrier paste per oz					
K0139	A	Skin barrier powder per oz					
K0168	A	Disposable nebulizer set					
K0169	A	Disposable nebulizer small					
K0170	A	Non disposable nebulizer set					
K0171	A	Filtered nebulizer set					
K0172	A	Disposable nebulizer unfill					
K0173	A	Disposable nebulizer prefill					
K0174	A	Reservoir bottle w nebulizer					
K0175	A	Disposable corrugated tubing					
K0176	A	Non dispos corrugated tubing					
K0177	A	Water collec dev w nebulizer					
K0178	A	Disposbl filter w compressor					
K0179	A	Non-dispos filter w/compress					
K0180	A	Aerosol mask with nebulizer					
K0181	A	Dome & mouthpiece w/ nebuliz					
K0182	A	Water distilled w/ nebulizer					
K0183	A	Nasal application device					
K0184	A	Nasal pillows/seals pair					
K0185	A	Pos airway pressure headgear					
K0186	A	Pos airway prssure chinstrap					
K0187	A	Pos airway pressure tubing					
K0188	A	Pos airway pressure filter					
K0189	A	Filter nondisposable w PAP					
K0190	A	Disposable canister w/pump					
K0191	A	Non-disposbl canister w/pump					
K0192	A	Tubing used w/ suction pump					
K0193	A	Airway pressure dev/w hmdfer					
K0194	A	Assist device w/humidifier					
K0195	A	Elevating whlchair leg rests					
K0268	A	Humidifier nonheated w PAP					
K0269	A	Aerosol compressor cpap dev					
K0270	A	Ultrasonic generator w nebul					
K0277	A	Skin barrier solid 4x4 equiv					
K0278	A	Skin barrier with flange					
K0279	A	Skin barrier extended wear					
K0280	A	Extension drainage tubing					
K0281	A	Lubricant catheter insertion					
K0283	A	Saline solution dispenser					
K0284	A	External infusion pump reuse					
K0400	A	Skin support attachment each					
K0401	A	Diabetic deluxe shoe					
K0407	A	Urinary cath skin attachment					
K0408	A	Urinary cath leg strap					
K0409	A	Sterile H2O irrigation solut					
K0410	A	Male ext cath w/adh coating					
K0411	A	Male ext cath w/adh strip					
K0412	N	Mycophenolate mofetil 25o mg					
K0415	N	RX antiemetic drg, oral NOS					
K0416	N	Rx antiemetic drg,rectal NOS					
K0417	A	Mech infus pump sht trm drug					
K0418	N	Oral cyclosporin					
K0419	A	Drainable plstic pch w fcplt					
K0420	A	Drainable rubber pch w fcplt					
K0421	A	drainable plstic pch w/o fp					
K0422	A	Drainable rubber pch w/o fp					
K0423	A	Urinary plstic pouch w fcplt					
K0424	A	Urinary rubber pouch w fcplt					
K0425	A	Urinary plstic pouch w/o fp					
K0426	A	Urinary hvy plstc pch w/o fp					
K0427	A	Urinary rubber pouch w/o fp					
K0428	A	Ostomy faceplt/silicone ring					
K0429	A	Skin barrier solid ext wear					
K0430	A	Skin barrier w flang ex wear					
K0431	A	Closed pouch w st wear bar					
K0432	A	Drainable pch w ex wear bar					
K0433	A	Drainable pch w st wear bar					
K0434	A	Drainable pch ex wear convex					
K0435	A	Urinary pouch w ex wear bar					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
K0436	A	Urinary pouch w st wear bar					
K0437	A	Urine pch w ex wear bar conv					
K0438	A	Ostomy pouch liq deodorant					
K0439	A	Ostomy pouch solid deodorant					
K0440	A	Nasal prosthesis					
K0441	A	Midfacial prosthesis					
K0442	A	Orbital prosthesis					
K0443	A	Upper facial prosthesis					
K0444	A	Hemi-facial prosthesis					
K0445	A	Auricular prosthesis					
K0446	A	Partial facial prosthesis					
K0447	A	Nasal septal prosthesis					
K0448	A	Unspec maxillofacial prosth					
K0449	A	Repair maxillofacial prosth					
K0450	A	Liq adhes for facial prosth					
K0451	A	Adhesive remover wipes					
K0452	A	Wheelchair bearings					
[2] K0453	N	Amphotericin B					
K0455	A	Pump uninterrupted infusion					
K0501	A	Aerosol compressor for svneb					
K0503	A	Acetylcysteine inh sol u d					
K0504	A	Albuterol inh sol con					
K0505	A	Albuterol inh sol u d					
K0506	A	Atropine inh sol con					
K0507	A	Atropine inh sol u d					
K0508	A	Bitolterol mes inh sol con					
K0509	A	Bitolterol mes inh sol u d					
K0511	A	Cromolyn sodium inh sol u d					
K0512	A	Dexamethasone inh sol con					
K0513	A	Dexamethasone inh sol u d					
K0514	A	Dornase alpha inh sol u d					
K0515	A	Glycopyrrolate inh sol con					
K0516	A	Glycopyrrolate inh sol u d					
K0518	A	Ipratropium brom inh sol u d					
K0519	A	Isoetharine HCl inh sol con					
K0520	A	Isoetharine HCl inh sol u d					
K0521	A	IsoproterenolHCl inh sol con					
K0522	A	IsoproterenolHCl inh sol u d					
K0523	A	Metaproterenol inh sol con					
K0524	A	Metaproterenol inh sol u d					
K0525	A	Terbutaline SO4 inh sol con					
K0526	A	Terbutaline SO4 inh sol u d					
K0527	A	Triamcinolone inh sol con					
K0528	A	Triamcinolone inh sol u d					
K0529	A	Sterile H20 or nss w lv neb					
K0530	A	Nebulizer not used w oxygen					
L0100	A	Cerv craniosten helmet mold					
L0110	A	Cerv craniostenosis hel non-					
L0120	A	Cerv flexible non-adjustable					
L0130	A	Flex thermoplastic collar mo					
L0140	A	Cervical semi-rigid adjustab					
L0150	A	Cerv semi-rig adj molded chn					
L0160	A	Cerv semi-rig wire occ/mand					
L0170	A	Cervical collar molded to pt					
L0172	A	Cerv col thermplas foam 2 pi					
L0174	A	Cerv col foam 2 piece w thor					
L0180	A	Cer post col occ/man sup adj					
L0190	A	Cerv collar supp adj cerv ba					
L0200	A	Cerv col supp adj bar & thor					
L0210	A	Thoracic rib belt					
L0220	A	Thor rib belt custom fabrica					
L0300	A	TLSO flex surgical support					
L0310	A	Tlso flexible custom fabrica					
L0315	A	Tlso flex elas rigid post pa					
L0317	A	Tlso flex hypext elas post p					
L0320	A	Tlso a-p contrl w apron frnt					
L0330	A	Tlso ant-pos-lateral control					
L0340	A	Tlso a-p-l-rotary with apron					
L0350	A	Tlso flex compress jacket cu					
L0360	A	Tlso flex compress jacket mo					
L0370	A	Tlso a-p-l-rotary hyperexten					
L0380	A	Tlso a-p-l-rot w/ pos extens					
L0390	A	Tlso a-p-l control molded					
L0400	A	Tlso a-p-l w interface mater					
L0410	A	Tlso a-p-l two piece constr					

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CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
L0420	A	Tlso a-p-l 2 piece w interfa					
L0430	A	Tlso a-p-l w interface custm					
L0440	A	Tlso a-p-l overlap frnt cust					
L0500	A	Lso flex surgical support					
L0510	A	Lso flexible custom fabricat					
L0515	A	Lso flex elas w/ rig post pa					
L0520	A	Lso a-p-l control with apron					
L0530	A	Lso ant-pos control w apron					
L0540	A	Lso lumbar flexion a-p-l					
L0550	A	Lso a-p-l control molded					
L0560	A	Lso a-p-l w interface					
L0565	A	Lso a-p-l control custom					
L0600	A	Sacroiliac flex surg support					
L0610	A	Sacroiliac flexible custm fa					
L0620	A	Sacroiliac semi-rig w apron					
L0700	A	Ctlso a-p-l control molded					
L0710	A	Ctlso a-p-l control w/ inter					
L0810	A	Halo cervical into jckt vest					
L0820	A	Halo cervical into body jack					
L0830	A	Halo cerv into milwaukee typ					
L0860	A	Magnetic resonanc image comp					
L0900	A	Torso/ptosis support					
L0910	A	Torso & ptosis supp custm fa					
L0920	A	Torso/pendulous abd support					
L0930	A	Pendulous abdomen supp custm					
L0940	A	Torso/postsurgical support					
L0950	A	Post surg support custom fab					
L0960	A	Post surgical support pads					
L0970	A	Tlso corset front					
L0972	A	Lso corset front					
L0974	A	Tlso full corset					
L0976	A	Lso full corset					
L0978	A	Axillary crutch extension					
L0980	A	Peroneal straps pair					
L0982	A	Stocking supp grips set of f					
L0984	A	Protective body sock each					
L0999	A	Add to spinal orthosis NOS					
L1000	A	Ctlso milwauke initial model					
L1010	A	Ctlso axilla sling					
L1020	A	Kyphosis pad					
L1025	A	Kyphosis pad floating					
L1030	A	Lumbar bolster pad					
L1040	A	Lumbar or lumbar rib pad					
L1050	A	Sternal pad					
L1060	A	Thoracic pad					
L1070	A	Trapezius sling					
L1080	A	Outrigger					
L1085	A	Outrigger bil w/ vert extens					
L1090	A	Lumbar sling					
L1100	A	Ring flange plastic/leather					
L1110	A	Ring flange plas/leather mol					
L1120	A	Covers for upright each					
L1200	A	Furnsh initial orthosis only					
L1210	A	Lateral thoracic extension					
L1220	A	Anterior thoracic extension					
L1230	A	Milwaukee type superstructur					
L1240	A	Lumbar derotation pad					
L1250	A	Anterior asis pad					
L1260	A	Anterior thoracic derotation					
L1270	A	Abdominal pad					
L1280	A	Rib gusset (elastic) each					
L1290	A	Lateral trochanteric pad					
L1300	A	Body jacket mold to patient					
L1310	A	Post-operative body jacket					
L1499	A	Spinal orthosis NOS					
L1500	A	Thkao mobility frame					
L1510	A	Thkao standing frame					
L1520	A	Thkao swivel walker					
L1600	A	Abduct hip flex frejka w cvr					
L1610	A	Abduct hip flex frejka covr					
L1620	A	Abduct hip flex pavlik harne					
L1630	A	Abduct control hip semi-flex					
L1640	A	Pelv band/spread bar thigh c					
L1650	A	HO abduction hip adjustable					
L1660	A	HO abduction static plastic					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
L1680	A	Pelvic & hip control thigh c					
L1685	A	Post-op hip abduct custom fa					
L1686	A	HO post-op hip abduction					
L1700	A	Leg perthes orth toronto typ					
L1710	A	Legg perthes orth newington					
L1720	A	Legg perthes orthosis trilat					
L1730	A	Legg perthes orth scottish r					
L1750	A	Legg perthes sling					
L1755	A	Legg perthes patten bottom t					
L1800	A	Knee orthoses elas w stays					
L1810	A	Ko elastic with joints					
L1815	A	Elastic with condylar pads					
L1820	A	Ko elas w/ condyle pads & jo					
L1825	A	Ko elastic knee cap					
L1830	A	Ko immobilizer canvas longit					
L1832	A	Ko adj jnt pos rigid support					
L1834	A	Ko w/0 joint rigid molded to					
L1840	A	Ko derot ant cruciate custom					
L1843	A	Ko single upright custom fit		[1]			
L1844	A	Ko w/adj jt rot cntrl molded					
L1845	A	Ko w/ adj flex/ext rotat cus					
L1846	A	Ko w adj flex/ext rotat mold					
L1850	A	Ko swedish type					
L1855	A	Ko plas doub upright jnt mol					
L1858	A	Ko polycentric pneumatic pad					
L1860	A	Ko supracondylar socket mold					
L1870	A	Ko doub upright lacers molde					
L1880	A	Ko doub upright cuffs/lacers					
L1885	A	Knee upright w/resistance					
L1900	A	Afo sprng wir drsflx calf bd					
L1902	A	Afo ankle gauntlet					
L1904	A	Afo molded ankle gauntlet					
L1906	A	Afo multiligamentus ankle su					
L1910	A	Afo sing bar clasp attach sh					
L1920	A	Afo sing upright w/ adjust s					
L1930	A	Afo plastic					
L1940	A	Afo molded to patient plasti					
L1945	A	Afo molded plas rig ant tib					
L1950	A	Afo spiral molded to pt plas					
L1960	A	Afo pos solid ank plastic mo					
L1970	A	Afo plastic molded w/ankle j					
L1980	A	Afo sing solid stirrup calf					
L1990	A	Afo doub solid stirrup calf					
L2000	A	Kafo sing fre stirr thi/calf					
L2010	A	Kafo sng solid stirrup w/o j					
L2020	A	Kafo dbl solid stirrup band/					
L2030	A	Kafo dbl solid stirrup w/o j					
L2035	A	KAFO plastic pediatric size					
L2036	A	Kafo plas doub free knee mol					
L2037	A	Kafo plas sing free knee mol					
L2038	A	Kafo w/o joint multi-axis an					
L2039	A	KAFO, plstic, medlat rotat con					
L2040	A	Hkafo torsion bil rot straps					
L2050	A	Hkafo torsion cable hip pelv					
L2060	A	Hkafo torsion ball bearing j					
L2070	A	Hkafo torsion unilat rot str					
L2080	A	Hkafo unilat torsion cable					
L2090	A	Hkafo unilat torsion ball br					
L2102	A	Afo tibial fx cast plstr mol					
L2104	A	Afo tib fx cast synthetic mo					
L2106	A	Afo tib fx cast plaster mold					
L2108	A	Afo tib fx cast molded to pt					
L2112	A	Afo tibial fracture soft					
L2114	A	Afo tib fx semi-rigid					
L2116	A	Afo tibial fracture rigid		[1]			
L2122	A	Kafo fem fx cast plaster mol					
L2124	A	Kafo fem fx cast synthet mol					
L2126	A	Kafo fem fx cast thermoplas					
L2128	A	Kafo fem fx cast molded to p					
L2132	A	Kafo femoral fx cast soft					
L2134	A	Kafo fem fx cast semi-rigid					
L2136	A	Kafo femoral fx cast rigid					
L2180	A	Plas shoe insert w ank joint					
L2182	A	Drop lock knee					
L2184	A	Limited motion knee joint					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
L2186	A	Adj motion knee jnt lerman t					
L2188	A	Quadrilateral brim					
L2190	A	Waist belt					
L2192	A	Pelvic band & belt thigh fla					
L2200	A	Limited ankle motion ea jnt					
L2210	A	Dorsiflexion assist each joi					
L2220	A	Dorsi & plantar flex ass/res					
L2230	A	Split flat caliper stirr & p					
L2240	A	Round caliper and plate atta					
L2250	A	Foot plate molded stirrup at					
L2260	A	Reinforced solid stirrup					
L2265	A	Long tongue stirrup					
L2270	A	Varus/valgus strap padded/li					
L2275	A	Plastic mod low ext pad/line					
L2280	A	Molded inner boot					
L2300	A	Abduction bar jointed adjust					
L2310	A	Abduction bar-straight					
L2320	A	Non-molded lacer					
L2330	A	Lacer molded to patient mode					
L2335	A	Anterior swing band					
L2340	A	Pre-tibial shell molded to p					
L2350	A	Prosthetic type socket molde					
L2360	A	Extended steel shank					
L2370	A	Patten bottom					
L2375	A	Torsion ank & half solid sti					
L2380	A	Torsion straight knee joint					
L2385	A	Straight knee joint heavy du					
L2390	A	Offset knee joint each					
L2395	A	Offset knee joint heavy duty					
L2397	A	Suspension sleeve lower ext					
L2405	A	Knee joint drop lock ea jnt					
L2415	A	Knee joint cam lock each joi					
L2425	A	Knee disc/dial lock/adj flex					
L2430	A	Knee jnt ratchet lock ea jnt					
L2435	A	Knee joint polycentric joint					
L2492	A	Knee lift loop drop lock rin					
L2500	A	Thi/glut/ischia wgt bearing					
L2510	A	Th/wght bear quad-lat brim m					
L2520	A	Th/wght bear quad-lat brim c					
L2525	A	Th/wght bear nar m-l brim mo					
L2526	A	Th/wght bear nar m-l brim cu					
L2530	A	Thigh/wght bear lacer non-mo					
L2540	A	Thigh/wght bear lacer molded					
L2550	A	Thigh/wght bear high roll cu					
L2570	A	Hip clevis type 2 posit jnt					
L2580	A	Pelvic control pelvic sling					
L2600	A	Hip clevis/thrust bearing fr					
L2610	A	Hip clevis/thrust bearing lo					
L2620	A	Pelvic control hip heavy dut					
L2622	A	Hip joint adjustable flexion					
L2624	A	Hip adj flex ext abduct cont					
L2627	A	Plastic mold recipro hip & c					
L2628	A	Metal frame recipro hip & ca					
L2630	A	Pelvic control band & belt u					
L2640	A	Pelvic control band & belt b					
L2650	A	Pelv & thor control gluteal					
L2660	A	Thoracic control thoracic ba					
L2670	A	Thorac cont paraspinal uprig					
L2680	A	Thorac cont lat support upri					
L2750	A	Plating chrome/nickel pr bar					
L2755	A	Carbon graphite lamination					
L2760	A	Extension per extension per					
L2770	A	Low ext orthosis per bar/jnt					
L2780	A	Non-corrosive finish					
L2785	A	Drop lock retainer each					
L2795	A	Knee control full kneecap					
L2800	A	Knee cap medial or lateral p					
L2810	A	Knee control condylar pad					
L2820	A	Soft interface below knee se					
L2830	A	Soft interface above knee se					
L2840	A	Tibial length sock fx or equ					
L2850	A	Femoral lgth sock fx or equa					
L2860	A	Torsion mechanism knee/ankle					
L2999	A	Lower extremity orthosis NOS					
L3000	A	Ft insert ucb berkeley shell					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
L3001	A	Foot insert remov molded spe					
L3002	A	Foot insert plastazote or eq					
L3003	A	Foot insert silicone gel eac					
L3010	A	Foot longitudinal arch suppo					
L3020	A	Foot longitud/metatarsal sup					
L3030	A	Foot arch support remov prem					
L3040	A	Ft arch suprt premold longit					
L3050	A	Foot arch supp premold metat					
L3060	A	Foot arch supp longitud/meta					
L3070	A	Arch suprt att to sho longit					
L3080	A	Arch supp att to shoe metata					
L3090	A	Arch supp att to shoe long/m					
L3100	A	Hallus-valgus nght dynamic s					
L3140	A	Abduction rotation bar shoe					
L3150	A	Abduct rotation bar w/o shoe					
L3160	A	Shoe styled positioning dev					
L3170	A	Foot plastic heel stabilizer					
L3201	A	Oxford w supinat/pronat inf					
L3202	A	Oxford w/ supinat/pronator c					
L3203	A	Oxford w/ supinator/pronator					
L3204	A	Hightop w/ supp/pronator inf					
L3206	A	Hightop w/ supp/pronator chi					
L3207	A	Hightop w/ supp/pronator jun					
L3208	A	Surgical boot each infant					
L3209	A	Surgical boot each child					
L3211	A	Surgical boot each junior					
L3212	A	Benesch boot pair infant					
L3213	A	Benesch boot pair child					
L3214	A	Benesch boot pair junior					
L3215	A	Orthopedic ftwear ladies oxf					
L3216	A	Orthoped ladies shoes dpth i					
L3217	A	Ladies shoes hightop depth i					
L3218	A	Ladies surgical boot each					
L3219	A	Orthopedic mens shoes oxford					
L3221	A	Orthopedic mens shoes dpth i					
L3222	A	Mens shoes hightop depth inl					
L3223	A	Mens surgical boot each					
L3224	A	Woman's shoe oxford brace					
L3225	A	Man's shoe oxford brace					
L3230	A	Custom shoes depth inlay					
L3250	A	Custom mold shoe remov prost					
L3251	A	Shoe molded to pt silicone s					
L3252	A	Shoe molded plastazote cust					
L3253	A	Shoe molded plastazote cust					
L3254	A	Orth foot non-stndard size/w					
L3255	A	Orth foot non-standard size/					
L3257	A	Orth foot add charge split s					
L3260	A	Ambulatory surgical boot eac					
L3265	A	Plastazote sandal each					
L3300	A	Sho lift taper to metatarsal					
L3310	A	Shoe lift elev heel/sole neo					
L3320	A	Shoe lift elev heel/sole cor					
L3330	A	Lifts elevation metal extens					
L3332	A	Shoe lifts tapered to one-ha					
L3334	A	Shoe lifts elevation heel /i					
L3340	A	Shoe wedge sach					
L3350	A	Shoe heel wedge					
L3360	A	Shoe sole wedge outside sole					
L3370	A	Shoe sole wedge between sole					
L3380	A	Shoe clubfoot wedge					
L3390	A	Shoe outflare wedge					
L3400	A	Shoe metatarsal bar wedge ro					
L3410	A	Shoe metatarsal bar between					
L3420	A	Full sole/heel wedge btween					
L3430	A	Sho heel count plast reinfor					
L3440	A	Heel leather reinforced					
L3450	A	Shoe heel sach cushion type					
L3455	A	Shoe heel new leather standa					
L3460	A	Shoe heel new rubber standar					
L3465	A	Shoe heel thomas with wedge					
L3470	A	Shoe heel thomas extend to b					
L3480	A	Shoe heel pad & depress for					
L3485	A	Shoe heel pad removable for					
L3500	A	Ortho shoe add leather insol					
L3510	A	Orthopedic shoe add rub insl					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
L3520	A	O shoe add felt w leath insl					
L3530	A	Ortho shoe add half sole					
L3540	A	Ortho shoe add full sole					
L3550	A	O shoe add standard toe tap					
L3560	A	O shoe add horseshoe toe tap					
L3570	A	O shoe add instep extension					
L3580	A	O shoe add instep velcro clo					
L3590	A	O shoe convert to sof counte					
L3595	A	Ortho shoe add march bar					
L3600	A	Trans shoe calip plate exist					
L3610	A	Trans shoe caliper plate new					
L3620	A	Trans shoe solid stirrup exi					
L3630	A	Trans shoe solid stirrup new					
L3640	A	Shoe dennis browne splint bo					
L3649	A	Orthopedic shoe modifica NOS					
L3650	A	Shlder fig 8 abduct restrain					
L3660	A	Abduct restrainer canvas&web					
L3670	A	Acromio/clavicular canvas&we					
L3700	A	Elbow orthoses elas w stays					
L3710	A	Elbow elastic with metal joi					
L3720	A	Forearm/arm cuffs free motio					
L3730	A	Forearm/arm cuffs ext/flex a					
L3740	A	Cuffs adj lock w/ active con					
L3800	A	Whfo short opponen no attach					
L3805	A	Whfo long opponens no attach					
L3810	A	Whfo thumb abduction bar					
L3815	A	Whfo second m.p. abduction a					
L3820	A	Whfo ip ext asst w/ mp ext s					
L3825	A	Whfo m.p. extension stop					
L3830	A	Whfo m.p. extension assist					
L3835	A	Whfo m.p. spring extension a					
L3840	A	Whfo spring swivel thumb					
L3845	A	Whfo thumb ip ext ass w/ mp					
L3850	A	Action wrist w/ dorsiflex as					
L3855	A	Whfo adj m.p. flexion contro					
L3860	A	Whfo adj m.p. flex ctrl & i.					
L3890	A	Torsion mechanism wrist/elbo					
L3900	A	Hinge extension/flex wrist/f					
L3901	A	Hinge ext/flex wrist finger					
L3902	A	Whfo ext power compress gas					
L3904	A	Whfo electric custom fitted					
L3906	A	Wrist gauntlet molded to pt					
L3907	A	Whfo wrst gauntlt thmb spica					
L3908	A	Wrist cock-up non-molded					
L3910	A	Whfo swanson design					
L3912	A	Flex glove w/elastic finger					
L3914	A	WHO wrist extension cock-up					
L3916	A	Whfo wrist extens w/ outrigg					
L3918	A	HFO knuckle bender					
L3920	A	Knuckle bender with outrigge					
L3922	A	Knuckle bend 2 seg to flex j					
L3924	A	Oppenheimer					
L3926	A	Thomas suspension					
L3928	A	Finger extension w/ clock sp					
L3930	A	Finger extension with wrist					
L3932	A	Safety pin spring wire					
L3934	A	Safety pin modified					
L3936	A	Palmer					
L3938	A	Dorsal wrist					
L3940	A	Dorsal wrist w/ outrigger at					
L3942	A	Reverse knuckle bender					
L3944	A	Reverse knuckle bend w/ outr					
L3946	A	HFO composite elastic					
L3948	A	Finger knuckle bender					
L3950	A	Oppenheimer w/ knuckle bend					
L3952	A	Oppenheimer w/ rev knuckle 2					
L3954	A	Spreading hand					
L3956	A	Add joint upper ext orthosis					
L3960	A	Sewho airplan desig abdu pos					
L3962	A	Sewho erbs palsey design abd					
L3963	A	Molded w/ articulating elbow					
L3964	A	Seo mobile arm sup att to wc					
L3965	A	Arm supp att to wc rancho ty					
L3966	A	Mobile arm supports reclinin					
L3968	A	Friction dampening arm supp					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
L3969	A	Monosuspension arm/hand supp					
L3970	A	Elevat proximal arm support					
L3972	A	Offset/lat rocker arm w/ ela					
L3974	A	Mobile arm support supinator					
L3980	A	Upp ext fx orthosis humeral					
L3982	A	Upper ext fx orthosis rad/ul					
L3984	A	Upper ext fx orthosis wrist					
L3985	A	Forearm hand fx orth w/ wr h					
L3986	A	Humeral rad/ulna wrist fx or					
L3995	A	Sock fracture or equal each					
L3999	A	Upper limb orthosis NOS					
L4000	A	Repl girdle milwaukee orth					
L4010	A	Replace trilateral socket br					
L4020	A	Replace quadlat socket brim					
L4030	A	Replace socket brim cust fit					
L4040	A	Replace molded thigh lacer					
L4045	A	Replace non-molded thigh lac					
L4050	A	Replace molded calf lacer					
L4055	A	Replace non-molded calf lace					
L4060	A	Replace high roll cuff					
L4070	A	Replace prox & dist upright					
L4080	A	Repl met band kafo-afo prox					
L4090	A	Repl met band kafo-afo calf/					
L4100	A	Repl leath cuff kafo prox th					
L4110	A	Repl leath cuff kafo-afo cal					
L4130	A	Replace pretibial shell					
L4205	A	Ortho dvc repair per 15 min					
L4210	A	Orth dev repair/repl minor p					
[2] L4310	A	Mult-podus/eq orth prep mgmt					
[2] L4320	A	Low ext mgmt sys ft pos afo					
L4350	A	Pneumatic ankle cntrl splint					
L4360	A	Pneumatic walking splint					
L4370	A	Pneumatic full leg splint					
L4380	A	Pneumatic knee splint					
[2] L4390	A	Replace multi-podus splint					
L4392	A	Replace ankle contrac splint					
L4394	A	Replace foot drop spint					
L4396	A	Ankle contracture splint					
L4398	A	Foot drop splint recumbent					
L5000	A	Sho insert w arch toe filler					
L5010	A	Mold socket ank hgt w/ toe f					
L5020	A	Tibial tubercle hgt w/ toe f					
L5050	A	Ank symes mold sckt sach ft					
L5060	A	Symes met fr leath socket ar					
L5100	A	Molded socket shin sach foot					
L5105	A	Plast socket jts/thgh lacer					
L5150	A	Mold sckt ext knee shin sach					
L5160	A	Mold socket bent knee shin s					
L5200	A	Kne sing axis fric shin sach					
L5210	A	No knee/ankle joints w/ ft b					
L5220	A	No knee joint with artic ali					
L5230	A	Fem focal defic constant fri					
L5250	A	Hip canad sing axi cons fric					
L5270	A	Tilt table locking hip sing					
L5280	A	Hemipelvect canad sing axis					
L5300	A	Bk sach soft cover & finish					
L5310	A	Knee disart sach soft cv/fin					
L5320	A	Ak open end sach soft cv/fin					
L5330	A	Hip canadian sach sft cv/fin					
L5340	A	Hemipelvectomy canad cv/fin					
L5400	A	Postop dress & 1 cast chg bk					
L5410	A	Postop dsg bk ea add cast ch					
L5420	A	Postop dsg & 1 cast chg ak/d					
L5430	A	Postop dsg ak ea add cast ch					
L5450	A	Postop app non-wgt bear dsg					
L5460	A	Postop app non-wgt bear dsg					
L5500	A	Init bk ptb plaster direct					
L5505	A	Init ak ischal plstr direct					
L5510	A	Prep BK ptb plaster molded					
L5520	A	Perp BK ptb thermopls direct					
L5530	A	Prep BK ptb thermopls molded					
L5535	A	Prep BK ptb open end socket					
L5540	A	Prep BK ptb laminated socket					
L5560	A	Prep AK ischial plast molded					
L5570	A	Prep AK ischial direct form					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
L5580	A	Prep AK ischial thermo mold					
L5585	A	Prep AK ischial open end					
L5590	A	Prep AK ischial laminated					
L5595	A	Hip disartic sach thermopls					
L5600	A	Hip disart sach laminat mold					
L5610	A	Above knee hydracadence					
L5611	A	Ak 4 bar link w/fric swing					
L5613	A	Ak 4 bar ling w/hydraul swig					
L5614	A	4-bar link above knee w/swng					
L5616	A	Ak univ multiplex sys frict					
L5617	A	AK/BK self-aligning unit ea					
L5618	A	Test socket symes					
L5620	A	Test socket below knee					
L5622	A	Test socket knee disarticula					
L5624	A	Test socket above knee					
L5626	A	Test socket hip disarticulat					
L5628	A	Test socket hemipelvectomy					
L5629	A	Below knee acrylic socket					
L5630	A	Syme typ expandabl wall sckt					
L5631	A	Ak/knee disartic acrylic soc					
L5632	A	Symes type ptb brim design s					
L5634	A	Symes type poster opening so					
L5636	A	Symes type medial opening so					
L5637	A	Below knee total contact					
L5638	A	Below knee leather socket					
L5639	A	Below knee wood socket					
L5640	A	Knee disarticulat leather so					
L5642	A	Above knee leather socket					
L5643	A	Hip flex inner socket ext fr					
L5644	A	Above knee wood socket					
L5645	A	Ak flexibl inner socket ext					
L5646	A	Below knee air cushion socke					
L5647	A	Below knee suction socket					
L5648	A	Above knee air cushion socke					
L5649	A	Isch containmt/narrow m-l so					
L5650	A	Tot contact ak/knee disart s					
L5651	A	Ak flex inner socket ext fra					
L5652	A	Suction susp ak/knee disart					
L5653	A	Knee disart expand wall sock					
L5654	A	Socket insert symes					
L5655	A	Socket insert below knee					
L5656	A	Socket insert knee articulat					
L5658	A	Socket insert above knee					
L5660	A	Sock insrt syme silicone gel					
L5661	A	Multi-durometer symes					
L5662	A	Socket insert bk silicone ge					
L5663	A	Sock knee disartic silicone					
L5664	A	Socket insert ak silicone ge					
L5665	A	Multi-durometer below knee					
L5666	A	Below knee cuff suspension					
L5667	A	Socket insert w lock lower					
L5668	A	Socket insert w/o lock lower					
L5669	A	Below knee socket w/o lock					
L5670	A	Bk molded supracondylar susp					
L5672	A	Bk removable medial brim sus					
L5674	A	Bk latex sleeve suspension/e					
L5675	A	Bk latex sleeve susp/eq hvy					
L5676	A	Bk knee joints single axis p					
L5677	A	Bk knee joints polycentric p					
L5678	A	Bk joint covers pair					
L5680	A	Bk thigh lacer non-molded					
L5682	A	Bk thigh lacer glut/ischia m					
L5684	A	Bk fork strap					
L5686	A	Bk back check					
L5688	A	Bk waist belt webbing					
L5690	A	Bk waist belt padded and lin					
L5692	A	Ak pelvic control belt light					
L5694	A	Ak pelvic control belt pad/l					
L5695	A	Ak sleeve susp neoprene/equa					
L5696	A	Ak/knee disartic pelvic join					
L5697	A	Ak/knee disartic pelvic band					
L5698	A	Ak/knee disartic silesian ba					
L5699	A	Shoulder harness					
L5700	A	Replace socket below knee					
L5701	A	Replace socket above knee					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
L5702	A	Replace socket hip					
L5704	A	Custom shape covr below knee					
L5705	A	Custm shape cover above knee					
L5706	A	Custm shape cvr knee disart					
L5707	A	Custm shape cover hip disart					
L5710	A	Kne-shin exo sng axi mnl loc					
L5711	A	Knee-shin exo mnl lock ultra					
L5712	A	Knee-shin exo frict swg & st					
L5714	A	Knee-shin exo variable frict					
L5716	A	Knee-shin exo mech stance ph					
L5718	A	Knee-shin exo frct swg & sta					
L5722	A	Knee-shin pneum swg frct exo					
L5724	A	Knee-shin exo fluid swing ph					
L5726	A	Knee-shin ext jnts fld swg e					
L5728	A	Knee-shin fluid swg & stance					
L5780	A	Knee-shin pneum/hydra pneum					
L5785	A	Exoskeletal bk ultralt mater					
L5790	A	Exoskeletal ak ultra-light m					
L5795	A	Exoskel hip ultra-light mate					
L5810	A	Endoskel knee-shin mnl lock					
L5811	A	Endo knee-shin mnl lck ultra					
L5812	A	Endo knee-shin frct swg & st					
L5814	A	Endo knee-shin hydral swg ph					
L5816	A	Endo knee-shin polyc mch sta					
L5818	A	Endo knee-shin frct swg & st					
L5822	A	Endo knee-shin pneum swg frc					
L5824	A	Endo knee-shin fluid swing p					
L5826	A	Miniature knee joint					
L5828	A	Endo knee-shin fluid swg/sta					
L5830	A	Endo knee-shin pneum/swg pha					
L5840	A	Multi-axial knee/shin system					
L5845	A	Knee-shin sys stance flexion					
L5846	A	Knee-shin sys microprocessor					
L5850	A	Endo ak/hip knee extens assi					
L5855	A	Mech hip extension assist					
L5910	A	Endo below knee alignable sy					
L5920	A	Endo ak/hip alignable system					
L5925	A	Above knee manual lock					
L5930	A	High activity knee frame					
L5940	A	Endo bk ultra-light material					
L5950	A	Endo ak ultra-light material					
L5960	A	Endo hip ultra-light materia					
L5962	A	Below knee flex cover system					
L5964	A	Above knee flex cover system					
L5966	A	Hip flexible cover system					
L5970	A	Foot external keel sach foot					
L5972	A	Flexible keel foot					
L5974	A	Foot single axis ankle/foot					
L5976	A	Energy storing foot					
L5978	A	Ft prosth multiaxial ankl/ft					
L5979	A	Multi-axial ankle/ft prosth					
L5980	A	Flex foot system					
L5981	A	Flex-walk sys low ext prosth					
L5982	A	Exoskeletal axial rotation u					
L5984	A	Endoskeletal axial rotation					
L5985	A	Lwr ext dynamic prosth pylon					
L5986	A	Multi-axial rotation unit					
L5987	A	Shank ft w vert load pylon					
L5999	A	Lowr extremity prosthes NOS					
L6000	A	Par hand robin-aids thum rem					
L6010	A	Hand robin-aids little/ring					
L6020	A	Part hand robin-aids no fing					
L6050	A	Wrst MLd sck flx hng tri pad					
L6055	A	Wrst mold sock w/exp interfa					
L6100	A	Elb mold sock flex hinge pad					
L6110	A	Elbow mold sock suspension t					
L6120	A	Elbow mold doub split soc ste					
L6130	A	Elbow stump activated lock h					
L6200	A	Elbow mold outsid lock hinge					
L6205	A	Elbow molded w/ expand inter					
L6250	A	Elbow inter loc elbow forarm					
L6300	A	Shlder disart int lock elbow					
L6310	A	Shoulder passive restor comp					
L6320	A	Shoulder passive restor cap					
L6350	A	Thoracic intern lock elbow					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
L6360	A	Thoracic passive restor comp					
L6370	A	Thoracic passive restor cap					
L6380	A	Postop dsg cast chg wrst/elb					
L6382	A	Postop dsg cast chg elb dis/					
L6384	A	Postop dsg cast chg shlder/t					
L6386	A	Postop ea cast chg & realign					
L6388	A	Postop applicat rigid dsg on					
L6400	A	Below elbow prosth tiss shap					
L6450	A	Elb disart prosth tiss shap					
L6500	A	Above elbow prosth tiss shap					
L6550	A	Shldr disar prosth tiss shap					
L6570	A	Scap thorac prosth tiss shap					
L6580	A	Wrist/elbow bowden cable mol					
L6582	A	Wrist/elbow bowden cbl dir f					
L6584	A	Elbow fair lead cable molded					
L6586	A	Elbow fair lead cable dir fo					
L6588	A	Shdr fair lead cable molded					
L6590	A	Shdr fair lead cable direct					
L6600	A	Polycentric hinge pair					
L6605	A	Single pivot hinge pair					
L6610	A	Flexible metal hinge pair					
L6615	A	Disconnect locking wrist uni					
L6616	A	Disconnect insert locking wr					
L6620	A	Flexion-friction wrist unit					
L6623	A	Spring-ass rot wrst w/ latch					
L6625	A	Rotation wrst w/ cable lock					
L6628	A	Quick disconn hook adapter o					
L6629	A	Lamination collar w/ couplin					
L6630	A	Stainless steel any wrist					
L6632	A	Latex suspension sleeve each					
L6635	A	Lift assist for elbow					
L6637	A	Nudge control elbow lock					
L6640	A	Shoulder abduction joint pai					
L6641	A	Excursion amplifier pulley t					
L6642	A	Excursion amplifier lever ty					
L6645	A	Shoulder flexion-abduction j					
L6650	A	Shoulder universal joint					
L6655	A	Standard control cable extra					
L6660	A	Heavy duty control cable					
L6665	A	Teflon or equal cable lining					
L6670	A	Hook to hand cable adapter					
L6672	A	Harness chest/shlder saddle					
L6675	A	Harness figure of 8 sing con					
L6676	A	Harness figure of 8 dual con					
L6680	A	Test sock wrist disart/bel e					
L6682	A	Test sock elbw disart/above					
L6684	A	Test socket shldr disart/tho					
L6686	A	Suction socket					
L6687	A	Frame typ socket bel elbow/w					
L6688	A	Frame typ sock above elb/dis					
L6689	A	Frame typ socket shoulder di					
L6690	A	Frame typ sock interscap-tho					
L6691	A	Removable insert each					
L6692	A	Silicone gel insert or equal					
L6700	A	Terminal device model #3					
L6705	A	Terminal device model #5					
L6710	A	Terminal device model #5x					
L6715	A	Terminal device model #5xa					
L6720	A	Terminal device model #6					
L6725	A	Terminal device model #7					
L6730	A	Terminal device model #7lo					
L6735	A	Terminal device model #8					
L6740	A	Terminal device model #8x					
L6745	A	Terminal device model #88x					
L6750	A	Terminal device model #10p					
L6755	A	Terminal device model #10x					
L6765	A	Terminal device model #12p					
L6770	A	Terminal device model #99x					
L6775	A	Terminal device model #555					
L6780	A	Terminal device model #ss555					
L6790	A	Hooks-accu hook or equal					
L6795	A	Hooks-2 load or equal					
L6800	A	Hooks-aprl vc or equal					
L6805	A	Modifier wrist flexion unit					
L6806	A	Trs grip vc or equal					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
L6807	A	Term device grip1/2 or equal					
L6808	A	Term device infant or child					
L6809	A	Trs super sport passive					
L6810	A	Pincher tool otto bock or eq					
L6825	A	Hands dorrance vo					
L6830	A	Hand aprl vc					
L6835	A	Hand sierra vo					
L6840	A	Hand becker imperial					
L6845	A	Hand becker lock grip					
L6850	A	Term dvc-hand becker plylite					
L6855	A	Hand robin-aids vo					
L6860	A	Hand robin-aids vo soft					
L6865	A	Hand passive hand					
L6867	A	Hand detroit infant hand					
L6868	A	Passive inf hand steeper/hos					
L6870	A	Hand child mitt					
L6872	A	Hand nyu child hand					
L6873	A	Hand mech inf steeper or equ					
L6875	A	Hand bock vc					
L6880	A	Hand bock vo					
L6890	A	Production glove					
L6895	A	Custom glove					
L6900	A	Hand restorat thumb/1 finger					
L6905	A	Hand restoration multiple fi					
L6910	A	Hand restoration no fingers					
L6915	A	Hand restoration replacmnt g					
L6920	A	Wrist disarticul switch ctrl					
L6925	A	Wrist disart myoelectronic c					
L6930	A	Below elbow switch control					
L6935	A	Below elbow myoelectronic ct					
L6940	A	Elbow disarticulation switch					
L6945	A	Elbow disart myoelectronic c					
L6950	A	Above elbow switch control					
L6955	A	Above elbow myoelectronic ct					
L6960	A	Shldr disartic switch contro					
L6965	A	Shldr disartic myoelectronic					
L6970	A	Interscapular-thor switch ct					
L6975	A	Interscap-thor myoelectronic					
L7010	A	Hand otto back steeper/eq sw					
L7015	A	Hand sys teknik village swit					
L7020	A	Electronic greifer switch ct					
L7025	A	Electron hand myoelectronic					
L7030	A	Hand sys teknik vill myoelec					
L7035	A	Electron greifer myoelectro					
L7040	A	Prehensile actuator hosmer s					
L7045	A	Electron hook child michigan					
L7170	A	Electronic elbow hosmer swit					
L7180	A	Electronic elbow utah myoele					
L7185	A	Electron elbow adolescent sw					
L7186	A	Electron elbow child switch					
L7190	A	Elbow adolescent myoelectron					
L7191	A	Elbow child myoelectronic ct					
L7260	A	Electron wrist rotator otto					
L7261	A	Electron wrist rotator utah					
L7266	A	Servo control steeper or equ					
L7272	A	Analogue control unb or equa					
L7274	A	Proportional ctl 12 volt uta					
L7360	A	Six volt bat otto bock/eq ea					
L7362	A	Battery chrgr six volt otto					
L7364	A	Twelve volt battery utah/equ					
L7366	A	Battery chrgr 12 volt utah/e					
L7499	A	Upper extremity prosthes NOS					
L7500	A	Prosthetic dvc repair hourly					
L7510	A	Prosthetic device repair rep					
L7520	A	Repair prosthesis per 15 min					
L7900	A	Vacuum erection system					
L8000	A	Mastectomy bra					
L8010	A	Mastectomy sleeve					
L8020	A	Mastectomy form					
L8030	A	Breast prosthesis silicone/e					
L8039	A	Breast prosthesis NOS					
L8100	A	Compression stocking BK18-30					
L8110	A	Compression stocking BK30-40					
L8120	A	Compression stocking BK40-50					
L8130	A	Gc stocking thighlngth 18-30					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
L8140	A	Gc stocking thighlngth 30-40					
L8150	A	Gc stocking thighlngth 40-50					
L8160	A	Gc stocking full lngth 18-30					
L8170	A	Gc stocking full lngth 30-40					
L8180	A	Gc stocking full lngth 40-50					
L8190	A	Gc stocking waistlngth 18-30					
L8200	A	Gc stocking waistlngth 40-50					
L8210	A	Gc stocking custom made					
L8220	A	Gc stocking lymphedema					
L8230	A	Gc stocking garter belt					
L8239	A	G compression stocking NOS					
L8300	A	Truss single w/ standard pad					
L8310	A	Truss double w/ standard pad					
L8320	A	Truss addition to std pad wa					
L8330	A	Truss add to std pad scrotal					
L8400	A	Sheath below knee					
L8410	A	Sheath above knee					
L8415	A	Sheath upper limb					
L8417	A	Pros sheath/sock w gel cushn					
L8420	A	Prosthetic sock multi ply BK					
L8430	A	Prosthetic sock multi ply AK					
L8435	A	Pros sock multi ply upper lm					
L8440	A	Shrinker below knee					
L8460	A	Shrinker above knee					
L8465	A	Shrinker upper limb					
L8470	A	Pros sock single ply BK					
L8480	A	Pros sock single ply AK					
L8485	A	Pros sock single ply upper l					
L8490	A	Air seal suction reten systm					
L8499	A	Unlisted misc prosthetic ser					
L8500	A	Artificial larynx					
L8501	A	Tracheostomy speaking valve					
L8600	A	Implant breast silicone/eq					
L8603	A	Collagen imp urinary 2.5 CC					
L8610	A	Ocular implant					
L8612	A	Aqueous shunt prosthesis					
L8613	A	Ossicular implant					
L8614	A	Cochlear device/system					
L8619	A	Replace cochlear processor					
L8630	A	Metacarpophalangeal implant					
L8641	A	Metatarsal joint implant					
L8642	A	Hallux implant					
L8658	A	Interphalangeal joint implnt					
L8670	A	Vascular graft, synthetic					
L8699	A	Prosthetic implant NOS					
M0064	X	Visit for drug monitoring	090	0.85	$43.71	$12.20	$8.74
M0075	E	Cellular therapy					
M0076	E	Prolotherapy					
M0100	E	Intragastric hypothermia					
[2] M0101	E	Foot care hygienic/pm					
M0300	E	IV chelationtherapy					
M0301	E	Fabric wrapping of aneurysm					
M0302	E	Assessment of cardiac output					
P2028	A	Cephalin floculation test					
P2029	A	Congo red blood test					
P2031	E	Hair analysis					
P2033	A	Blood thymol turbidity					
P2038	A	Blood mucoprotein					
P3000	A	Screen pap by tech w md supv					
P3001	A	Screening pap smear by phys					
P7001	E	Culture bacterial urine					
P9010	N	Whole blood for transfusion					
P9011	N	Blood split unit					
P9012	N	Cryoprecipitate each unit					
P9013	N	Unit/s blood fibrinogen					
[2] P9014	N	Gamma globulin 1 ML					
[2] P9015	N	Rh immune globulin 1 ML					
P9016	N	Leukocyte poor blood, unit					
P9017	N	One donor fresh frozn plasma					
P9018	N	Plasma protein fract, unit					
P9019	N	Platelet concentrate unit					
P9020	N	Plaelet rich plasma unit					
P9021	N	Red blood cells unit					
P9022	N	Washed red blood cells unit					
P9603	N	One-way allow prorated miles					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
P9604	N	One-way allow prorated trip					
[2] P9610	E	Urine specimen collect singl					
P9615	E	Urine specimen collect mult					
Q0034	X	Admin of influenza vaccine	901	0.07	$3.60	$2.49	$0.72
Q0035	X	Cardiokymography	950	0.35	$18.00	$15.82	$3.60
Q0068	S	Extracorpeal plasmapheresis	369	6.33	$325.49	$155.49	$65.10
Q0081	X	Infusion ther other than che	906	1.93	$99.24	$57.18	$19.85
Q0083	S	Chemo by other than infusion	987	2.09	$107.47	$65.09	$21.49
Q0084	S	Chemotherapy by infusion	989	1.91	$98.21	$44.52	$19.64
Q0085	S	Chemo by both infusion and o	989	1.91	$98.21	$44.52	$19.64
Q0086	A	Physical therapy evaluation/					
Q0091	S	Obtaining screen pap smear	561	1.46	$75.07	$24.41	$15.01
Q0092	N	Set up port xray equipment					
Q0111	A	Wet mounts/ w preparations					
Q0112	A	Potassium hydroxide preps					
Q0113	A	Pinworm examinations					
Q0114	A	Fern test					
Q0115	A	Post-coital mucous exam					
Q0132	A	Dispensing fee DME neb drug					
Q0136	N	Non esrd epoetin alpha inj					
Q0144	E	Azithromycin dihydrate, oral					
Q0156	N	Human albumin 5%					
Q0157	N	Human albumin 25%					
Q9920	A	Epoetin with hct <= 20					
Q9921	A	Epoetin with hct = 21					
Q9922	A	Epoetin with hct = 22					
Q9923	A	Epoetin with hct = 23					
Q9924	A	Epoetin with hct = 24					
Q9925	A	Epoetin with hct = 25					
Q9926	A	Epoetin with hct = 26					
Q9927	A	Epoetin with hct = 27					
Q9928	A	Epoetin with hct = 28					
Q9929	A	Epoetin with hct = 29					
Q9930	A	Epoetin with hct = 30					
Q9931	A	Epoetin with hct = 31					
Q9932	A	Epoetin with hct = 32					
Q9933	A	Epoetin with hct = 33					
Q9934	A	Epoetin with hct = 34					
Q9935	A	Epoetin with hct = 35					
Q9936	A	Epoetin with hct = 36					
Q9937	A	Epoetin with hct = 37					
Q9938	A	Epoetin with hct = 38					
Q9939	A	Epoetin with hct = 39					
Q9940	A	Epoetin with hct >= 40					
R0070	N	Transport portable x-ray					
R0075	N	Transport port x-ray multipl					
R0076	N	Transport portable EKG					
V2020	A	Vision svcs frames purchases					
V2025	E	Eyeglasses delux frames					
V2100	A	Lens spher single plano 4.00					
V2101	A	Single visn sphere 4.12-7.00					
V2102	A	Singl visn sphere 7.12-20.00					
V2103	A	Spherocylindr 4.00d/12-2.00d					
V2104	A	Spherocylindr 4.00d/2.12-4d					
V2105	A	Spherocylinder 4.00d/4.25-6d					
V2106	A	Spherocylinder 4.00d/>6.00d					
V2107	A	Spherocylinder 4.25d/12-2d					
V2108	A	Spherocylinder 4.25d/2.12-4d					
V2109	A	Spherocylinder 4.25d/4.25-6d					
V2110	A	Spherocylinder 4.25d/over 6d					
V2111	A	Spherocylindr 7.25d/.25-2.25					
V2112	A	Spherocylindr 7.25d/2.25-4d					
V2113	A	Spherocylindr 7.25d/4.25-6d					
V2114	A	Spherocylinder over 12.00d					
V2115	A	Lens lenticular bifocal					
V2116	A	Nonaspheric lens bifocal					
V2117	A	Aspheric lens bifocal					
V2118	A	Lens aniseikonic single					
V2199	A	Lens single vision not oth c					
V2200	A	Lens spher bifoc plano 4.00d					
V2201	A	Lens sphere bifocal 4.12-7.0					
V2202	A	Lens sphere bifocal 7.12-20.					
V2203	A	Lens sphcyl bifocal 4.00d/.1					
V2204	A	Lens sphcy bifocal 4.00d/2.1					
V2205	A	Lens sphcy bifocal 4.00d/4.2					

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CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
V2206	A	Lens sphcy bifocal 4.00d/ove					
V2207	A	Lens sphcy bifocal 4.25-7d/.					
V2208	A	Lens sphcy bifocal 4.25-7/2.					
V2209	A	Lens sphcy bifocal 4.25-7/4.					
V2210	A	Lens sphcy bifocal 4.25-7/ov					
V2211	A	Lens sphcy bifo 7.25-12/.25-					
V2212	A	Lens sphcyl bifo 7.25-12/2.2					
V2213	A	Lens sphcyl bifo 7.25-12/4.2					
V2214	A	Lens sphcyl bifocal over 12.					
V2215	A	Lens lenticular bifocal					
V2216	A	Lens lenticular nonaspheric					
V2217	A	Lens lenticular aspheric bif					
V2218	A	Lens aniseikonic bifocal					
V2219	A	Lens bifocal seg width over					
V2220	A	Lens bifocal add over 3.25d					
V2299	A	Lens bifocal speciality					
V2300	A	Lens sphere trifocal 4.00d					
V2301	A	Lens sphere trifocal 4.12-7.					
V2302	A	Lens sphere trifocal 7.12-20					
V2303	A	Lens sphcy trifocal 4.0/.12-					
V2304	A	Lens sphcy trifocal 4.0/2.25					
V2305	A	Lens sphcy trifocal 4.0/4.25					
V2306	A	Lens sphcyl trifocal 4.00/>6					
V2307	A	Lens sphcy trifocal 4.25-7/.					
V2308	A	Lens sphc trifocal 4.25-7/2.					
V2309	A	Lens sphc trifocal 4.25-7/4.					
V2310	A	Lens sphc trifocal 4.25-7/>6					
V2311	A	Lens sphc trifo 7.25-12/.25-					
V2312	A	Lens sphc trifo 7.25-12/2.25					
V2313	A	Lens sphc trifo 7.25-12/4.25					
V2314	A	Lens sphcyl trifocal over 12					
V2315	A	Lens lenticular trifocal					
V2316	A	Lens lenticular nonaspheric					
V2317	A	Lens lenticular aspheric tri					
V2318	A	Lens aniseikonic trifocal					
V2319	A	Lens trifocal seg width > 28					
V2320	A	Lens trifocal add over 3.25d					
V2399	A	Lens trifocal speciality					
V2410	A	Lens variab asphericity sing					
V2430	A	Lens variable asphericity bi					
V2499	A	Variable asphericity lens					
V2500	A	Contact lens pmma spherical					
V2501	A	Cntct lens pmma-toric/prism					
V2502	A	Contact lens pmma bifocal					
V2503	A	Cntct lens pmma color vision					
V2510	A	Cntct gas permeable sphericl					
V2511	A	Cntct toric prism ballast					
V2512	A	Cntct lens gas permbl bifocl					
V2513	A	Contact lens extended wear					
V2520	A	Contact lens hydrophilic					
V2521	A	Cntct lens hydrophilic toric					
V2522	A	Cntct lens hydrophil bifocl					
V2523	A	Cntct lens hydrophil extend					
V2530	A	Contact lens gas impermeable					
V2531	A	Contact lens gas permeable					
V2599	A	Contact lens/es other type					
V2600	A	Hand held low vision aids					
V2610	A	Single lens spectacle mount					
V2615	A	Telescop/othr compound lens					
V2623	A	Plastic eye prosth custom					
V2624	A	Polishing artifical eye					
V2625	A	Enlargemnt of eye prosthesis					
V2626	A	Reduction of eye prosthesis					
V2627	A	Scleral cover shell					
V2628	A	Fabrication & fitting					
V2629	A	Prosthetic eye other type					
V2630	N	Anter chamber intraocul lens					
V2631	N	Iris support intraoclr lens					
V2632	N	Post chmbr intraocular lens					
V2700	A	Balance lens					
V2710	A	Glass/plastic slab off prism					
V2715	A	Prism lens/es					
V2718	A	Fresnell prism press-on lens					
V2730	A	Special base curve					
V2740	A	Rose tint plastic					

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ADDENDUM B.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT STATUS BY HCPCS CODE AND RELATED INFORMATION—Continued

CPT/ HCPCS	HOPD status indicator	Description	Proposed APC	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
V2741	A	Non-rose tint plastic					
V2742	A	Rose tint glass					
V2743	A	Non-rose tint glass					
V2744	A	Tint photochromatic lens/es					
V2750	A	Anti-reflective coating					
V2755	A	UV lens/es					
V2760	A	Scratch resistant coating					
V2770	A	Occluder lens/es					
V2780	A	Oversize lens/es					
V2781	A	Progressive lens per lens					
V2785	N	Corneal tissue processing					
V2799	A	Miscellaneous vision service					
V5008	E	Hearing screening					
V5010	E	Assessment for hearing aid					
V5011	E	Hearing aid fitting/checking					
V5014	E	Hearing aid repair/modifying					
V5020	E	Conformity evaluation					
V5030	E	Body-worn hearing aid air					
V5040	E	Body-worn hearing aid bone					
V5050	E	Body-wom hearing aid in ear					
V5060	E	Behind ear hearing aid					
V5070	E	Glasses air conduction					
V5080	E	Glasses bone conduction					
V5090	E	Hearing aid dispensing fee					
V5100	E	Body-worn bilat hearing aid					
V5110	E	Hearing aid dispensing fee					
V5120	E	Body-worn binaur hearing aid					
V5130	E	In ear binaural hearing aid					
V5140	E	Behind ear binaur hearing ai					
V5150	E	Glasses binaural hearing aid					
V5160	E	Dispensing fee binaural					
V5170	E	Within ear cros hearing aid					
V5180	E	Behind ear cros hearing aid					
V5190	E	Glasses cros hearing aid					
V5200	E	Cros hearing aid dispens fee					
V5210	E	In ear bicros hearing aid					
V5220	E	Behind ear bicros hearing ai					
V5230	E	Glasses bicros hearing aid					
V5240	E	Dispensing fee bicros					
V5299	A	Hearing service					
V5336	E	Repair communication device					
V5362	A	Speech screening					
V5363	A	Language screening					
V5364	A	Dysphagia screening					

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48. On pages 47761 through 47833, Addendum C is corrected to read as follows:

ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
031	DENTAL PROCEDURES		S	1.37	$70.45	$14.09	$14.09
031	D0150	Comprehensve oral evaluation.					
031	D0240	Intraoral occlusal film.					
031	D0250	Extraoral first film.					
031	D0260	Extraoral ea additional film.					
031	D0270	Dental bitewing single film.					
031	D0272	Dental bitewings two films.					
031	D0274	Dental bitewings four films.					
031	D0460	Pulp vitality test.					
031	D0471	Diagnostic photographs.					
031	D0501	Histopathologic examinations.					
031	D0502	Other oral pathology procedu.					
031	D0999	Unspecified diagnostic proce.					
031	D1510	Space maintainer fxd unilat.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
031	D1515	Fixed bilat space maintainer.					
031	D1520	Remove unilat space maintain.					
031	D1525	Remove bilat space maintain.					
031	D1550	Recement space maintainer.					
031	D2970	Temporary- fractured tooth.					
031	D2999	Dental unspec restorative pr.					
031	D3460	Endodontic endosseous implan.					
031	D3999	Endodontic procedure.					
031	D4250	Mucogingival surg per quadra.					
031	D4260	Osseous surgery per quadrant.					
031	D4263	Bone replce graft first site.					
031	D4264	Bone replce graft each add.					
031	D4270	Pedicle soft tissue graft pr.					
031	D4271	Free soft tissue graft proc.					
031	D4273	Subepithelial tissue graft.					
031	D4355	Full mouth debridement.					
031	D4381	Localized chemo delivery.					
031	D5911	Facial moulage sectional.					
031	D5912	Facial moulage complete.					
031	D5983	Radiation applicator.					
031	D5984	Radiation shield.					
031	D5985	Radiation cone locator.					
031	D5987	Commissure splint.					
031	D6920	Dental connector bar.					
031	D7110	Oral surgery single tooth.					
031	D7120	Each add tooth extraction.					
031	D7130	Tooth root removal.					
031	D7210	Rem imp tooth w mucoper flp.					
031	D7220	Impact tooth remov soft tiss.					
031	D7230	Impact tooth remov part bony.					
031	D7240	Impact tooth remov comp bony.					
031	D7241	Impact tooth rem bony w/comp.					
031	D7250	Tooth root removal.					
031	D7260	Oral antral fistula closure.					
031	D7291	Transseptal fiberotomy.					
031	D7940	Reshaping bone orthognathic.					
031	D9630	Other drugs/medicaments.					
031	D9930	Treatment of complications.					
031	D9940	Dental occlusal guard.					
031	D9950	Occlusion analysis.					
031	D9951	Limited occlusal adjustment.					
031	D9952	Complete occlusal adjustment.					
061	LEVEL I CHEMOTHERAPEUTIC AGENTS		X	1.15	$59.13	$37.52	$11.83
061	J8610	Methotrexate oral 2.5 MG.					
061	J8999	Oral prescription drug chemo.					
061	J9015	Aldesleukin/single use vial.					
061	J9070	Cyclophosphamide 100 MG inj.					
061	J9080	Cyclophosphamide 200 MG inj.					
061	J9090	Cyclophosphamide 500 MG inj.					
061	J9093	Cyclophosphamide lyophilized.					
061	J9094	Cyclophosphamide lyophilized.					
061	J9095	Cyclophosphamide lyophilized.					
061	J9100	Cytarabine hcl 100 MG inj.					
061	J9110	Cytarabine hcl 500 MG inj.					
061	J9120	Dactinomycin actinomycin d.					
061	J9130	Dacarbazine 10 MG inj.					
061	J9140	Dacarbazine 200 MG inj.					
061	J9165	Diethylstilbestrol injection.					
061	J9170	Docetaxel.					
061	J9181	Etoposide 10 MG inj.					
061	J9190	Fluorouracil injection.					
061	J9201	Gemcitabine HCl.					
061	J9206	Irinotecan injection.					
061	J9214	Interferon alfa-2b inj.					
061	J9215	Interferon alfa-n3 inj.					
061	J9218	Leuprolide acetate injeciton.					
061	J9230	Mechlorethamine hcl inj.					
061	J9250	Methotrexate sodium inj.					
061	J9260	Methotrexate sodium inj.					
061	J9266	Pegaspargase/singl dose vial.					
061	J9350	Topotecan.					
061	J9360	Vinblastine sulfate inj.					
061	J9390	Vinorelbine tartrate/10 mg.					
061	J9600	Porfimer sodium.					
061	J9999	Chemotherapy drug.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
062		LEVEL II CHEMOTHERAPEUTIC AGENTS	X	1.78	$91.53	$36.61	$18.31
062	J9000	Doxorubic hcl 10 MG vl chemo.					
062	J9020	Asparaginase injection.					
062	J9060	Cisplatin 10 MG injeciton.					
062	J9065	Inj cladribine per 1 MG.					
062	J9091	Cyclophosphamide 1.0 grm inj.					
062	J9092	Cyclophosphamide 2.0 grm inj.					
062	J9096	Cyclophosphamide lyophilized.					
062	J9097	Cyclophosphamide lyophilized.					
062	J9150	Daunorubicin.					
062	J9211	Idarubicin hcl injeciton.					
062	J9213	Interferon alfa-2a inj.					
062	J9265	Paclitaxel injection.					
062	J9268	Pentostatin injection.					
062	J9370	Vincristine sulfate 1 MG inj.					
063		LEVEL III CHEMOTHERAPEUTIC AGENTS	X	2.94	$151.17	$110.97	$30.24
[2] 063	J9010	Doxorubicin hcl 50 MG inj.					
063	J9031	Bcg live intravesical vac.					
063	J9040	Bleomycin sulfate injection.					
063	J9045	Carboplatin injection.					
063	J9050	Carmus bischl nitro inj.					
063	J9062	Cisplatin 50 MG injeciton.					
063	J9182	Etoposide 100 MG inj.					
063	J9185	Fludarabine phosphate inj.					
063	J9200	Floxuridine injection.					
063	J9202	Goserelin acetate implant.					
063	J9208	Ifosfomide injection.					
063	J9209	Mesna injection.					
063	J9216	Interferon gamma 1-b inj.					
063	J9270	Plicamycin (mithramycin) inj.					
063	J9280	Mitomycin 5 MG inj.					
063	J9320	Streptozocin injection.					
063	J9340	Thiotepa injection.					
063	J9375	Vincristine sulfate 2 MG inj.					
063	J9380	Vincristine sulfate 5 MG inj.					
064		LEVEL IV CHEMOTHERAPEUTIC AGENTS	X	4.15	$213.39	$138.99	$42.68
064	J0640	Leucovorin calcium injection.					
064	J1950	Leuprolide acetate /3.75 MG.					
064	J9217	Leuprolide acetate suspnsion.					
064	J9245	Inj melphalan hydrochl 50 MG.					
064	J9290	Mitomycin 20 MG inj.					
064	J9291	Mitomycin 40 MG inj.					
064	J9293	Mitoxantrone hydrochl / 5 MG.					
089		NEUROPSYCHOLOGICAL TESTING	X	4.06	$208.77	$46.10	$41.75
[1] 089	96100	Psychological testing.					
089	96105	Assessment of aphasia.					
089	96110	Developmental test, lim.					
089	96111	Developmental test, extend.					
[1] 089	96115	Neurobehavior status exam.					
[1] 089	96117	Neuropsych test battery.					
090		MONITORING PSYCHIATRIC DRUGS	X	0.85	$43.71	$12.20	$8.74
[1] 090	90862	Medication management.					
090	M0064	Visit for drug monitoring.					
091		BRIEF INDIVIDUAL PSYCHOTHERAPY	S	1.09	$56.05	$14.01	$11.21
091	90804	Psytx, office (20-30).					
091	90805	Psytx, office (20-30) w/e&m.					
091	90810	Intac psytx, office (20-30).					
091	90811	Intac psytx, off 20-30 w/e&m.					
091	90816	Psytx, hosp (20-30).					
091	90817	Psytx, hosp (20-30) w/e&m.					
091	90823	Intac psytx, hosp (20-30).					
091	90824	Intac psytx, hsp 20-30 w/e&m.					
[1 2] 091	90843	Psychotherapy, 20-30 min.					
[1] 091	90899	Psychiatric service/therapy.					
092		EXTENDED INDIVIDUAL PSYCHOTHERAPY	S	1.63	$83.81	$21.47	$16.76
[1] 092	90801	Psy dx interview.					
092	90802	Intac psy dx interview.					
092	90806	Psytx, office (45-50).					
092	90807	Psytx, office (45-50) w/e&m.					
092	90808	Psytx, office (75-80).					
092	90809	Psytx, office (75-80) w/e&m.					
092	90812	Intac psytx, office (45-50).					
092	90813	Intac psytx, off 45-50 w/e&m.					
092	90814	Intac psytx, office (75-80).					
092	90815	Intac psytx, off 75-80 w/e&m.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
092	90818	Psytx, hosp (45-50).					
092	90819	Psytx, hosp (45-50) w/e&m.					
1 2 092	90820	Diagnostic interview.					
092	90821	Psytx, hosp (75-80).					
092	90822	Psytx, hosp (75-80) w/e&m.					
092	90826	Intac psytx, hosp (45-50).					
092	90827	Intac psytx, hsp 45-50 w/e&m.					
092	90828	Intac psytx, hosp (75-80).					
092	90829	Intac psytx, hsp 75-80 w/e&m.					
1 2 092	90835	Special interview.					
1 2 092	90842	Psychotherapy, 75-80 min.					
1 2 092	90844	Psychotherapy, 45-50 min.					
1 092	90845	Psychoanalysis.					
1 2 092	90855	Individual psychotherapy.					
092	90865	Narcosynthesis.					
1 092	90880	Hypnotherapy.					
093	FAMILY PSYCHOTHERAPY		S	1.56	$80.22	$20.11	$16.04
1 093	90846	Family psytx w/o patient.					
1 093	90847	Family psytx w/patient.					
094	GROUP PSYCHOTHERAPY		S	1.31	$67.36	$19.89	$13.47
1 094	90849	Multiple family group psytx.					
1 094	90853	Group psychotherapy.					
1 094	90857	Intac group psytx.					
121	LEVEL I NEEDLE BIOPSY/ASPIRATION		T	0.63	$32.39	$21.02	$6.48
121	17999	Skin tissue procedure.					
121	19000	Drainage of breast lesion.					
121	19001	Drain breast lesion add-on.					
121	20615	Treatment of bone cyst.					
121	55000	Drainage of hydrocele.					
121	60001	Aspirate/inject thyriod cyst.					
121	60699	Endocrine surgery procedure.					
121	85095	Bone marrow aspiration.					
121	85102	Bone marrow biopsy.					
121	88170	Fine needle aspiration.					
121	88171	Fine needle aspiration.					
122	LEVEL II NEEDLE BIOPSY/ASPIRATION		T	4.59	$236.02	$113.00	$47.20
122	19100	Biopsy of breast.					
122	20206	Needle biopsy, muscle.					
122	32400	Needle biopsy chest lining.					
122	32405	Biopsy, lung or mediastinum.					
122	38505	Needle biopsy, lymph node(s).					
122	42400	Biopsy of salivary gland.					
122	47000	Needle biopsy of liver.					
122	47399	Liver surgery procedure.					
122	48102	Needle biopsy, pancreas.					
122	48999	Pancreas surgery procedure.					
122	49180	Biopsy, abdominal mass.					
122	50200	Biopsy of kidney.					
122	50390	Drainage of kidney lesion.					
122	54500	Biopsy of testis.					
122	54800	Biopsy of epididymis.					
122	60100	Biopsy of thyroid.					
122	62269	Needle biopsy spinal cord					
122	67415	Aspiration orbital contents.					
131	LEVEL I INCISION & DRAINAGE		T	1.93	$99.24	$36.61	$19.85
131	10040	Acne surgery of skin abscess.					
131	10060	Drainage of skin abscess.					
131	10061	Drainage of skin abscess.					
131	10080	Drainage of pilonidal cyst.					
131	10081	Drainage of pilonidal cyst.					
131	10120	Remove foreign body.					
131	10140	Drainage of hematoma/fluid.					
131	10160	Puncture drainage of lesion.					
131	10180	Complex drainage, wound.					
131	11976	Removal of contraceptive cap.					
131	20000	Incision of abscess.					
131	26010	Drainage of finger abscess.					
131	26011	Drainage of finger abscess.					
131	69000	Drain external ear lesion.					
131	69005	Drain external ear lesion.					
131	69020	Drain outer ear canal lesion.					
132	LEVEL II INCISION & DRAINAGE		T	5.63	$289.49	$132.89	$57.90
132	19020	Incision of breast lesion.					
132	20950	Record fluid pressure,muscle.					
132	21501	Drain neck/chest lesion.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
132	21700	Revision of neck muscle.					
132	21720	Revision of neck muscle.					
132	21725	Revision of neck muscle.					
132	23030	Drain shoulder lesion.					
132	23031	Drain shoulder bursa.					
132	23930	Drainage of arm lesion.					
132	23931	Drainage of arm bursa.					
132	27301	Drain thigh/knee lesion.					
132	27603	Drain lower leg lesion.					
132	28001	Drainage of bursa of foot.					
132	38300	Drainage lymph node lesion.					
132	38305	Drainage lymph node lesion.					
132	38999	Blood/lymph system procedure.					
132	51080	Drainage of bladder abscess.					
132	54015	Drain penis lesion.					
132	54115	Treatment of penis lesion.					
32	55100	Drainage of scrotum abscess.					
137	NAIL PROCEDURES		T	0.60	$30.85	$9.27	$6.17
[2] 137	11700	Scraping of 1-5 nails.					
[2] 137	11701	Scraping of additional nails.					
[2] 137	11710	Scraping of 1-5 nails.					
[2] 137	11711	Scraping of additional nails.					
137	11719	Trim nail(s).					
137	11720	Debride nail, 1-5.					
137	11721	Debride nail, 6 or more.					
137	11740	Drain blood from under nail.					
137	11755	Biopsy, nail unit.					
141	LEVEL I DESTRUCTION OF LESION		T	0.52	$26.74	$9.49	$5.35
141	17000	Destroy benign/premal lesion.					
[2] 141	17001	Destruction of add'l lesions.					
[2] 141	17002	Destruction of add'l lesions.					
141	17003	Destroy 2-14 lesions.					
[2] 141	17100	Destruction of skin lesion.					
[2] 141	17101	Destruction of 2nd lesion.					
[2] 141	17102	Destruction of add'l lesions.					
141	17106	Destruction of skin lesions.					
141	17110	Destruct lesion, 1-14.					
142	LEVEL II DESTRUCTION OF LESION		T	2.94	$151.17	$54.24	$30.24
142	17004	Destroy 15 & more lesions.					
[2] 142	17104	Destruction of skin lesions.					
[2] 142	17105	Destruction of skin lesions.					
142	17107	Destruction of skin lesions.					
142	17108	Destruction of skin lesions.					
142	17111	Destruct lesion, 15 or more.					
151	LEVEL I DEBRIDEMENT/DESTRUCTION		T	1.63	$83.81	$33.22	$16.76
151	11000	Debride infected skin.					
151	11001	Debride infect skin add-on.					
151	11040	Debride skin partial.					
151	11041	Debride skin full.					
151	11042	Debride skin/tissue.					
[2] 151	11050	Trim skin lesion.					
[2] 151	11051	Trim 2 to 4 skin lesions.					
[2] 151	11052	Trim over 4 skin lesions.					
151	11055	Trim skin lesion.					
151	11056	Trim 2 to 4 skin lesions.					
151	11057	Trim over 4 skin lesions.					
151	11200	Removal of skin tags.					
151	11201	Remove skin tags add-on.					
151	11300	Shave skin lesion.					
151	11301	Shave skin lesion.					
151	11302	Shave skin lesion.					
151	11303	Shave skin lesion.					
151	11305	Shave skin lesion.					
151	11306	Shave skin lesion.					
151	11307	Shave skin lesion.					
151	11308	Shave skin lesion.					
151	11310	Shave skin lesion.					
151	11311	Shave skin lesion.					
151	11312	Shave skin lesion.					
151	11313	Shave skin lesion.					
151	11730	Removal of nail plate.					
[2] 151	11731	Removal of second nail plate.					
151	11732	Remove additional nail plate.					
151	11765	Excision of nail fold, toe.					
151	11900	Injection into skin lesions.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
151	11901	Added skin lesions injection.					
151	15783	Abrasion treatment of skin.					
151	15786	Abrasion, lesion, single.					
151	15787	Abrasion, lesions, add-on.					
151	15788	Chemical peel, face, epiderm.					
151	15789	Chemical peel, face, dermal.					
151	15792	Chemical peel, nonfacial.					
151	15793	Chemical peel, nonfacial.					
151	15810	Salabrasion.					
151	15850	Removal of sutures.					
151	15851	Removal of sutures.					
151	15852	Dressing change,not for burn.					
151	16000	Initial treatment of burn(s).					
151	16020	Treatment of burn(s).					
151	16025	Treatment of burn(s).					
151	16030	Treatment of burn(s).					
[2] 151	17200	Electrocautery of skin tags.					
[2] 151	17201	Electrocautery added lesions.					
151	17250	Chemical cautery, tissue.					
151	17260	Destruction of skin lesions.					
151	17261	Destruction of skin lesions.					
151	17262	Destruction of skin lesions.					
151	17263	Destruction of skin lesions.					
151	17264	Destruction of skin lesions.					
151	17266	Destruction of skin lesions.					
151	17270	Destruction of skin lesions.					
151	17271	Destruction of skin lesions.					
151	17272	Destruction of skin lesions.					
151	17273	Destruction of skin lesions.					
151	17274	Destruction of skin lesions.					
151	17276	Destruction of skin lesions.					
151	17280	Destruction of skin lesions.					
151	17281	Destruction of skin lesions.					
151	17282	Destruction of skin lesions.					
151	17283	Destruction of skin lesions.					
151	17284	Destruction of skin lesions.					
151	17286	Destruction of skin lesions.					
151	17340	Cryotherapy of skin.					
151	17360	Skin peel therapy.					
151	17380	Hair removal by electrolysis.					
151	42809	Remove pharynx foreign body.					
151	69220	Clean out mastoid cavity.					
152	LEVEL II	DEBRIDEMENT/DESTRUCTION	T	10.07	$517.80	$251.54	$103.56
152	16010	Treatment of burn(s).					
152	16015	Treatment of burn(s).					
152	46900	Destruction, anal lesion(s).					
152	46910	Destruction, anal lesion(s).					
152	46916	Cryosurgery, anal lesion(s).					
152	46917	Laser surgery, anal lesion(s).					
152	46922	Excision of anal lesion(s).					
152	46924	Destruction, anal lesion(s).					
152	54050	Destruction, penis lesion(s).					
152	54055	Destruction, penis lesion(s).					
152	54056	Cryosurgery, penis lesion(s).					
152	54057	Laser surg, penis lesion(s).					
152	54060	Excision of penis lesion(s).					
152	54065	Destruction, penis lesion(s).					
152	56501	Destruction, vulva lesion(s).					
152	56515	Destruction, vulva lesion(s).					
161	LEVEL I	EXCISION/BIOPSY	T	3.43	$176.37	$75.71	$35.27
161	11100	Biopsy of skin lesion.					
161	11101	Biopsy, skin add-on.					
161	11400	Removal of skin lesion.					
161	11401	Removal of skin lesion.					
161	11402	Removal of skin lesion.					
161	11403	Removal of skin lesion.					
161	11420	Removal of skin lesion.					
161	11421	Removal of skin lesion.					
161	11422	Removal of skin lesion.					
161	11423	Removal of skin lesion.					
161	11440	Removal of skin lesion.					
161	11441	Removal of skin lesion.					
161	11442	Removal of skin lesion.					
161	11443	Removal of skin lesion.					
161	11600	Removal of skin lesion.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
161	11601	Removal of skin lesion.					
161	11602	Removal of skin lesion.					
161	11603	Removal of skin lesion.					
161	11620	Removal of skin lesion.					
161	11621	Removal of skin lesion.					
161	11622	Removal of skin lesion.					
161	11623	Removal of skin lesion.					
161	11640	Removal of skin lesion.					
161	11641	Removal of skin lesion.					
161	11642	Removal of skin lesion.					
161	11643	Removal of skin lesion.					
161	11750	Removal of nail bed.					
161	20520	Removal of foreign body.					
161	21550	Biopsy of neck/chest.					
161	21920	Biopsy soft tissue of back.					
161	23065	Biopsy shoulder tissues.					
161	24065	Biopsy arm/elbow soft tissue.					
161	24200	Removal of arm foreign body.					
161	25065	Biopsy forearm soft tissues.					
161	27613	Biopsy lower leg soft tissue.					
161	28190	Removal of foot foreign body.					
161	56605	Biopsy of vulva/perineum.					
161	56606	Biopsy of vulva/perineum.					
161	58999	Genital surgery procedure.					
161	69100	Biopsy of external ear.					
161	69105	Biopsy of external ear canal.					
162	LEVEL II EXCISION/BIOPSY		T	5.59	$287.44	$125.66	$57.49
162	11043	Debride tissue/muscle.					
162	11044	Debride tissue/muscle/bone.					
162	11404	Removal of skin lesion.					
162	11424	Removal of skin lesion.					
162	11444	Removal of skin lesion.					
162	11604	Removal of skin lesion.					
162	11770	Removal of pilonidal lesion.					
162	16035	Incision of burn scab.					
[2] 162	16040	Burn wound excision.					
[2] 162	16041	Burn wound excision.					
[2] 162	16042	Burn wound excision.					
162	17304	Chemosurgery of skin lesion.					
162	17305	2nd stage chemosurgery.					
162	17306	3rd stage chemosurgery.					
162	17307	Followup skin lesion therapy.					
162	17310	Extensive skin chemosurgery.					
162	20200	Muscle biopsy.					
162	20205	Deep muscle biopsy.					
162	20220	Bone biopsy, trocar/needle.					
162	20225	Bone biopsy, trocar/needle.					
162	20670	Removal of support implant.					
162	23000	Removal of calcium deposits.					
162	23075	Removal of shoulder lesion.					
162	24075	Remove arm/elbow lesion.					
162	25075	Removal of forearm lesion.					
162	27040	Biopsy of soft tissues.					
162	27323	Biopsy thigh soft tissues.					
162	28043	Excision of foot lesion.					
162	37609	Temporal artery procedure.					
162	37799	Vascular surgery procedure.					
162	54100	Biopsy of penis.					
162	54105	Biopsy of penis.					
162	67350	Biopsy eye muscle.					
162	67399	Eye muscle surgery procedure.					
162	68100	Biopsy of eyelid lining.					
162	68110	Remove eyelid lining lesion.					
162	68115	Remove eyelid lining lesion.					
162	68135	Remove eyelid lining lesion.					
162	68399	Eyelid lining surgery.					
163	LEVEL III EXCISION/BIOPSY		T	10.48	$538.88	$260.80	$107.78
163	10121	Remove foreign body.					
163	11010	Debride skin, fx					
163	11011	Debride skin/muscle, fx.					
163	11012	Debride skin/muscle/bone, fx.					
163	11406	Removal of skin lesion.					
163	11426	Removal of skin lesion.					
163	11446	Removal of skin lesion.					
163	11450	Removal, sweat gland lesion.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
163	11451	Removal, sweat gland lesion.					
163	11462	Removal, sweat gland lesion.					
163	11463	Removal, sweat gland lesion.					
163	11470	Removal, sweat gland lesion.					
163	11471	Removal, sweat gland lesion.					
163	11606	Removal of skin lesion.					
163	11624	Removal of skin lesion.					
163	11626	Removal of skin lesion.					
163	11644	Removal of skin lesion.					
163	11646	Removal of skin lesion.					
163	11752	Remove nail bed/finger tip.					
163	11771	Removal of pilonidal lesion.					
163	11772	Removal of pilonidal lesion.					
163	11971	Remove tissue expander(s).					
163	15780	Abrasion treatment of skin.					
163	15781	Abrasion treatment of skin.					
163	15782	Abrasion treatment of skin.					
163	15811	Salabrasion.					
163	15838	Excise excessive skin tissue.					
163	15920	Removal of tail bone ulcer.					
163	15931	Remove sacrum pressure sore.					
163	15933	Remove sacrum pressure sore.					
163	15940	Removal of pressure sore.					
163	15941	Removal of pressure sore.					
163	15950	Remove thigh pressure sore.					
163	15951	Remove thigh pressure sore.					
163	15999	Removal of pressure sore.					
163	20240	Bone biopsy, excisional.					
163	20245	Bone biopsy, excisional.					
163	20525	Removal of foreign body.					
163	20680	Removal of support implant.					
163	21555	Remove lesion neck/chest.					
163	21556	Remove lesion neck/chest.					
163	21925	Biopsy soft tissue of back.					
163	21930	Remove lesion, back or flank.					
163	21935	Remove tumor of back.					
163	22900	Remove abdominal wall lesion.					
163	22999	Abdomen surgery procedure.					
163	23066	Biopsy shoulder tissues.					
163	23076	Removal of shoulder lesion.					
163	23077	Remove tumor of shoulder.					
163	23330	Remove shoulder foreign body.					
163	23331	Remove shoulder foreign body.					
163	24066	Biopsy arm/elbow soft tissue.					
163	24076	Remove arm/elbow lesion.					
163	24077	Remove tumor of arm/elbow.					
163	24201	Removal of arm foreign body.					
163	25066	Biopsy forearm soft tissues.					
163	25076	Removal of forearm lesion.					
163	25077	Remove tumor, forearm/wrist.					
163	26115	Removal of hand lesion.					
163	26116	Removal of hand lesion.					
163	26117	Remove tumor, hand/finger.					
163	26320	Removal of implant from hand.					
163	27041	Biopsy of soft tissues.					
163	27047	Remove hip/pelvis lesion.					
163	27048	Remove hip/pelvis lesion.					
163	27049	Remove tumor, hip/pelvis.					
163	27324	Biopsy thigh soft tissues.					
163	27327	Removal of thigh lesion.					
163	27328	Removal of thigh lesion.					
163	27329	Remove tumor, thigh/knee.					
163	27372	Removal of foreign body.					
163	27614	Biopsy lower leg soft tissue.					
163	27618	Remove lower leg lesion.					
163	27619	Remove lower leg lesion.					
163	28192	Removal of foot foreign body.					
163	28193	Removal of foot foreign body.					
163	69110	Partial removal external ear.					
163	69145	Remove ear canal lesion(s).					
163	69205	Clear outer ear canal.					
181	LEVEL I SKIN REPAIR		T	2.17	$111.58	$44.07	$22.32
181	11760	Reconstruction of nail bed.					
181	11762	Reconstruction of nail bed.					
181	11920	Correct skin color defects.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
181	11921	Correct skin color defects.					
181	11922	Correct skin color defects.					
181	11950	Therapy for contour defects.					
181	11951	Therapy for contour defects.					
181	11952	Therapy for contour defects.					
181	11954	Therapy for contour defects.					
181	12001	Repair superficial wound(s).					
181	12002	Repair superficial wound(s).					
181	12004	Repair superficial wound(s).					
181	12005	Repair superficial wound(s).					
181	12006	Repair superficial wound(s).					
181	12007	Repair superficial wound(s).					
181	12011	Repair superficial wound(s).					
181	12013	Repair superficial wound(s).					
181	12014	Repair superficial wound(s).					
181	12015	Repair superficial wound(s).					
181	12016	Repair superficial wound(s).					
181	12017	Repair superficial wound(s).					
181	12018	Repair superficial wound(s).					
181	12020	Closure of split wound.					
181	12021	Closure of split wound.					
181	12031	Layer closure of wound(s).					
181	12032	Layer closure of wound(s).					
181	12034	Layer closure of wound(s).					
181	12035	Layer closure of wound(s).					
181	12036	Layer closure of wound(s).					
181	12041	Layer closure of wound(s).					
181	12042	Layer closure of wound(s).					
181	12044	Layer closure of wound(s).					
181	12045	Layer closure of wound(s).					
181	12046	Layer closure of wound(s).					
181	12051	Layer closure of wound(s).					
181	12052	Layer closure of wound(s).					
181	12053	Layer closure of wound(s).					
181	12054	Layer closure of wound(s).					
181	12055	Layer closure of wound(s).					
181	12056	Layer closure of wound(s).					
181	20500	Injection of sinus tract.					
182	LEVEL II SKIN REPAIR		T	4.11	$211.34	$92.43	$42.27
182	13100	Repair of wound or lesion.					
182	13101	Repair of wound or lesion.					
182	13120	Repair of wound or lesion.					
182	13121	Repair of wound or lesion.					
182	13131	Repair of wound or lesion.					
182	13132	Repair of wound or lesion.					
182	13150	Repair of wound or lesion.					
182	13151	Repair of wound or lesion.					
182	13152	Repair of wound or lesion.					
182	13160	Late closure of wound.					
182	13300	Repair of wound or lesion.					
182	43870	Repair stomach opening.					
183	LEVEL III SKIN REPAIR		T	11.04	$567.68	$283.18	$113.54
183	11960	Insert tissue expander(s).					
183	11970	Replace tissue expander.					
183	12037	Layer closure of wound(s).					
183	12047	Layer closure of wound(s).					
183	12057	Layer closure of wound(s).					
183	14000	Skin tissue rearrangement.					
183	14001	Skin tissue rearrangement.					
183	14020	Skin tissue rearrangement.					
183	14021	Skin tissue rearrangement.					
183	14040	Skin tissue rearrangement.					
183	14041	Skin tissue rearrangement.					
183	14060	Skin tissue rearrangement.					
183	14061	Skin tissue rearrangement.					
183	14300	Skin tissue rearrangement.					
183	14350	Skin tissue rearrangement.					
183	15000	Skin graft.					
183	15050	Skin pinch graft.					
183	15100	Skin split graft.					
183	15101	Skin split graft add-on.					
183	15120	Skin split graft.					
183	15121	Skin split graft add-on.					
183	15200	Skin full graft.					
183	15201	Skin full graft add-on.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
183	15220	Skin full graft.					
183	15221	Skin full graft add-on.					
183	15240	Skin full graft.					
183	15241	Skin full graft add-on.					
183	15260	Skin full graft.					
183	15261	Skin full graft add-on.					
183	15350	Skin homograft.					
183	15400	Skin heterograft.					
183	15570	Form skin pedicle flap.					
183	15572	Form skin pedicle flap.					
183	15574	Form skin pedicle flap.					
183	15576	Form skin pedicle flap.					
183	15580	Attach skin pedicle graft.					
183	15600	Skin graft.					
183	15610	Skin graft					
183	15620	Skin graft.					
183	15625	Skin graft.					
183	15630	Skin graft.					
183	15650	Transfer skin pedicle flap.					
183	15775	Hair transplant punch grafts.					
183	15776	Hair transplant punch grafts.					
183	15819	Plastic surgery, neck.					
183	15820	Revision of lower eyelid.					
183	15821	Revision of lower eyelid.					
183	15822	Revision of upper eyelid.					
183	15823	Revision of upper eyelid.					
183	15825	Removal of neck wrinkles.					
183	15829	Removal of skin wrinkles.					
183	15835	Excise excessive skin tissue.					
183	20910	Remove cartilage for graft.					
183	20912	Remove cartilage for graft.					
183	20920	Removal of fascia for graft.					
183	20922	Removal of fascia for graft.					
183	20926	Removal of tissue for graft.					
183	23921	Amputation follow-up surgery.					
183	25929	Amputation follow-up surgery.					
183	44312	Revision of ileostomy.					
183	44340	Revision of colostomy.					
183	65270	Repair of eye wound.					
184	LEVEL IV SKIN REPAIR		T	14.85	$763.59	$397.99	$152.72
184	15732	Muscle-skin graft, head/neck.					
184	15734	Muscle-skin graft, trunk.					
184	15736	Muscle-skin graft, arm.					
184	15738	Muscle-skin graft, leg.					
184	15740	Island pedicle flap graft.					
184	15750	Neurovascular pedicle graft.					
184	15760	Composite skin graft.					
184	15770	Derma-fat-fascia graft.					
184	15824	Removal of forehead wrinkles.					
184	15826	Removal of brow wrinkles.					
184	15828	Removal of face wrinkles.					
184	15831	Excise excessive skin tissue.					
184	15832	Excise excessive skin tissue.					
184	15833	Excise excessive skin tissue.					
184	15834	Excise excessive skin tissue.					
184	15836	Excise excessive skin tissue.					
184	15837	Excise excessive skin tissue.					
184	15839	Excise excessive skin tissue.					
184	15840	Graft for face nerve palsy.					
184	15841	Graft for face nerve palsy.					
184	15842	Graft for face nerve palsy.					
184	15845	Skin and muscle repair, face.					
184	15876	Suction assisted lipectomy.					
184	15877	Suction assisted lipectomy					
184	15878	Suction assisted lipectomy.					
184	15879	Suction assisted lipectomy.					
184	15922	Removal of tail bone ulcer.					
184	15934	Remove sacrum pressure sore.					
184	15935	Remove sacrum pressure sore.					
184	15936	Remove sacrum pressure sore.					
184	15937	Remove sacrum pressure sore.					
184	15944	Removal of pressure sore.					
184	15945	Removal of pressure sore.					
184	15946	Removal of pressure sore.					
184	15952	Remove thigh pressure sore.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
184	15953	Remove thigh pressure sore.					
184	15956	Remove thigh pressure sore.					
184	15958	Remove thigh pressure sore.					
197	INCISION/EXCISION BREAST		T	11.94	$613.95	$308.26	$122.79
197	19101	Biopsy of breast.					
197	19110	Nipple exploration.					
197	19112	Excise breast duct fistula.					
197	19120	Removal of breast lesion.					
197	19125	Excision, breast lesion.					
197	19126	Excision,addl breast lesion.					
197	19140	Removal of breast tissue.					
197	19290	Place needle wire, breast.					
197	19291	Place needle wire, breast.					
197	19396	Design custom breast implant.					
197	19499	Breast surgery procedure.					
198	BREAST RECONSTRUCTION/MASTECTOMY		T	18.63	$957.95	$523.42	$191.59
198	19160	Removal of breast tissue.					
198	19162	Remove breast tissue, nodes.					
198	19180	Removal of breast.					
198	19182	Removal of breast.					
198	19316	Suspension of breast.					
198	19318	Reduction of large breast.					
198	19324	Enlarge breast.					
198	19325	Enlarge breast with implant.					
198	19328	Removal of breast implant.					
198	19330	Removal of implant material.					
198	19340	Immediate breast prosthesis.					
198	19342	Delayed breast prosthesis.					
198	19350	Breast reconstruction.					
198	19355	Correct inverted nipple(s).					
198	19357	Breast reconstruction.					
198	19366	Breast reconstruction.					
198	19370	Surgery of breast capsule.					
198	19371	Removal of breast capsule.					
198	19380	Revise breast reconstruction.					
200	ARTHROCENTESIS & LIGAMENT/TENDON INJECTION		T	1.76	$90.50	$39.10	$18.10
200	20550	Inj tendon/ligament/cyst.					
200	20600	Drain/inject joint/bursa.					
200	20605	Drain/inject joint/bursa.					
200	20610	Drain/inject joint/bursa.					
207	CLOSED TREATMENT FRACTURE FINGER/TOE/TRUNK		T	1.70	$87.41	$32.32	$17.48
207	21800	Treatment of rib fracture.					
207	21820	Treat sternum fracture.					
207	21899	Neck/chest surgery procedure.					
207	22305	Treat spine process fracture.					
207	22310	Treat spine fracture.					
207	22315	Treat spine fracture.					
207	22899	Spine surgery procedure.					
207	23500	Treat clavicle fracture.					
207	23505	Treat clavicle fracture.					
207	23520	Treat clavicle dislocation.					
207	23525	Treat clavicle dislocation.					
207	23540	Treat clavicle dislocation.					
207	23545	Treat clavicle dislocation.					
207	23570	Treat shoulderblade fracture.					
207	23575	Treat shoulderblade fracture.					
207	23650	Treat shoulder dislocation.					
207	23929	Shoulder surgery procedure.					
207	26700	Treat knuckle dislocation.					
207	26720	Treat finger fracture, each.					
207	26725	Treat finger fracture, each.					
207	26740	Treat finger fracture, each.					
207	26750	Treat finger fracture, each.					
207	26755	Treat finger fracture, each.					
207	26770	Treat finger dislocation.					
207	26989	Hand/finger surgery.					
207	27200	Treat tail bone fracture.					
207	27299	Pelvis/hip joint surgery.					
207	28490	Treat big toe fracture.					
207	28495	Treat big toe fracture.					
207	28510	Treatment of toe fracture.					
207	28515	Treatment of toe fracture.					
207	28630	Treat toe dislocation.					
207	28660	Treat toe dislocation.					
207	28899	Foot/toes surgery procedure.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
207	31585	Repair of larynx fracture.					
207	31599	Larynx surgery procedure.					
209	CLOSED	TREATMENT FRACTURE/DISLOCATION/EXCEPT FINGER/TOE/TRUNK	T	1.94	$99.75	$37.74	$19.95
209	23600	Treat humerus fracture.					
209	23605	Treat humerus fracture.					
209	23620	Treat humerus fracture.					
209	23625	Treat humerus fracture.					
209	23665	Treat dislocation/fracture.					
209	23675	Treat dislocation/fracture.					
209	24500	Treat humerus fracture.					
209	24505	Treat humerus fracture.					
209	24530	Treat humerus fracture.					
209	24535	Treat humerus fracture.					
209	24560	Treat humerus fracture.					
209	24565	Treat humerus fracture.					
209	24576	Treat humerus fracture.					
209	24577	Treat humerus fracture.					
209	24600	Treat elbow dislocation.					
209	24620	Treat elbow fracture.					
209	24640	Treat elbow dislocation.					
209	24650	Treat radius fracture.					
209	24655	Treat radius fracture.					
209	24670	Treatment of ulna fracture.					
209	24675	Treatment of ulna fracture.					
209	24999	Upper arm/elbow surgery.					
209	25500	Treat fracture of radius.					
209	25505	Treat fracture of radius					
209	25520	Repair fracture of radius.					
209	25530	Treat fracture of ulna.					
209	25535	Treat fracture of ulna.					
209	25560	Treat fracture radius & ulna.					
209	25565	Treat fracture radius & ulna.					
209	25600	Treat fracture radius/ulna.					
209	25605	Treat fracture radius/ulna.					
209	25622	Treat wrist bone fracture.					
209	25624	Treat wrist bone fracture.					
209	25630	Treat wrist bone fracture.					
209	25635	Treat wrist bone fracture.					
209	25650	Repair wrist bone fracture.					
209	25660	Treat wrist dislocation.					
209	25675	Treat wrist dislocation.					
209	25680	Treat wrist fracture.					
209	25690	Treat wrist dislocation.					
209	25999	Forearm or wrist surgery.					
209	26600	Treat metacarpal fracture.					
209	26605	Treat metacarpal fracture.					
209	26607	Treat metacarpal fracture.					
209	26641	Treat thumb dislocation.					
209	26645	Treat thumb fracture.					
209	26670	Treat hand dislocation.					
209	26706	Pin knuckle dislocation.					
209	26742	Treat finger fracture, each.					
209	27193	Treat pelvic ring fracture.					
209	27220	Treat hip socket fracture.					
209	27230	Treat fracture of thigh.					
209	27238	Treatment of thigh fracture.					
209	27246	Treatment of thigh fracture.					
209	27250	Treat hip dislocation.					
209	27256	Treatment of hip dislocation.					
209	27265	Treatment of hip dislocation.					
209	27500	Treatment of thigh fracture.					
209	27501	Treatment of thigh fracture.					
209	27502	Treatment of thigh fracture.					
209	27503	Treatment of thigh fracture.					
209	27508	Treatment of thigh fracture.					
209	27510	Treatment of thigh fracture.					
209	27516	Repair of thigh growth plate.					
209	27517	Repair of thigh growth plate.					
209	27520	Treat kneecap fracture.					
209	27530	Treatment of knee fracture.					
209	27532	Treatment of knee fracture.					
209	27538	Treat knee fracture(s).					
209	27550	Treat knee dislocation.					
209	27560	Treat kneecap dislocation.					
209	27599	Leg surgery procedure.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
209	27750	Treatment of tibia fracture.					
209	27752	Treatment of tibia fracture.					
209	27760	Treatment of ankle fracture.					
209	27762	Treatment of ankle fracture.					
209	27780	Treatment of fibula fracture.					
209	27781	Treatment of fibula fracture.					
209	27786	Treatment of ankle fracture.					
209	27788	Treatment of ankle fracture.					
209	27808	Treatment of ankle fracture.					
209	27810	Treatment of ankle fracture.					
209	27816	Treatment of ankle fracture.					
209	27818	Treatment of ankle fracture.					
209	27824	Treat lower leg fracture.					
209	27825	Treat lower leg fracture.					
209	27830	Treat lower leg dislocation.					
209	27840	Treat ankle dislocation.					
209	27899	Leg/ankle surgery procedure.					
209	28400	Treatment of heel fracture.					
209	28405	Treatment of heel fracture.					
209	28430	Treatment of ankle fracture.					
209	28435	Treatment of ankle fracture.					
209	28450	Treat midfoot fracture, each.					
209	28455	Treat midfoot fracture, each.					
209	28470	Treat metatarsal fracture.					
209	28475	Treat metatarsal fracture.					
209	28530	Treat sesamoid bone fracture.					
209	28540	Treat foot dislocation.					
209	28570	Treat foot dislocation.					
209	28600	Treat foot dislocation.					
209	31586	Repair of larynx fracture.					
210		BONE/JOINT MANIPULATION UNDER ANESTHESIA	T	10.06	$517.29	$279.34	$103.46
210	22505	Manipulation of spine.					
210	23655	Treat shoulder dislocation.					
210	23700	Fixation of shoulder.					
210	24605	Treat elbow dislocation.					
210	26675	Treat hand dislocation.					
210	26705	Treat knuckle dislocation.					
210	26775	Treat finger dislocation.					
210	27194	Treat pelvic ring fracture.					
210	27252	Treat hip dislocation.					
210	27257	Treatment of hip dislocation.					
210	27275	Manipulation of hip joint.					
210	27552	Treat knee dislocation.					
210	27562	Treat kneecap dislocation.					
210	27570	Fixation of knee joint.					
210	27831	Treat lower leg dislocation.					
210	27842	Treat ankle dislocation.					
210	27860	Fixation of ankle joint.					
210	28545	Treat foot dislocation.					
210	28575	Treat foot dislocation.					
210	28605	Treat foot dislocation.					
210	28635	Treat toe dislocation.					
210	28665	Treat toe dislocation.					
216		OPEN/PERCUTANEOUS TREATMENT FRACTURE OR DISLOCATION	T	20.09	$1,033.03	$524.09	$206.61
216	21336	Repair nasal septal fracture.					
216	21805	Treatment of rib fracture.					
216	23515	Repair clavicle fracture.					
216	23530	Repair clavicle dislocation.					
216	23532	Repair clavicle dislocation.					
216	23550	Repair clavicle dislocation.					
216	23552	Repair clavicle dislocation.					
216	23585	Repair scapula fracture.					
216	23615	Repair humerus fracture.					
216	23616	Repair humerus fracture.					
216	23630	Repair humerus fracture.					
216	23660	Repair shoulder dislocation.					
216	23670	Repair dislocation/fracture.					
216	23680	Repair dislocation/fracture.					
216	24515	Repair humerus fracture.					
216	24516	Repair humerus fracture.					
216	24538	Treat humerus fracture.					
216	24545	Repair humerus fracture.					
216	24546	Repair humerus fracture.					
216	24566	Treat humerus fracture.					
216	24575	Repair humerus fracture.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
216	24579	Repair humerus fracture.					
216	24582	Treat humerus fracture.					
216	24586	Repair elbow fracture.					
216	24587	Repair elbow fracture.					
216	24615	Repair elbow dislocation.					
216	24635	Repair elbow fracture.					
216	24665	Repair radius fracture.					
216	24666	Repair radius fracture.					
216	24685	Repair ulna fracture.					
216	25515	Repair fracture of radius.					
216	25525	Repair fracture of radius.					
216	25526	Repair fracture of radius.					
216	25545	Repair fracture of ulna.					
216	25574	Treat fracture radius & ulna.					
216	25575	Repair fracture radius/ulna.					
216	25611	Repair fracture radius/ulna.					
216	25620	Repair fracture radius/ulna.					
216	25628	Repair wrist bone fracture.					
216	25645	Repair wrist bone fracture.					
216	25670	Repair wrist dislocation.					
216	25676	Repair wrist dislocation.					
216	25685	Repair wrist fracture.					
216	25695	Repair wrist dislocation.					
216	26608	Treat metacarpal fracture.					
216	26615	Repair metacarpal fracture.					
216	26650	Repair thumb fracture.					
216	26665	Repair thumb fracture.					
216	26676	Pin hand dislocation.					
216	26685	Repair hand dislocation.					
216	26686	Repair hand dislocation.					
216	26715	Repair knuckle dislocation.					
216	26727	Treat finger fracture, each.					
216	26735	Repair finger fracture, each.					
216	26746	Repair finger fracture, each.					
216	26756	Pin finger fracture, each.					
216	26765	Repair finger fracture, each.					
216	26776	Pin finger dislocation.					
216	26785	Repair finger dislocation.					
216	27202	Repair tail bone fracture.					
216	27509	Treatment of thigh fracture.					
216	27556	Repair of knee dislocation.					
216	27566	Repair kneecap dislocation.					
216	27615	Remove tumor, lower leg.					
216	27756	Repair of tibia fracture.					
216	27758	Repair of tibia fracture.					
216	27759	Repair of tibia fracture.					
216	27766	Repair of ankle fracture.					
216	27784	Repair of fibula fracture.					
216	27792	Repair of ankle fracture.					
216	27814	Repair of ankle fracture.					
216	27822	Repair of ankle fracture.					
216	27823	Repair of ankle fracture.					
216	27826	Treat lower leg fracture.					
216	27827	Treat lower leg fracture.					
216	27828	Treat lower leg fracture.					
216	27829	Treat lower leg joint.					
216	27832	Repair lower leg dislocation.					
216	27846	Repair ankle dislocation.					
216	27848	Repair ankle dislocation.					
216	28406	Treatment of heel fracture.					
216	28415	Repair of heel fracture.					
216	28420	Repair/graft heel fracture.					
216	28436	Treatment of ankle fracture.					
216	28445	Repair of ankle fracture.					
216	28456	Repair midfoot fracture.					
216	28465	Repair midfoot fracture,each.					
216	28476	Repair metatarsal fracture.					
216	28485	Repair metatarsal fracture.					
216	28496	Repair big toe fracture.					
216	28505	Repair big toe fracture.					
216	28525	Repair of toe fracture.					
216	28531	Treat sesamoid bone fracture.					
216	28546	Treat foot dislocation.					
216	28555	Repair foot dislocation.					
216	28576	Treat foot dislocation.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
216	28585	Repair foot dislocation.					
216	28606	Treat foot dislocation.					
216	28615	Repair foot dislocation.					
216	28636	Treat toe dislocation.					
216	28645	Repair toe dislocation.					
216	28666	Treat toe dislocation.					
216	28675	Repair of toe dislocation.					
217	ARTHROPLASTY		T	20.54	$1,056.17	$530.42	$211.23
217	24360	Reconstruct elbow joint.					
217	24365	Reconstruct head of radius.					
[2]217	25330	Revise wrist joint.					
[2]217	25331	Revise wrist joint.					
217	25332	Revise wrist joint.					
217	25447	Repair wrist joint(s).					
217	25449	Remove wrist joint implant.					
217	26530	Revise knuckle joint.					
217	26535	Revise finger joint.					
217	27266	Treatment of hip dislocation.					
217	27437	Revise kneecap.					
217	27440	Revision of knee joint.					
217	27441	Revision of knee joint.					
217	27442	Revision of knee joint.					
217	27443	Revision of knee joint.					
217	27700	Revision of ankle joint.					
218	ARTHROPLASTY WITH PROSTHESIS		T	27.80	$1,429.48	$720.71	$285.90
218	21243	Reconstruction of jaw joint.					
218	24361	Reconstruct elbow joint.					
218	24362	Reconstruct elbow joint.					
218	24363	Replace elbow joint.					
218	24366	Reconstruct head of radius.					
218	25441	Reconstruct wrist joint.					
218	25442	Reconstruct wrist joint.					
218	25443	Reconstruct wrist joint.					
218	25444	Reconstruct wrist joint.					
218	25445	Reconstruct wrist joint.					
218	25446	Wrist replacement.					
218	26531	Revise knuckle with implant.					
218	26536	Revise/implant finger joint.					
218	27438	Revise kneecap with implant.					
226	MAXILLOFACIAL PROSTHESES		T	1.56	$80.22	$21.92	$16.04
226	21076	Prepare face/oral prosthesis.					
226	21077	Prepare face/oral prosthesis.					
226	21079	Prepare face/oral prosthesis.					
226	21080	Prepare face/oral prosthesis.					
226	21081	Prepare face/oral prosthesis.					
226	21082	Prepare face/oral prosthesis.					
226	21083	Prepare face/oral prosthesis.					
226	21084	Prepare face/oral prosthesis.					
226	21086	Prepare face/oral prosthesis.					
226	21087	Prepare face/oral prosthesis.					
226	21088	Prepare face/oral prosthesis.					
226	21089	Prepare face/oral prosthesis.					
231	LEVEL I SKULL AND FACIAL BONE PROCEDURES		T	11.31	$581.56	$286.79	$116.31
231	21015	Resection of facial tumor.					
231	21025	Excision of bone, lower jaw.					
231	21026	Excision of facial bone(s).					
231	21029	Contour of face bone lesion.					
231	21030	Removal of face bone lesion.					
231	21031	Remove exostosis, mandible.					
231	21032	Remove exostosis, maxilla.					
231	21040	Removal of jaw bone lesion.					
231	21041	Removal of jaw bone lesion.					
231	21100	Maxillofacial fixation.					
231	21110	Interdental fixation.					
231	21120	Reconstruction of chin.					
231	21125	Augmentation lower jaw bone.					
231	21280	Revision of eyelid.					
231	21282	Revision of eyelid.					
231	21295	Revision of jaw muscle/bone.					
231	21296	Revision of jaw muscle/bone.					
231	21299	Cranio/maxillofacial surgery.					
231	21300	Treatment of skull fracture.					
231	21310	Treatment of nose fracture.					
231	21315	Treatment of nose fracture.					
231	21320	Treatment of nose fracture.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
231	21325	Repair of nose fracture.					
231	21337	Repair nasal septal fracture.					
231	21355	Repair cheek bone fracture.					
231	21400	Treat eye socket fracture.					
231	21401	Repair eye socket fracture.					
231	21440	Repair dental ridge fracture.					
231	21451	Treat lower jaw fracture.					
231	21480	Reset dislocated jaw.					
231	21485	Reset dislocated jaw.					
231	21493	Treat hyoid bone fracture.					
231	21494	Repair hyoid bone fracture.					
231	21497	Interdental wiring.					
231	21499	Head surgery procedure.					
231	41822	Excision of gum lesion.					
231	41823	Excision of gum lesion.					
232	LEVEL II SKULL AND FACIAL BONE PROCEDURES		T	23.82	$1,224.82	$636.87	$244.96
232	21010	Incision of jaw joint.					
232	21034	Removal of face bone lesion.					
232	21044	Removal of jaw bone lesion.					
232	21050	Removal of jaw joint.					
232	21060	Remove jaw joint cartilage.					
232	21070	Remove coronoid process.					
232	21121	Reconstruction of chin.					
232	21122	Reconstruction of chin.					
232	21123	Reconstruction of chin.					
232	21127	Augmentation lower jaw bone.					
232	21181	Contour cranial bone lesion.					
232	21206	Reconstruct upper jaw bone.					
232	21208	Augmentation of facial bones.					
232	21209	Reduction of facial bones.					
232	21210	Face bone graft.					
232	21215	Lower jaw bone graft.					
232	21230	Rib cartilage graft.					
232	21235	Ear cartilage graft.					
232	21240	Reconstruction of jaw joint.					
232	21242	Reconstruction of jaw joint.					
232	21244	Reconstruction of lower jaw.					
232	21245	Reconstruction of jaw.					
232	21246	Reconstruction of jaw.					
232	21248	Reconstruction of jaw.					
232	21249	Reconstruction of jaw.					
232	21260	Revise eye sockets.					
232	21267	Revise eye sockets.					
232	21270	Augmentation cheek bone.					
232	21275	Revision orbitofacial bones.					
232	21330	Repair of nose fracture.					
232	21335	Repair of nose fracture.					
232	21338	Repair nasoethmoid fracture.					
232	21339	Repair nasoethmoid fracture.					
232	21340	Repair of nose fracture.					
232	21343	Repair of sinus fracture.					
232	21345	Repair of nose/jaw fracture.					
232	21421	Treat mouth roof fracture.					
232	21445	Repair dental ridge fracture.					
232	21450	Treat lower jaw fracture.					
232	21452	Treat lower jaw fracture.					
232	21453	Treat lower jaw fracture.					
232	21454	Treat lower jaw fracture.					
232	21461	Repair lower jaw fracture.					
232	21462	Repair lower jaw fracture.					
232	21465	Repair lower jaw fracture.					
232	21490	Repair dislocated jaw.					
232	67420	Explore/treat eye socket.					
232	67430	Explore/treat eye socket.					
232	67440	Explore/drain eye socket.					
232	67450	Explore/biopsy eye socket.					
251	LEVEL I MUSCULOSKELETAL PROCEDURES		T	13.88	$713.71	$365.89	$142.74
251	20005	Incision of deep abscess.					
251	20250	Open bone biopsy.					
251	20251	Open bone biopsy.					
251	20650	Insert and remove bone pin.					
251	20693	Adjust bone fixation device.					
251	20694	Remove bone fixation device.					
251	20975	Electrical bone stimulation.					
251	23100	Biopsy of shoulder joint.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
251	23140	Removal of bone lesion.					
251	23935	Drain arm/elbow bone lesion.					
251	24100	Biopsy elbow joint lining.					
251	24105	Removal of elbow bursa.					
251	24110	Remove humerus lesion.					
251	24120	Remove elbow lesion.					
251	24310	Revision of arm tendon.					
251	24925	Amputation follow-up surgery.					
251	25000	Incision of tendon sheath.					
251	25020	Decompression of forearm.					
251	25028	Drainage of forearm lesion.					
251	25031	Drainage of forearm bursa.					
251	25035	Treat forearm bone lesion.					
251	25085	Incision of wrist capsule.					
251	25100	Biopsy of wrist joint.					
251	25110	Remove wrist tendon lesion.					
251	25115	Remove wrist/forearm lesion.					
251	25116	Remove wrist/forearm lesion.					
251	25248	Remove forearm foreign body.					
251	25295	Release wrist/forearm tendon.					
251	25907	Amputation follow-up surgery.					
251	25922	Amputate hand at wrist.					
251	26990	Drainage of pelvis lesion.					
251	26991	Drainage of pelvis bursa.					
251	27000	Incision of hip tendon.					
251	27050	Biopsy of sacroiliac joint.					
251	27052	Biopsy of hip joint.					
251	27060	Removal of ischial bursa.					
251	27062	Remove femur lesion/bursa.					
251	27065	Removal of hip bone lesion.					
251	27086	Remove hip foreign body.					
251	27087	Remove hip foreign body.					
251	27305	Incise thigh tendon & fascia.					
251	27306	Incision of thigh tendon.					
251	27307	Incision of thigh tendons.					
251	27340	Removal of kneecap bursa.					
251	27345	Removal of knee cyst.					
251	27380	Repair of kneecap tendon.					
251	27381	Repair/graft kneecap tendon.					
251	27385	Repair of thigh muscle.					
251	27386	Repair/graft of thigh muscle.					
251	27390	Incision of thigh tendon.					
251	27391	Incision of thigh tendons.					
251	27392	Incision of thigh tendons.					
251	27496	Decompression of thigh/knee.					
251	27497	Decompression of thigh/knee.					
251	27498	Decompression of thigh/knee.					
251	27499	Decompression of thigh/knee.					
251	27594	Amputation follow-up surgery.					
251	27600	Decompression of lower leg.					
251	27601	Decompression of lower leg.					
251	27602	Decompression of lower leg.					
251	27604	Drain lower leg bursa.					
251	27606	Incision of achilles tendon.					
251	27607	Treat lower leg bone lesion.					
251	27630	Removal of tendon lesion.					
251	27656	Repair leg fascia defect.					
251	27658	Repair of leg tendon, each.					
251	27659	Repair of leg tendon, each.					
251	27664	Repair of leg tendon, each.					
251	27675	Repair lower leg tendons.					
251	27704	Removal of ankle implant.					
251	27707	Incision of fibula.					
251	27884	Amputation follow-up surgery.					
251	27892	Decompression of leg.					
251	27893	Decompression of leg.					
251	27894	Decompression of leg					
251	28002	Treatment of foot infection.					
251	28003	Treatment of foot infection.					
252	LEVEL II MUSCULOSKELETAL PROCEDURES		T	19.24	$989.32	$512.34	$197.86
252	20690	Apply bone fixation device.					
252	20692	Apply bone fixation device.					
252	20900	Removal of bone for graft.					
252	20902	Removal of bone for graft.					
252	20924	Removal of tendon for graft.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
252	21502	Drain chest lesion.					
252	21600	Partial removal of rib.					
252	21610	Partial removal of rib.					
252	23040	Exploratory shoulder surgery.					
252	23044	Exploratory shoulder surgery.					
252	23101	Shoulder joint surgery.					
252	23105	Remove shoulder joint lining.					
252	23106	Incision of collarbone joint.					
252	23107	Explore,treat shoulder joint.					
252	23145	Removal of bone lesion.					
252	23146	Removal of bone lesion.					
252	23150	Removal of humerus lesion.					
252	23155	Removal of humerus lesion.					
252	23156	Removal of humerus lesion.					
252	23170	Remove collarbone lesion.					
252	23172	Remove shoulder blade lesion.					
252	23174	Remove humerus lesion.					
252	23180	Remove collar bone lesion.					
252	23182	Remove shoulder blade lesion.					
252	23184	Remove humerus lesion.					
252	23190	Partial removal of scapula.					
252	23405	Incision of tendon & muscle.					
252	23406	Incise tendon(s) & muscle(s).					
252	24000	Exploratory elbow surgery.					
252	24006	Release elbow joint.					
252	24101	Explore/treat elbow joint.					
252	24102	Remove elbow joint lining.					
252	24115	Remove/graft bone lesion.					
252	24116	Remove/graft bone lesion.					
252	24125	Remove/graft bone lesion.					
252	24126	Remove/graft bone lesion.					
252	24130	Removal of head of radius.					
252	24134	Removal of arm bone lesion.					
252	24136	Remove radius bone lesion.					
252	24138	Remove elbow bone lesion.					
252	24140	Partial removal of arm bone.					
252	24145	Partial removal of radius.					
252	24147	Partial removal of elbow.					
252	24160	Remove elbow joint implant.					
252	24164	Remove radius head implant.					
252	24301	Muscle/tendon transfer.					
252	24305	Arm tendon lengthening.					
252	24350	Repair of tennis elbow.					
252	24351	Repair of tennis elbow.					
252	24352	Repair of tennis elbow.					
252	24354	Repair of tennis elbow.					
252	24356	Revision of tennis elbow.					
252	24400	Revision of humerus.					
252	24410	Revision of humerus.					
252	24495	Decompression of forearm.					
252	25023	Decompression of forearm.					
252	25040	Explore/treat wrist joint.					
252	25101	Explore/treat wrist joint.					
252	25105	Remove wrist joint lining.					
252	25107	Remove wrist joint cartilage.					
252	25118	Excise wrist tendon sheath.					
252	25119	Partial removal of ulna.					
252	25120	Removal of forearm lesion.					
252	25125	Remove/graft forearm lesion.					
252	25126	Remove/graft forearm lesion.					
252	25130	Removal of wrist lesion.					
252	25135	Remove & graft wrist lesion.					
252	25136	Remove & graft wrist lesion.					
252	25145	Remove forearm bone lesion.					
252	25150	Partial removal of ulna.					
252	25151	Partial removal of radius.					
252	25230	Partial removal of radius.					
252	25240	Partial removal of ulna.					
252	25250	Removal of wrist prosthesis.					
252	25251	Removal of wrist prosthesis.					
252	25260	Repair forearm tendon/muscle.					
252	25263	Repair forearm tendon/muscle.					
252	25265	Repair forearm tendon/muscle.					
252	25270	Repair forearm tendon/muscle.					
252	25272	Repair forearm tendon/muscle.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
252	25274	Repair forearm tendon/muscle.					
252	25280	Revise wrist/forearm tendon.					
252	25290	Incise wrist/forearm tendon.					
252	25300	Fusion of tendons at wrist.					
252	25301	Fusion of tendons at wrist.					
252	25360	Revision of ulna.					
252	25365	Revise radius & ulna.					
252	25400	Repair radius or ulna.					
252	25415	Repair radius & ulna.					
252	27001	Incision of hip tendon.					
252	27003	Incision of hip tendon.					
252	27066	Removal of hip bone lesion.					
252	27067	Remove/graft hip bone lesion.					
252	27080	Removal of tail bone.					
252	27097	Revision of hip tendon.					
252	27098	Transfer tendon to pelvis.					
252	27310	Exploration of knee joint.					
252	27330	Biopsy knee joint lining.					
252	27331	Explore/treat knee joint.					
252	27332	Removal of knee cartilage.					
252	27333	Removal of knee cartilage.					
252	27334	Remove knee joint lining.					
252	27335	Remove knee joint lining.					
252	27350	Removal of kneecap.					
252	27355	Remove femur lesion.					
252	27356	Remove femur lesion/graft.					
252	27357	Remove femur lesion/graft.					
252	27358	Remove femur lesion/fixation.					
252	27360	Partial removal leg bone(s).					
252	27393	Lengthening of thigh tendon.					
252	27394	Lengthening of thigh tendons.					
252	27396	Transplant of thigh tendon.					
252	27403	Repair of knee cartilage.					
252	27425	Lateral retinacular release.					
252	27610	Explore/treat ankle joint.					
252	27612	Exploration of ankle joint.					
252	27620	Explore, treat ankle joint.					
252	27625	Remove ankle joint lining.					
252	27626	Remove ankle joint lining.					
252	27635	Remove lower leg bone lesion.					
252	27637	Remove/graft leg bone lesion.					
252	27638	Remove/graft leg bone lesion.					
252	27641	Partial removal of fibula.					
252	27665	Repair of leg tendon, each.					
252	27676	Repair lower leg tendons.					
252	27680	Release of lower leg tendon.					
252	27681	Release of lower leg tendons.					
252	27685	Revision of lower leg tendon.					
252	27686	Revise lower leg tendons.					
252	27687	Revision of calf tendon.					
252	27695	Repair of ankle ligament.					
252	27696	Repair of ankle ligaments.					
252	27698	Repair of ankle ligament.					
252	27709	Incision of tibia & fibula.					
252	27730	Repair of tibia epiphysis.					
252	27732	Repair of fibula epiphysis.					
252	27734	Repair lower leg epiphyses.					
252	27740	Repair of leg epiphyses.					
252	27889	Amputation of foot at ankle.					
253	LEVEL III	MUSCULOSKELETAL PROCEDURES	T	25.74	$1,323.55	$684.55	$264.71
253	23020	Release shoulder joint.					
253	23120	Partial removal, collar bone.					
253	23130	Partial removal,shoulderbone.					
253	23415	Release of shoulder ligament.					
253	23480	Revision of collarbone.					
253	23485	Revision of collar bone.					
253	23490	Reinforce clavicle.					
253	23491	Reinforce shoulder bones.					
253	23800	Fusion of shoulder joint.					
253	23802	Fusion of shoulder joint.					
253	24155	Removal of elbow joint.					
253	24320	Repair of arm tendon.					
253	24330	Revision of arm muscles.					
253	24331	Revision of arm muscles.					
253	24340	Repair of biceps tendon.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
253	24341	Repair tendon/muscle arm.					
253	24342	Repair of ruptured tendon.					
253	24420	Revision of humerus.					
253	24430	Repair of humerus.					
253	24435	Repair humerus with graft.					
253	24470	Revision of elbow joint.					
253	24498	Reinforce humerus.					
253	24800	Fusion of elbow joint.					
253	24802	Fusion/graft of elbow joint.					
253	25310	Transplant forearm tendon.					
253	25312	Transplant forearm tendon.					
253	25315	Revise palsy hand tendon(s).					
253	25316	Revise palsy hand tendon(s).					
253	25320	Repair/revise wrist joint.					
253	25335	Realignment of hand.					
253	25337	Reconstruct ulna/radioulnar.					
253	25350	Revision of radius.					
253	25355	Revision of radius.					
253	25370	Revise radius or ulna.					
253	25375	Revise radius & ulna.					
253	25425	Repair/graft radius or ulna.					
253	25426	Repair/graft radius & ulna.					
253	25440	Repair/graft wrist bone.					
253	25450	Revision of wrist joint.					
253	25455	Revision of wrist joint.					
253	25490	Reinforce radius.					
253	25491	Reinforce ulna.					
253	25492	Reinforce radius and ulna.					
253	25800	Fusion of wrist joint.					
253	25805	Fusion/graft of wrist joint.					
253	25810	Fusion/graft of wrist joint.					
253	25830	Fusion radioulnar jnt/ulna.					
253	27033	Exploration of hip joint.					
253	27100	Transfer of abdominal muscle.					
253	27105	Transfer of spinal muscle.					
253	27110	Transfer of iliopsoas muscle.					
253	27111	Transfer of iliopsoas muscle.					
253	27395	* Lengthening of thigh tendons.					
253	27397	Transplants of thigh tendons.					
253	27400	Revise thigh muscles/tendons.					
253	27405	Repair of knee ligament.					
253	27407	Repair of knee ligament.					
253	27409	Repair of knee ligaments.					
253	27418	Repair degenerated kneecap.					
253	27420	Revision of unstable kneecap.					
253	27422	Revision of unstable kneecap.					
253	27424	Revision/removal of kneecap.					
253	27430	Revision of thigh muscles.					
253	27435	Incision of knee joint.					
253	27640	Partial removal of tibia.					
253	27647	Extensive ankle/heel surgery.					
253	27650	Repair achilles tendon.					
253	27652	Repair/graft achilles tendon.					
253	27654	Repair of achilles tendon.					
253	27690	Revise lower leg tendon.					
253	27691	Revise lower leg tendon.					
253	27692	Revise additional leg tendon.					
253	27705	Incision of tibia.					
253	27742	Repair of leg epiphyses.					
253	27745	Reinforce tibia.					
253	27870	Fusion of ankle joint.					
253	27871	Fusion of tibiofibular joint.					
254	LEVEL IV MUSCULOSKELETAL PROCEDURES		T	32.70	$1,681.43	$922.98	$336.29
254	23410	Repair of tendon(s).					
254	23412	Repair of tendon(s).					
254	23420	Repair of shoulder.					
254	23430	Repair biceps tendon.					
254	23450	Repair shoulder capsule.					
254	23455	Repair shoulder capsule.					
254	23460	Repair shoulder capsule.					
254	23462	Repair shoulder capsule.					
254	23465	Repair shoulder capsule.					
254	23466	Repair shoulder capsule.					
254	27427	Reconstruction, knee.					
254	27428	Reconstruction, knee.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
254	27429	Reconstruction, knee.					
261	LEVEL I HAND MUSCULOSKELETAL PROCEDURES		T	10.41	$535.28	$259.00	$107.06
261	25111	Remove wrist tendon lesion.					
261	25112	Reremove wrist tendon lesion.					
261	25820	Fusion of hand bones.					
261	26020	Drain hand tendon sheath.					
261	26025	Drainage of palm bursa.					
261	26030	Drainage of palm bursa(s).					
261	26034	Treat hand bone lesion.					
261	26035	Decompress fingers/hand.					
261	26037	Decompress fingers/hand.					
261	26055	Incise finger tendon sheath.					
261	26060	Incision of finger tendon.					
261	26070	Explore/treat hand joint.					
261	26075	Explore/treat finger joint.					
261	26080	Explore/treat finger joint.					
261	26100	Biopsy hand joint lining.					
261	26105	Biopsy finger joint lining.					
261	26110	Biopsy finger joint lining.					
261	26130	Remove wrist joint lining.					
261	26140	Revise finger joint, each.					
261	26145	Tendon excision, palm/finger.					
261	26160	Remove tendon sheath lesion.					
261	26170	Removal of palm tendon, each.					
261	26180	Removal of finger tendon.					
261	26185	Remove finger bone.					
261	26200	Remove hand bone lesion.					
261	26210	Removal of finger lesion.					
261	26215	Remove/graft finger lesion.					
261	26230	Partial removal of hand bone.					
261	26235	Partial removal, finger bone.					
261	26236	Partial removal, finger bone.					
261	26250	Extensive hand surgery.					
261	26260	Extensive finger surgery.					
261	26261	Extensive finger surgery.					
261	26262	Partial removal of finger.					
261	26410	Repair hand tendon.					
261	26418	Repair finger tendon.					
261	26432	Repair finger tendon.					
261	26433	Repair finger tendon.					
261	26437	Realignment of tendons.					
261	26440	Release palm/finger tendon.					
261	26445	Release hand/finger tendon.					
261	26450	Incision of palm tendon.					
261	26455	Incision of finger tendon.					
261	26460	Incise hand/finger tendon.					
261	26471	Fusion of finger tendons.					
261	26474	Fusion of finger tendons.					
261	26476	Tendon lengthening.					
261	26477	Tendon shortening.					
261	26478	Lengthening of hand tendon.					
261	26479	Shortening of hand tendon.					
261	26500	Hand tendon reconstruction.					
261	26508	Release thumb contracture.					
261	26520	Release knuckle contracture.					
261	26525	Release finger contracture.					
261	26540	Repair hand joint.					
261	26542	Repair hand joint with graft.					
261	26560	Repair of web finger.					
261	26587	Reconstruct extra finger.					
261	26593	Release muscles of hand.					
261	26951	Amputation of finger/thumb.					
261	26952	Amputation of finger/thumb.					
262	LEVEL II HAND MUSCULOSKELETAL PROCEDURES		T	18.07	$929.16	$475.96	$185.83
262	25210	Removal of wrist bone.					
262	25215	Removal of wrist bones.					
262	25825	Fusion hand bones with graft.					
262	26040	Release palm contracture.					
262	26045	Release palm contracture.					
262	26121	Release palm contracture.					
262	26123	Release palm contracture.					
262	26125	Release palm contracture.					
262	26135	Revise finger joint, each.					
262	26205	Remove/graft bone lesion.					
262	26255	Extensive hand surgery.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
262	26350	Repair finger/hand tendon.					
262	26352	Repair/graft hand tendon.					
262	26356	Repair finger/hand tendon.					
262	26357	Repair finger/hand tendon.					
262	26358	Repair/graft hand tendon.					
262	26370	Repair finger/hand tendon.					
262	26372	Repair/graft hand tendon.					
262	26373	Repair finger/hand tendon.					
262	26390	Revise hand/finger tendon.					
262	26392	Repair/graft hand tendon.					
262	26412	Repair/graft hand tendon.					
262	26415	Excision, hand/finger tendon.					
262	26416	Graft hand or finger tendon.					
262	26420	Repair/graft finger tendon.					
262	26426	Repair finger/hand tendon.					
262	26428	Repair/graft finger tendon.					
262	26434	Repair/graft finger tendon.					
262	26442	Release palm & finger tendon.					
262	26449	Release forearm/hand tendon.					
262	26480	Transplant hand tendon.					
262	26483	Transplant/graft hand tendon.					
262	26485	Transplant palm tendon.					
262	26489	Transplant/graft palm tendon.					
262	26490	Revise thumb tendon.					
262	26492	Tendon transfer with graft.					
262	26494	Hand tendon/muscle transfer.					
262	26496	Revise thumb tendon.					
262	26497	Finger tendon transfer.					
262	26498	Finger tendon transfer.					
262	26499	Revision of finger.					
262	26502	Hand tendon reconstruction.					
262	26504	Hand tendon reconstruction.					
262	26510	Thumb tendon transfer.					
262	26516	Fusion of knuckle joint.					
262	26517	Fusion of knuckle joints.					
262	26518	Fusion of knuckle joints.					
262	26541	Repair hand joint with graft.					
262	26545	Reconstruct finger joint.					
262	26546	Repair non-union hand.					
262	26548	Reconstruct finger joint.					
262	26550	Construct thumb replacement.					
262	26555	Positional change of finger.					
262	26561	Repair of web finger.					
262	26562	Repair of web finger.					
262	26565	Correct metacarpal flaw.					
262	26567	Correct finger deformity.					
262	26568	Lengthen metacarpal/finger.					
262	26580	Repair hand deformity.					
262	26585	Repair finger deformity.					
262	26590	Repair finger deformity.					
262	26591	Repair muscles of hand.					
262	26596	Excision constricting tissue.					
262	26597	Release of scar contracture.					
262	26820	Thumb fusion with graft.					
262	26841	Fusion of thumb.					
262	26842	Thumb fusion with graft.					
262	26843	Fusion of hand joint.					
262	26844	Fusion/graft of hand joint.					
262	26850	Fusion of knuckle.					
262	26852	Fusion of knuckle with graft.					
262	26860	Fusion of finger joint.					
262	26861	Fusion of finger joint,added.					
262	26862	Fusion/graft of finger joint.					
262	26863	Fuse/graft added joint.					
262	26910	Amputate metacarpal bone.					
271	LEVEL I FOOT MUSCULOSKELETAL PROCEDURES		T	14.12	$726.05	$365.44	$145.21
271	27605	Incision of achilles tendon.					
271	28005	Treat foot bone lesion.					
271	28008	Incision of foot fascia.					
271	28010	Incision of toe tendon.					
271	28011	Incision of toe tendons.					
271	28020	Exploration of a foot joint.					
271	28022	Exploration of a foot joint.					
271	28024	Exploration of a toe joint.					
271	28045	Excision of foot lesion.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
271	28046	Resection of tumor, foot.					
271	28050	Biopsy of foot joint lining.					
271	28052	Biopsy of foot joint lining.					
271	28054	Biopsy of toe joint lining.					
271	28080	Removal of foot lesion.					
271	28086	Excise foot tendon sheath.					
271	28088	Excise foot tendon sheath.					
271	28090	Removal of foot lesion.					
271	28092	Removal of toe lesions.					
271	28100	Removal of ankle/heel lesion.					
271	28104	Removal of foot lesion.					
271	28108	Removal of toe lesions.					
271	28111	Part removal of metatarsal.					
271	28112	Part removal of metatarsal.					
271	28113	Part removal of metatarsal.					
271	28114	Removal of metatarsal heads.					
271	28116	Revision of foot.					
271	28118	Removal of heel bone.					
271	28119	Removal of heel spur.					
271	28120	Part removal of ankle/heel.					
271	28122	Partial removal of foot bone.					
271	28124	Partial removal of toe.					
271	28126	Partial removal of toe.					
271	28130	Removal of ankle bone.					
271	28140	Removal of metatarsal.					
271	28150	Removal of toe.					
271	28153	Partial removal of toe.					
271	28160	Partial removal of toe.					
271	28171	Extensive foot surgery.					
271	28173	Extensive foot surgery.					
271	28175	Extensive foot surgery.					
271	28200	Repair of foot tendon.					
271	28208	Repair of foot tendon.					
271	28210	Repair/graft of foot tendon.					
271	28220	Release of foot tendon.					
271	28222	Release of foot tendons.					
271	28225	Release of foot tendon.					
271	28226	Release of foot tendons.					
271	28230	Incision of foot tendon(s).					
271	28232	Incision of toe tendon.					
271	28234	Incision of foot tendon.					
271	28240	Release of big toe.					
271	28270	Release of foot contracture.					
271	28272	Release of toe joint, each.					
271	28280	Fusion of toes.					
271	28285	Repair of hammertoe.					
271	28286	Repair of hammertoe.					
271	28310	Revision of big toe.					
271	28312	Revision of toe.					
271	28313	Repair deformity of toe.					
271	28315	Removal of sesamoid bone.					
271	28340	Resect enlarged toe tissue.					
271	28341	Resect enlarged toe.					
271	28737	Revision of foot bones.					
271	28750	Fusion of big toe joint.					
271	28755	Fusion of big toe joint.					
271	28810	Amputation toe & metatarsal.					
271	28820	Amputation of toe.					
271	28825	Partial amputation of toe.					
271	29893	Scope, plantar fasciotomy.					
272	LEVEL II FOOT MUSCULOSKELETAL PROCEDURES		T	16.11	$828.38	$411.09	$165.68
272	28060	Partial removal foot fascia.					
272	28062	Removal of foot fascia.					
272	28070	Removal of foot joint lining.					
272	28072	Removal of foot joint lining.					
272	28102	Remove/graft foot lesion.					
272	28103	Remove/graft foot lesion.					
272	28106	Remove/graft foot lesion.					
272	28107	Remove/graft foot lesion.					
272	28202	Repair/graft of foot tendon.					
272	28238	Revision of foot tendon.					
272	28250	Revision of foot fascia.					
272	28260	Release of midfoot joint.					
272	28261	Revision of foot tendon.					
272	28262	Revision of foot and ankle.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
272	28264	Release of midfoot joint.					
272	28288	Partial removal of foot bone.					
272	28300	Incision of heel bone.					
272	28302	Incision of ankle bone.					
272	28304	Incision of midfoot bones.					
272	28305	Incise/graft midfoot bones.					
272	28306	Incision of metatarsal.					
272	28307	Incision of metatarsal.					
272	28308	Incision of metatarsal.					
272	28309	Incision of metatarsals.					
272	28320	Repair of foot bones.					
272	28322	Repair of metatarsals.					
272	28344	Repair extra toe(s).					
272	28345	Repair webbed toe(s).					
272	28360	Reconstruct cleft foot.					
272	28705	Fusion of foot bones.					
272	28715	Fusion of foot bones.					
272	28725	Fusion of foot bones.					
272	28730	Fusion of foot bones.					
272	28735	Fusion of foot bones.					
272	28740	Fusion of foot bones.					
272	28760	Fusion of big toe joint.					
276	BUNION PROCEDURES		T	19.00	$976.98	$495.39	$195.40
276	28110	Part removal of metatarsal.					
276	28290	Correction of bunion.					
276	28292	Correction of bunion.					
276	28293	Correction of bunion.					
276	28294	Correction of bunion.					
276	28296	Correction of bunion.					
276	28297	Correction of bunion.					
276	28298	Correction of bunion.					
276	28299	Correction of bunion.					
280	DIAGNOSTIC ARTHROSCOPY		T	22.15	$1,138.95	$581.72	$227 79
280	29800	Jaw arthroscopy/surgery.					
280	29815	Shoulder arthroscopy.					
280	29830	Elbow arthroscopy.					
280	29840	Wrist arthroscopy.					
280	29870	Knee arthroscopy, diagnostic.					
280	29909	Arthroscopy of joint.					
281	LEVEL I SURGICAL ARTHROSCOPY		T	22.37	$1,150.27	$589.18	$230.05
281	29804	Jaw arthroscopy/surgery.					
281	29819	Shoulder arthroscopy/surgery.					
281	29820	Shoulder arthroscopy/surgery.					
281	29821	Shoulder arthroscopy/surgery.					
281	29822	Shoulder arthroscopy/surgery.					
281	29823	Shoulder arthroscopy/surgery.					
281	29825	Shoulder arthroscopy/surgery.					
281	29826	Shoulder arthroscopy/surgery.					
281	29834	Elbow arthroscopy/surgery.					
281	29835	Elbow arthroscopy/surgery.					
281	29836	Elbow arthroscopy/surgery.					
281	29837	Elbow arthroscopy/surgery.					
281	29838	Elbow arthroscopy/surgery.					
281	29843	Wrist arthroscopy/surgery.					
281	29844	Wrist arthroscopy/surgery.					
281	29845	Wrist arthroscopy/surgery.					
281	29846	Wrist arthroscopy/surgery					
281	29847	Wrist arthroscopy/surgery.					
281	29848	Wrist endoscopy/surgery.					
281	29860	Hip arthroscopy, dx.					
281	29861	Hip arthroscopy/surgery.					
281	29862	Hip arthroscopy/surgery.					
281	29863	Hip arthroscopy/surgery.					
281	29874	Knee arthroscopy/surgery.					
281	29875	Knee arthroscopy/surgery.					
281	29877	Knee arthroscopy/surgery.					
281	29879	Knee arthroscopy/surgery.					
281	29880	Knee arthroscopy/surgery.					
281	29881	Knee arthroscopy/surgery.					
281	29884	Knee arthroscopy/surgery.					
281	29886	Knee arthroscopy/surgery.					
281	29894	Ankle arthroscopy/surgery.					
281	29895	Ankle arthroscopy/surgery.					
281	29897	Ankle arthroscopy/surgery.					
281	29898	Ankle arthroscopy/surgery.					

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APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
282		LEVEL II SURGICAL ARTHROSCOPY	T	23.65	$1,216.08	$609.97	$243.22
282	29871	Knee arthroscopy/drainage.					
282	29876	Knee arthroscopy/surgery.					
282	29882	Knee arthroscopy/surgery.					
282	29883	Knee arthroscopy/surgery.					
282	29885	Knee arthroscopy/surgery.					
282	29887	Knee arthroscopy/surgery.					
282	29891	Ankle arthroscopy/surgery.					
286		ARTHROSCOPICALLY-AIDED PROCEDURES	T	27.69	$1,423.82	$791.90	$284.76
286	29850	Knee arthroscopy/surgery.					
286	29851	Knee arthroscopy/surgery.					
286	29855	Tibial arthroscopy/surgery.					
286	29856	Tibial arthroscopy/surgery.					
286	29888	Knee arthroscopy/surgery.					
286	29889	Knee arthroscopy/surgery.					
286	29892	Ankle arthroscopy/surgery.					
311		LEVEL I ENT PROCEDURES	T	1.41	$72.50	$20.57	$14.50
311	30000	Drainage of nose lesion.					
311	30020	Drainage of nose lesion.					
311	30100	Intranasal biopsy.					
311	30110	Removal of nose polyp(s).					
311	30117	Removal of intranasal lesion.					
311	30124	Removal of nose lesion.					
311	30210	Nasal sinus therapy.					
311	30220	Insert nasal septal button.					
311	30300	Remove nasal foreign body.					
311	30560	Release of nasal adhesions.					
311	31000	Irrigation maxillary sinus.					
311	31002	Irrigation sphenoid sinus.					
311	31603	Incision of windpipe.					
311	31605	Incision of windpipe.					
311	40490	Biopsy of lip.					
311	40799	Lip surgery procedure.					
311	40800	Drainage of mouth lesion.					
311	40801	Drainage of mouth lesion.					
311	40804	Removal foreign body, mouth.					
311	40805	Removal foreign body, mouth.					
311	40806	Incision of lip fold.					
311	40808	Biopsy of mouth lesion.					
311	40810	Excision of mouth lesion.					
311	40812	Excise/repair mouth lesion.					
311	40820	Treatment of mouth lesion.					
311	40899	Mouth surgery procedure.					
311	41000	Drainage of mouth lesion.					
311	41005	Drainage of mouth lesion.					
311	41100	Biopsy of tongue.					
311	41105	Biopsy of tongue.					
311	41108	Biopsy of floor of mouth.					
311	41110	Excision of tongue lesion.					
311	41115	Excision of tongue fold.					
311	41599	Tongue and mouth surgery.					
311	41805	Removal foreign body, gum.					
311	41806	Removal foreign body,jawbone.					
311	41820	Excision, gum, each quadrant.					
311	41821	Excision of gum flap.					
311	41825	Excision of gum lesion.					
311	41826	Excision of gum lesion.					
311	41828	Excision of gum lesion.					
311	41830	Removal of gum tissue.					
311	41850	Treatment of gum lesion.					
311	41870	Gum graft.					
311	41872	Repair gum.					
311	41874	Repair tooth socket.					
311	41899	Dental surgery procedure.					
311	42000	Drainage mouth roof lesion.					
311	42100	Biopsy roof of mouth.					
311	42104	Excision lesion, mouth roof.					
311	42106	Excision lesion, mouth roof.					
311	42140	Excision of uvula.					
311	42160	Treatment mouth roof lesion.					
311	42280	Preparation, palate mold.					
311	42281	Insertion, palate prosthesis.					
311	42299	Palate/uvula surgery.					
311	42330	Removal of salivary stone.					
311	42335	Removal of salivary stone.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
311	42650	Dilation of salivary duct.					
311	42660	Dilation of salivary duct.					
311	42665	Ligation of salivary duct.					
311	42699	Salivary surgery procedure.					
311	69200	Clear outer ear canal.					
311	69210	Remove impacted ear wax.					
311	69222	Clean out mastoid cavity.					
311	69399	Outer ear surgery procedure.					
311	69400	Inflate middle ear canal.					
311	69405	Catheterize middle ear canal.					
311	69410	Inset middle ear baffle.					
311	69420	Incision of eardrum.					
311	69424	Remove ventilating tube.					
311	69540	Remove ear lesion.					
311	69610	Repair of eardrum.					
311	69799	Middle ear surgery procedure.					
311	92502	Ear and throat examination.					
312	LEVEL II ENT PROCEDURES		T	7.07	$363.54	$170.86	$72.71
312	30801	Cauterization inner nose.					
312	30802	Cauterization inner nose.					
312	30930	Therapy fracture of nose.					
312	31612	Puncture/clear windpipe.					
312	40830	Repair mouth laceration.					
312	40831	Repair mouth laceration.					
312	41250	Repair tongue laceration.					
312	41251	Repair tongue laceration.					
312	41252	Repair tongue laceration.					
312	41500	Fixation of tongue.					
312	41510	Tongue to lip surgery.					
312	41800	Drainage of gum lesion.					
312	42300	Drainage of salivary gland.					
312	42305	Drainage of salivary gland.					
312	42310	Drainage of salivary gland.					
312	42320	Drainage of salivary gland.					
312	42405	Biopsy of salivary gland.					
312	42700	Drainage of tonsil abscess.					
312	42720	Drainage of throat abscess.					
312	42800	Biopsy of throat.					
312	42802	Biopsy of throat.					
312	42804	Biopsy of upper nose/throat.					
312	42806	Biopsy of upper nose/throat.					
312	42808	Excise pharynx lesion.					
312	60000	Drain thyroid/tongue cyst.					
312	69421	Incision of eardrum.					
312	69433	Create eardrum opening.					
312	69436	Create eardrum opening.					
313	LEVEL III ENT PROCEDURES		T	15.46	$794.95	$407.70	$158.99
313	30115	Removal of nose polyp(s).					
313	30118	Removal of intranasal lesion.					
313	30120	Revision of nose.					
313	30125	Removal of nose lesion.					
313	30130	Removal of turbinate bones.					
313	30140	Removal of turbinate bones.					
313	30150	Partial removal of nose.					
313	30160	Removal of nose.					
313	30310	Remove nasal foreign body.					
313	30320	Remove nasal foreign body.					
313	30430	Revision of nose.					
313	30520	Repair of nasal septum.					
313	30540	Repair nasal defect.					
313	30580	Repair upper jaw fistula.					
313	30600	Repair mouth/nose fistula.					
313	30620	Intranasal reconstruction.					
313	30630	Repair nasal septum defect.					
313	31020	Exploration maxillary sinus.					
313	31030	Exploration maxillary sinus.					
313	31032	Explore sinus, remove polyps.					
313	31050	Exploration sphenoid sinus.					
313	31051	Sphenoid sinus surgery.					
313	31070	Exploration of frontal sinus.					
313	31200	Removal of ethmoid sinus.					
313	31320	Diagnostic incision larynx.					
313	31595	Larynx nerve surgery.					
313	31611	Surgery/speech prosthesis.					
313	31613	Repair windpipe opening.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
313	31614	Repair windpipe opening.					
313	31820	Closure of windpipe lesion.					
313	31825	Repair of windpipe defect.					
313	31830	Revise windpipe scar.					
313	40500	Partial excision of lip.					
313	40510	Partial excision of lip.					
313	40520	Partial excision of lip.					
313	40525	Reconstruct lip with flap.					
313	40527	Reconstruct lip with flap.					
313	40530	Partial removal of lip.					
313	40650	Repair lip.					
313	40652	Repair lip.					
313	40654	Repair lip.					
313	40814	Excise/repair mouth lesion.					
313	40816	Excision of mouth lesion.					
313	40818	Excise oral mucosa for graft.					
313	40819	Excise lip or cheek fold.					
313	40840	Reconstruction of mouth.					
313	40842	Reconstruction of mouth.					
313	41006	Drainage of mouth lesion.					
313	41007	Drainage of mouth lesion.					
313	41008	Drainage of mouth lesion.					
313	41009	Drainage of mouth lesion.					
313	41010	Incision of tongue fold.					
313	41015	Drainage of mouth lesion.					
313	41016	Drainage of mouth lesion.					
313	41017	Drainage of mouth lesion.					
313	41018	Drainage of mouth lesion.					
313	41112	Excision of tongue lesion.					
313	41113	Excision of tongue lesion.					
313	41114	Excision of tongue lesion.					
313	41116	Excision of mouth lesion.					
313	41120	Partial removal of tongue.					
313	41520	Reconstruction, tongue fold.					
313	41827	Excision of gum lesion.					
313	42107	Excision lesion, mouth roof.					
313	42120	Remove palate/lesion.					
313	42180	Repair palate.					
313	42182	Repair palate.					
313	42200	Reconstruct cleft palate.					
313	42205	Reconstruct cleft palate.					
313	42215	Reconstruct cleft palate.					
313	42220	Reconstruct cleft palate.					
313	42235	Repair palate.					
313	42260	Repair nose to lip fistula.					
313	42325	Create salivary cyst drain.					
313	42326	Create salivary cyst drain.					
313	42340	Removal of salivary stone.					
313	42408	Excision of salivary cyst.					
313	42409	Drainage of salivary cyst.					
313	42410	Excise parotid gland/lesion.					
313	42440	Excision submaxillary gland.					
313	42450	Excision sublingual gland.					
313	42500	Repair salivary duct.					
313	42505	Repair salivary duct.					
313	42507	Parotid duct diversion.					
313	42508	Parotid duct diversion.					
313	42510	Parotid duct diversion.					
313	42600	Closure of salivary fistula.					
313	42725	Drainage of throat abscess.					
313	42810	Excision of neck cyst.					
313	42815	Excision of neck cyst.					
313	42900	Repair throat wound.					
313	42950	Reconstruction of throat.					
313	42955	Surgical opening of throat.					
313	42962	Control throat bleeding.					
313	42972	Control nose/throat bleeding.					
313	43020	Incision of esophagus.					
313	43030	Throat muscle surgery.					
313	69120	Removal of external ear.					
313	69140	Remove ear canal lesion(s).					
313	69300	Revise external ear.					
313	69440	Exploration of middle ear.					
313	69450	Eardrum revision.					
313	69620	Repair of eardrum.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
314		LEVEL IV ENT PROCEDURES	T	25.15	$1,293.21	$687.72	$258.64
314	30400	Reconstruction of nose.					
314	30410	Reconstruction of nose.					
314	30420	Reconstruction of nose.					
314	30435	Revision of nose.					
314	30450	Revision of nose.					
314	30460	Revision of nose.					
314	30462	Revision of nose.					
314	30545	Repair nasal defect.					
314	31040	Exploration behind upper jaw.					
314	31075	Exploration of frontal sinus.					
314	31080	Removal of frontal sinus.					
314	31081	Removal of frontal sinus.					
314	31084	Removal of frontal sinus.					
314	31085	Removal of frontal sinus.					
314	31086	Removal of frontal sinus.					
314	31087	Removal of frontal sinus.					
314	31090	Exploration of sinuses.					
314	31201	Removal of ethmoid sinus.					
314	31205	Removal of ethmoid sinus.					
314	31300	Removal of larynx lesion.					
314	31400	Revision of larynx.					
314	31420	Removal of epiglottis.					
314	31588	Revision of larynx.					
314	31590	Reinnervate larynx.					
314	31750	Repair of windpipe.					
314	31755	Repair of windpipe.					
314	40700	Repair cleft lip/nasal.					
314	40701	Repair cleft lip/nasal.					
314	40702	Repair cleft lip/nasal.					
314	40720	Repair cleft lip/nasal.					
314	40761	Repair cleft lip/nasal.					
314	40843	Reconstruction of mouth.					
314	40844	Reconstruction of mouth.					
314	40845	Reconstruction of mouth.					
314	42210	Reconstruct cleft palate.					
314	42225	Reconstruct cleft palate.					
314	42226	Lengthening of palate.					
314	42227	Lengthening of palate.					
314	42415	Excise parotid gland/lesion.					
314	42420	Excise parotid gland/lesion.					
314	42425	Excise parotid gland/lesion.					
314	42509	Parotid duct diversion.					
314	42842	Extensive surgery of throat.					
314	42844	Extensive surgery of throat.					
314	42890	Partial removal of pharynx.					
314	42892	Revision of pharyngeal walls.					
314	69150	Extensive ear canal surgery.					
314	69310	Rebuild outer ear canal.					
314	69320	Rebuild outer ear canal.					
314	69501	Mastoidectomy.					
314	69502	Mastoidectomy.					
314	69505	Remove mastoid structures.					
314	69511	Extensive mastoid surgery.					
314	69530	Extensive mastoid surgery.					
314	69550	Remove ear lesion.					
314	69552	Remove ear lesion.					
314	69601	Mastoid surgery revision.					
314	69602	Mastoid surgery revision.					
314	69603	Mastoid surgery revision.					
314	69604	Mastoid surgery revision.					
314	69605	Mastoid surgery revision.					
314	69631	Repair eardrum structures.					
314	69632	Rebuild eardrum structures.					
314	69633	Rebuild eardrum structures.					
314	69635	Repair eardrum structures.					
314	69636	Rebuild eardrum structures.					
314	69637	Rebuild eardrum structures.					
314	69641	Revise middle ear & mastoid.					
314	69642	Revise middle ear & mastoid.					
314	69643	Revise middle ear & mastoid.					
314	69644	Revise middle ear & mastoid.					
314	69645	Revise middle ear & mastoid.					
314	69646	Revise middle ear & mastoid.					
314	69650	Release middle ear bone.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
314	69660	Revise middle ear bone.					
314	69661	Revise middle ear bone.					
314	69662	Revise middle ear bone.					
314	69666	Repair middle ear structures.					
314	69667	Repair middle ear structures.					
314	69670	Remove mastoid air cells.					
314	69676	Remove middle ear nerve.					
314	69700	Close mastoid fistula.					
314	69711	Remove/repair hearing aid.					
314	69720	Release facial nerve.					
314	69725	Release facial nerve.					
314	69740	Repair facial nerve.					
314	69745	Repair facial nerve.					
314	69801	Incise inner ear.					
314	69802	Incise inner ear.					
314	69805	Explore inner ear.					
314	69806	Explore inner ear.					
314	69820	Establish inner ear window.					
314	69840	Revise inner ear window.					
314	69905	Remove inner ear.					
314	69910	Remove inner ear & mastoid.					
314	69915	Incise inner ear nerve.					
314	69949	Inner ear surgery procedure.					
317	IMPLANTATION OF COCHLEAR DEVICE		T				
317	69930	Implant cochlear device.					
318	NASAL CAUTERIZATION/PACKING		T	2.07	$106.44	$38.87	$21.29
318	30901	Control of nosebleed.					
318	30903	Control of nosebleed.					
318	30905	Control of nosebleed.					
318	30906	Repeat control of nosebleed.					
318	30999	Nasal surgery procedure.					
318	42960	Control throat bleeding.					
318	42970	Control nose/throat bleeding.					
318	42999	Throat surgery procedure.					
319	TONSIL/ADENOID PROCEDURES		T	16.20	$833.00	$463.53	$166 60
319	42820	Remove tonsils and adenoids.					
319	42821	Remove tonsils and adenoids.					
319	42825	Removal of tonsils.					
319	42826	Removal of tonsils.					
319	42830	Removal of adenoids.					
319	42831	Removal of adenoids.					
319	42835	Removal of adenoids.					
319	42836	Removal of adenoids.					
319	42860	Excision of tonsil tags.					
319	42870	Excision of lingual tonsil.					
320	THORACENTESIS/LAVAGE PROCEDURES		T	3.09	$158.89	$80.91	$31.78
320	32000	Drainage of chest.					
320	32002	Treatment of collapsed lung.					
320	32020	Insertion of chest tube.					
320	32420	Puncture/clear lung.					
320	32960	Therapeutic pneumothorax.					
320	32999	Chest surgery procedure.					
320	33010	Drainage of heart sac.					
320	33011	Repeat drainage of heart sac.					
320	33999	Cardiac surgery procedure.					
320	49080	Puncture, peritoneal cavity.					
320	49081	Removal of abdominal fluid.					
331	LEVEL I ENDOSCOPY UPPER AIRWAY		T	0.57	$29.31	$14.01	$5.86
331	31231	Nasal endoscopy, dx.					
331	31299	Sinus surgery procedure.					
331	31505	Diagnostic laryngoscopy.					
331	31575	Diagnostic laryngoscopy.					
331	31579	Diagnostic laryngoscopy.					
331	92511	Nasopharyngoscopy.					
332	LEVEL II ENDOSCOPY UPPER AIRWAY		T	9.67	$497.23	$242.72	$99.45
332	31233	Nasal/sinus endoscopy, dx.					
332	31235	Nasal/sinus endoscopy, dx.					
332	31237	Nasal/sinus endoscopy, surg.					
332	31238	Nasal/sinus endoscopy, surg.					
332	31240	Nasal/sinus endoscopy, surg.					
332	31510	Laryngoscopy with biopsy.					
332	31511	Remove foreign body, larynx.					
332	31512	Removal of larynx lesion					
332	31513	Injection into vocal cord.					
332	31515	Laryngoscopy for aspiration.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
332	31520	Diagnostic laryngoscopy.					
332	31525	Diagnostic laryngoscopy.					
332	31526	Diagnostic laryngoscopy.					
332	31528	Laryngoscopy and dilatation.					
332	31529	Laryngoscopy and dilatation.					
332	31576	Laryngoscopy with biopsy.					
332	31577	Remove foreign body, larynx.					
332	31578	Removal of larynx lesion.					
332	31700	Insertion of airway catheter.					
332	31717	Bronchial brush biopsy.					
332	31720	Clearance of airways.					
332	31730	Intro windpipe wire/tube.					
333	LEVEL III	ENDOSCOPY UPPER AIRWAY	T	16.81	$864.37	$461.04	$172.87
333	31239	Nasal/sinus endoscopy, surg.					
333	31254	Revision of ethmoid sinus.					
333	31255	Removal of ethmoid sinus.					
333	31256	Exploration maxillary sinus.					
333	31267	Endoscopy, maxillary sinus.					
333	31276	Sinus surgical endoscopy.					
333	31287	Nasal/sinus endoscopy, surg.					
333	31288	Nasal/sinus endoscopy, surg.					
333	31527	Laryngoscopy for treatment.					
333	31530	Operative laryngoscopy.					
333	31531	Operative laryngoscopy.					
333	31535	Operative laryngoscopy.					
333	31536	Operative laryngoscopy.					
333	31540	Operative laryngoscopy.					
333	31541	Operative laryngoscopy.					
333	31560	Operative laryngoscopy.					
333	31561	Operative laryngoscopy.					
333	31570	Laryngoscopy with injection.					
333	31571	Laryngoscopy with injection.					
336		ENDOSCOPY LOWER AIRWAY	T	7.24	$372.28	$195.49	$74.46
336	31615	Visualization of windpipe.					
336	31622	Dx bronchoscope/wash.					
336	31625	Bronchoscopy with biopsy.					
336	31628	Bronchoscopy with biopsy.					
336	31629	Bronchoscopy with biopsy.					
336	31630	Bronchoscopy with repair.					
336	31631	Bronchoscopy with dilation.					
336	31635	Remove foreign body, airway.					
336	31640	Bronchoscopy & remove lesion.					
336	31641	Bronchoscopy, treat blockage.					
336	31645	Bronchoscopy, clear airways.					
336	31646	Bronchoscopy,reclear airways.					
336	31656	Bronchoscopy,inject for xray.					
336	31899	Airways surgical procedure.					
339		INJECTION OF SCLEROSING SOLUTION	T	0.98	$50.39	$19.66	$10.08
339	36468	Injection(s); spider veins.					
339	36469	Injection(s); spider veins.					
339	36470	Injection therapy of vein.					
339	36471	Injection therapy of veins.					
339	45520	Treatment of rectal prolapse.					
341	LEVEL I	NEEDLE AND CATHETER PLACEMENT	T	0.09	$4.63	$2.49	$0.93
341	36410	Drawing blood.					
341	36420	Establish access to vein.					
341	36425	Establish access to vein.					
342	LEVEL II	NEEDLE AND CATHETER PLACEMENT	T	2.61	$134.21	$68.70	$26.84
342	36010	Place catheter in vein.					
342	36011	Place catheter in vein.					
342	36012	Place catheter in vein.					
342	36013	Place catheter in artery.					
342	36014	Place catheter in artery.					
342	36015	Place catheter in artery.					
342	36100	Establish access to artery.					
342	36120	Establish access to artery.					
342	36140	Establish access to artery.					
342	36160	Establish access to aorta.					
342	36200	Place catheter in aorta.					
342	36500	Insertion of catheter, vein.					
342	36620	Insertion catheter, artery.					
342	36625	Insertion catheter, artery.					
342	38794	Access thoracic lymph duct.					
343	LEVEL III	NEEDLE AND CATHETER PLACEMENT	T	8.76	$450.44	$240.24	$90.09
343	36215	Place catheter in artery.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
343	36216	Place catheter in artery.					
343	36217	Place catheter in artery.					
343	36218	Place catheter in artery.					
343	36245	Place catheter in artery.					
343	36246	Place catheter in artery.					
343	36247	Place catheter in artery.					
343	36248	Place catheter in artery.					
343	36481	Insertion of catheter, vein.					
343	93508	Cath placement, angiography.					
346		PLACEMENT TRANSVENOUS CATHS/CUTDOWN	T	4.63	$238.07	$121.59	$47.61
346	36488	Insertion of catheter, vein.					
346	36489	Insertion of catheter, vein.					
346	36490	Insertion of catheter, vein.					
346	36491	Insertion of catheter, vein.					
346	36493	Repositioning of cvc.					
346	36640	Insertion catheter, artery.					
347		INJECTION PROCEDURES FOR INTERVENTIONAL RADIOLOGY	T	2.57	$132.15	$62.38	$26.43
347	19030	Injection for breast x-ray.					
347	20501	Inject sinus tract for x-ray.					
347	21116	Injection, jaw joint x-ray.					
347	23350	Injection for shoulder x-ray.					
347	24220	Injection for elbow x-ray.					
347	25246	Injection for wrist x-ray.					
347	27093	Injection for hip x-ray.					
347	27095	Injection for hip x-ray.					
347	27370	Injection for knee x-ray.					
347	27648	Injection for ankle x-ray.					
347	30200	Injection treatment of nose.					
347	31708	Instill airway contrast dye.					
347	31710	Insertion of airway catheter.					
347	31715	Injection for bronchus x-ray.					
347	36005	Injection, venography.					
347	38200	Injection for spleen x-ray.					
347	38790	Injection for lymphatic x-ray.					
347	42550	Injection for salivary x-ray.					
347	47500	Injection for liver x-rays.					
347	47505	Injection for liver x-rays.					
347	49400	Air injection into abdomen.					
347	49424	Assess cyst, contrast inj.					
347	49427	Injection, abdominal shunt.					
347	50392	Insert kidney drain.					
347	50393	Insert ureteral tube.					
347	50394	Injection for kidney x-ray.					
347	50395	Create passage to kidney.					
347	50684	Injection for ureter x-ray.					
347	50690	Injection for ureter x-ray.					
347	51600	Injection for bladder x-ray.					
347	51605	Preparation for bladder xray.					
347	51610	Injection for bladder x-ray.					
347	54230	Prepare penis study.					
347	55300	Preparation,sperm duct x-ray.					
347	58340	Catheter for hysterography.					
347	62284	Injection for myelogram.					
347	62290	Inject for spine disk x-ray.					
347	62291	Inject for spine disk x-ray.					
347	68850	Injection for tear sac x-ray.					
360		REMOVAL/REVISION, PACEMAKER/VASCULAR DEVICE	T	6.04	$310.58	$138.54	$62.12
360	33222	Pacemaker aicd pocket.					
360	33223	Pacemaker aicd pocket.					
360	36261	Revision of infusion pump.					
360	36262	Removal of infusion pump.					
360	36299	Vessel injection procedure.					
360	36531	Revision of infusion pump.					
360	36532	Removal of infusion pump.					
360	36534	Revision of access port.					
360	36535	Removal of access port.					
360	37203	Transcatheter retrieval.					
367		VASCULAR LIGATION	T	17.02	$875.17	$441.15	$175.03
367	30915	Ligation nasal sinus artery.					
367	30920	Ligation upper jaw artery.					
367	37618	Ligation of extremity artery.					
367	37650	Revision of major vein.					
367	37700	Revise leg vein.					
367	37720	Removal of leg vein.					
367	37730	Removal of leg veins.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
367	37735	Removal of leg veins/lesion.					
367	37760	Revision of leg veins.					
367	37780	Revision of leg vein.					
367	37785	Revise secondary varicosity.					
368		VASCULAR REPAIR/FISTULA CONSTRUCTION	T	22.59	$1,161.58	$647.49	$232.32
368	35188	Repair blood vessel lesion.					
368	35207	Repair blood vessel lesion.					
368	35875	Removal of clot in graft.					
368	35876	Removal of clot in graft.					
368	36260	Insertion of infusion pump.					
368	36530	Insertion of infusion pump.					
368	36533	Insertion of access port.					
368	36800	Insertion of cannula.					
368	36810	Insertion of cannula.					
368	36815	Insertion of cannula.					
368	36821	Artery-vein fusion.					
368	36825	Artery-vein graft.					
368	36830	Artery-vein graft.					
368	36832	Av fistula revision.					
368	36835	Artery to vein shunt.					
368	36860	External cannula declotting.					
368	36861	Cannula declotting.					
368	37607	Ligation of fistula.					
369		BLOOD AND BLOOD PRODUCT EXCHANGE	T	6.33	$325.49	$155.49	$65.10
369	36430	Blood transfusion service.					
369	36440	Blood transfusion service.					
369	36450	Exchange transfusion service.					
369	36455	Exchange transfusion service.					
369	36460	Transfusion service, fetal.					
369	36520	Plasma and/or cell exchange.					
369	36522	Photopheresis.					
369	38230	Bone marrow collection.					
369	38231	Stem cell collection.					
369	Q0068	Extracorpeal plasmapheresis.					
396		LYMPH NODE EXCISIONS	T	12.98	$667.43	$334.48	$133.49
396	38308	Incision of lymph channels.					
396	38500	Biopsy/removal,lymph node(s).					
396	38510	Biopsy/removal,lymph node(s).					
396	38520	Biopsy/removal,lymph node(s).					
396	38525	Biopsy/removal,lymph node(s).					
396	38530	Biopsy/removal,lymph node(s).					
396	38550	Removal neck/armpit lesion.					
397		THYROID/LYMPHADENECTOMY PROCEDURES	T	19.12	$983.15	$542.17	$196.63
397	38542	Explore deep node(s), neck.					
397	38555	Removal neck/armpit lesion.					
397	38740	Remove armpit lymph nodes.					
397	38745	Remove armpits lymph nodes.					
397	38760	Remove groin lymph nodes.					
397	60200	Remove thyroid lesion.					
397	60210	Partial excision thyroid.					
397	60220	Partial removal of thyroid.					
397	60225	Partial removal of thyroid.					
397	60240	Removal of thyroid.					
397	60280	Remove thyroid duct lesion.					
397	60281	Remove thyroid duct lesion.					
406		ESOPHAGEAL DILATION WITHOUT ENDOSCOPY	T	4.17	$214.42	$106.67	$42.88
406	43450	Dilate esophagus.					
406	43453	Dilate esophagus.					
406	43456	Dilate esophagus.					
406	43458	Dilation of esophagus.					
406	43499	Esophagus surgery procedure.					
407		ESOPHAGOSCOPY	T	6.89	$354.28	$189.39	$70.86
407	43204	Esophagus endoscopy & inject.					
407	43205	Esophagus endoscopy/ligation.					
407	43215	Esophagus endoscopy.					
407	43216	Esophagus endoscopy/lesion.					
407	43217	Esophagus endoscopy.					
407	43220	Esophagus endoscopy, dilation.					
407	43226	Esophagus endoscopy, dilation.					
407	43227	Esophagus endoscopy, repair.					
417		DIAGNOSTIC UPPER GI ENDOSCOPY	T	6.35	$326.52	$179.22	$65.30
417	43200	Esophagus endoscopy.					
417	43202	Esophagus endoscopy, biopsy.					
417	43234	Upper GI endoscopy, exam.					
417	43235	Upper gi endoscopy, diagnosis.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
417	43239	Upper GI endoscopy, biopsy.					
417	43600	Biopsy of stomach.					
417	44100	Biopsy of bowel.					
418		THERAPEUTIC UPPER GI ENDOSCOPY	T	7.44	$382.56	$213.57	$76.51
418	43241	Upper GI endoscopy with tube.					
418	43243	Upper GI endoscopy & inject.					
418	43244	Upper GI endoscopy/ligation.					
418	43245	Operative upper GI endoscopy.					
418	43246	Place gastrostomy tube.					
418	43247	Operative upper GI endoscopy.					
418	43248	Upper GI endoscopy/guidewire.					
418	43249	Esophagus endoscopy,dilation.					
418	43250	Upper GI endoscopy/tumor.					
418	43251	Operative upper GI endoscopy.					
418	43255	Operative upper GI endoscopy.					
418	43750	Place gastrostomy tube.					
419		SMALL INTESTINE ENDOSCOPY	T	6.83	$351.20	$164.08	$70.24
419	44360	Small bowel endoscopy.					
419	44361	Small bowel endoscopy,biopsy.					
419	44363	Small bowel endoscopy.					
419	44364	Small bowel endoscopy.					
419	44365	Small bowel endoscopy.					
419	44366	Small bowel endoscopy.					
419	44372	Small bowel endoscopy.					
419	44373	Small bowel endoscopy.					
419	44376	Small bowel endoscopy.					
419	44377	Small bowel endoscopy.					
419	44378	Small bowel endoscopy.					
419	44799	Intestine surgery procedure.					
426		DIAGNOSTIC LOWER GI ENDOSCOPY	T	6.74	$346.57	$185.32	$69.31
426	44380	Small bowel endoscopy.					
426	44382	Small bowel endoscopy.					
426	44385	Endoscopy of bowel pouch.					
426	44386	Endoscopy, bowel pouch, biopsy.					
426	44388	Colon endoscopy.					
426	44389	Colonoscopy with biopsy.					
426	45378	Diagnostic colonoscopy.					
426	45380	Colonoscopy and biopsy.					
426	G0105	Colorectal scrn; hi risk ind.					
427		THERAPEUTIC LOWER GI ENDOSCOPY	T	8.09	$415.99	$222.84	$83.20
427	44390	Colonoscopy for foreign body.					
427	44391	Colonoscopy for bleeding.					
427	44392	Colonoscopy & polypectomy.					
427	44394	Colonoscopy w/snare.					
427	45355	Surgical colonoscopy.					
427	45379	Colonoscopy.					
427	45382	Colonoscopy,control bleeding.					
427	45384	Colonoscopy.					
427	45385	Colonoscopy, lesion removal.					
437		THERAPEUTIC ANOSCOPY	T	6.54	$336.29	$173.79	$67.26
437	46606	Anoscopy and biopsy.					
437	46608	Anoscopy; remove foreign body.					
437	46610	Anoscopy; remove lesion.					
437	46611	Anoscopy.					
437	46612	Anoscopy, remove lesions.					
437	46614	Anoscopy; control bleeding.					
437	46615	Anoscopy.					
446		DIAGNOSTIC SIGMOIDOSCOPY	T	2.54	$130.61	$64.86	$26.12
446	45300	Proctosigmoidoscopy.					
446	45305	Proctosigmoidoscopy; biopsy.					
446	45330	Sigmoidoscopy, diagnostic.					
446	45331	Sigmoidoscopy and biopsy.					
446	G0104	CA screen; flexi sigmoidscope.					
447		THERAPEUTIC PROCTOSIGMOIDOSCOPY	T	7.06	$363.03	$191.87	$72.61
447	45303	Proctosigmoidoscopy.					
447	45307	Proctosigmoidoscopy.					
447	45308	Proctosigmoidoscopy.					
447	45309	Proctosigmoidoscopy.					
447	45315	Proctosigmoidoscopy.					
447	45317	Proctosigmoidoscopy.					
447	45320	Proctosigmoidoscopy.					
447	45321	Proctosigmoidoscopy.					
448		THERAPEUTIC FLEXIBLE SIGMOIDOSCOPY	T	5.28	$271.50	$139.22	$54.30
448	45332	Sigmoidoscopy.					
448	45333	Sigmoidoscopy & polypectomy.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
448	45334	Sigmoidoscopy for bleeding.					
448	45337	Sigmoidoscopy, decompression.					
448	45338	Sigmoidoscopy.					
449	COMPLEX GI ENDOSCOPY		T	7.63	$392.33	$213.57	$78.47
449	43219	Esophagus endoscopy.					
449	43228	Esophagus endoscopy, ablation.					
449	43258	Operative upper GI endoscopy.					
449	43259	Endoscopic ultrasound exam.					
449	43272	Endoscopy, bile duct/pancreas.					
449	44369	Small bowel endoscopy.					
449	44393	Colonoscopy, lesion removal.					
449	45339	Sigmoidoscopy.					
449	45383	Colonoscopy, lesion removal.					
451	LEVEL I ANAL/RECTAL PROCEDURES		T	2.42	$124.44	$53.56	$24.89
451	46070	Incision of anal septum.					
451	46083	Incise external hemorrhoid.					
451	46220	Removal of anal tab.					
451	46221	Ligation of hemorrhoid(s).					
451	46230	Removal of anal tabs.					
451	46320	Removal of hemorrhoid clot.					
451	46500	Injection into hemorrhoids.					
451	46934	Destruction of hemorrhoids.					
451	46935	Destruction of hemorrhoids.					
451	46936	Destruction of hemorrhoids.					
451	46940	Treatment of anal fissure.					
451	46942	Treatment of anal fissure.					
451	46945	Ligation of hemorrhoids.					
451	46946	Ligation of hemorrhoids.					
452	LEVEL II ANAL/RECTAL PROCEDURES		T	4.52	$232.42	$103.06	$46.48
452	45000	Drainage of pelvic abscess.					
452	45005	Drainage of rectal abscess.					
452	45020	Drainage of rectal abscess.					
452	45100	Biopsy of rectum.					
452	45900	Reduction of rectal prolapse.					
452	45905	Dilation of anal sphincter.					
452	45910	Dilation of rectal narrowing.					
452	45915	Remove rectal obstruction.					
452	45999	Rectum surgery procedure.					
452	46030	Removal of rectal marker.					
452	46040	Incision of rectal abscess.					
452	46050	Incision of anal abscess.					
452	46080	Incision of anal sphincter.					
452	46210	Removal of anal crypt.					
452	46754	Removal of suture from anus.					
452	46999	Anus surgery procedure.					
453	LEVEL III ANAL/RECTAL PROCEDURES		T	16.26	$836.09	$440.47	$167.22
453	45108	Removal of anorectal lesion.					
453	45150	Excision of rectal stricture.					
453	45160	Excision of rectal lesion.					
453	45170	Excision of rectal lesion.					
453	45190	Destruction, rectal tumor.					
453	45500	Repair of rectum.					
453	45505	Repair of rectum.					
453	45560	Repair of rectocele.					
453	46045	Incision of rectal abscess.					
453	46060	Incision of rectal abscess.					
453	46200	Removal of anal fissure.					
453	46211	Removal of anal crypts.					
453	46250	Hemorrhoidectomy.					
453	46255	Hemorrhoidectomy.					
453	46257	Remove hemorrhoids & fissure.					
453	46258	Remove hemorrhoids & fistula.					
453	46260	Hemorrhoidectomy.					
453	46261	Remove hemorrhoids & fissure.					
453	46262	Remove hemorrhoids & fistula.					
453	46270	Removal of anal fistula.					
453	46275	Removal of anal fistula.					
453	46280	Removal of anal fistula.					
453	46285	Removal of anal fistula.					
453	46288	Repair anal fistula.					
453	46700	Repair of anal stricture.					
453	46750	Repair of anal sphincter.					
453	46753	Reconstruction of anus.					
453	46760	Repair of anal sphincter.					
453	46761	Repair of anal sphincter.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
453	46762	Implant artificial sphincter.					
453	46937	Cryotherapy of rectal lesion.					
453	46938	Cryotherapy of rectal lesion.					
456		ENDOSCOPIC RETROGRADE CHOLANGIO-PANCREATOGRAPHY (ERCP)	T	9.61	$494.15	$249.05	$98.83
456	43260	Endoscopy, bile duct/pancreas.					
456	43261	Endoscopy, bile duct/pancreas.					
456	43262	Endoscopy, bile duct/pancreas.					
456	43263	Endoscopy, bile duct/pancreas.					
456	43264	Endoscopy, bile duct/pancreas.					
456	43265	Endoscopy, bile duct/pancreas.					
456	43267	Endoscopy, bile duct/pancreas.					
456	43268	Endoscopy, bile duct/pancreas.					
456	43269	Endoscopy, bile duct/pancreas.					
456	43271	Endoscopy, bile duct/pancreas.					
458		PERCUTANEOUS BILIARY ENDOSCOPIC PROCEDURES	T	6.81	$350.17	$181.70	$70.03
458	47510	Insert catheter, bile duct.					
458	47511	Insert bile duct drain.					
458	47552	Biliary endoscopy, thru skin.					
458	47553	Biliary endoscopy, thru skin.					
458	47554	Biliary endoscopy, thru skin.					
458	47555	Biliary endoscopy, thru skin.					
458	47556	Biliary endoscopy, thru skin.					
458	47630	Remove bile duct stone.					
459		PERITONEAL AND ABDOMINAL PROCEDURES	T	17.85	$917.85	$497.88	$183.57
459	49085	Remove abdomen foreign body.					
459	49250	Excision of umbilicus.					
459	49420	Insert abdominal drain.					
459	49421	Insert abdominal drain.					
459	49423	Exchange drainage cath.					
459	49426	Revise abdomen-venous shunt.					
466		HERNIA/HYDROCELE PROCEDURES	T	20.67	$1,062.85	$556.64	$212.57
466	49495	Repair inguinal hernia, init.					
466	49496	Repair inguinal hernia, init.					
466	49500	Repair inguinal hernia.					
466	49501	Repair inguinal hernia, init.					
466	49505	Repair inguinal hernia.					
466	49507	Repair, inguinal hernia.					
466	49520	Rerepair inguinal hernia.					
466	49521	Repair inguinal hernia, rec.					
466	49525	Repair inguinal hernia.					
466	49540	Repair lumbar hernia.					
466	49550	Repair femoral hernia.					
466	49553	Repair femoral hernia, init.					
466	49555	Repair femoral hernia.					
466	49557	Repair femoral hernia, recur.					
466	49560	Repair abdominal hernia.					
466	49561	Repair incisional hernia.					
466	49565	Rerepair abdominal hernia.					
466	49566	Repair incisional hernia.					
466	49568	Hernia repair w/mesh.					
466	49570	Repair epigastric hernia.					
466	49572	Repair, epigastric hernia.					
466	49580	Repair umbilical hernia.					
466	49582	Repair umbilical hernia.					
466	49585	Repair umbilical hernia.					
466	49587	Repair umbilical hernia.					
466	49590	Repair abdominal hernia.					
466	49600	Repair umbilical lesion.					
466	51500	Removal of bladder cyst.					
466	55040	Removal of hydrocele.					
466	55041	Removal of hydroceles.					
470		TUBE PROCEDURES	T	2.19	$112.61	$54.92	$22.52
470	31502	Change of windpipe airway.					
470	43760	Change gastrostomy tube.					
470	43761	Reposition gastrostomy tube.					
470	43999	Stomach surgery procedure.					
470	47525	Change bile duct catheter.					
470	47530	Revise, reinsert bile tube.					
470	47999	Bile tract surgery procedure.					
470	49422	Remove perm cannula/catheter.					
470	49429	Removal of shunt.					
470	49999	Abdomen surgery procedure.					
470	50688	Change of ureter tube.					
470	51705	Change of bladder tube.					
470	51710	Change of bladder tube.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCFCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
521		LEVEL I CYSTOURETHROSCOPY AND OTHER GENITOURINARY PROCEDURES	T	4.89	$251.44	$110.06	$50.29
521	50398	Change kidney tube.					
521	52000	Cystoscopy.					
521	52265	Cystoscopy & treatment.					
522		LEVEL II CYSTOURETHROSCOPY AND OTHER GENITOURINARY PROCEDURES	T	10.15	$521.91	$259.45	$104.38
522	50551	Kidney endoscopy.					
522	50553	Kidney endoscopy.					
522	50555	Kidney endoscopy & biopsy.					
522	50557	Kidney endoscopy & treatment.					
522	50559	Renal endoscopy; radiotracer.					
522	50561	Kidney endoscopy & treatment.					
522	52005	Cystoscopy & ureter catheter.					
522	52007	Cystoscopy and biopsy.					
522	52010	Cystoscopy & duct catheter.					
522	52204	Cystoscopy.					
522	52214	Cystoscopy and treatment.					
522	52224	Cystoscopy and treatment.					
522	52260	Cystoscopy & treatment.					
522	52270	Cystoscopy & revise urethra.					
522	52275	Cystoscopy & revise urethra.					
522	52276	Cystoscopy and treatment.					
522	52281	Cystoscopy and treatment.					
522	52283	Cystoscopy and treatment.					
522	52285	Cystoscopy and treatment.					
522	52290	Cystoscopy and treatment.					
522	52300	Cystoscopy and treatment.					
522	52301	Cystoscopy and treatment.					
522	52305	Cystoscopy and treatment.					
522	52310	Cystoscopy and treatment.					
522	52315	Cystoscopy and treatment.					
522	52327	Cystoscopy, inject material.					
522	52510	Dilation prostatic urethra.					
522	53605	Dilate urethra stricture.					
523		LEVEL III CYSTOURETHROSCOPY AND OTHER GENITOURINARY PROCEDURES	T	16.35	$840.72	$438.89	$168.14
523	50951	Endoscopy of ureter.					
523	50953	Endoscopy of ureter.					
523	50955	Ureter endoscopy & biopsy.					
523	50957	Ureter endoscopy & treatment.					
523	50959	Ureter endoscopy & tracer.					
523	50961	Ureter endoscopy & treatment.					
523	51020	Incise & treat bladder.					
523	51030	Incise & treat bladder.					
523	51040	Incise & drain bladder.					
523	51045	Incise bladder, drain ureter.					
523	51050	Removal of bladder stone.					
523	51065	Removal of ureter stone.					
523	51520	Removal of bladder lesion.					
523	51880	Repair of bladder opening.					
523	52234	Cystoscopy and treatment.					
523	52235	Cystoscopy and treatment.					
523	52240	Cystoscopy and treatment.					
523	52250	Cystoscopy & radiotracer.					
523	52277	Cystoscopy and treatment.					
523	52282	Cystoscopy, implant stent.					
523	52317	Remove bladder stone.					
523	52318	Remove bladder stone.					
523	52320	Cystoscopy and treatment.					
523	52325	Cystoscopy, stone removal.					
523	52330	Cystoscopy and treatment.					
523	52332	Cystoscopy and treatment.					
523	52334	Create passage to kidney.					
523	52335	Endoscopy of urinary tract.					
523	52336	Cystoscopy, stone removal.					
523	52338	Cystoscopy and treatment.					
523	52339	Cystoscopy and treatment.					
523	52340	Cystoscopy and treatment.					
523	52450	Incision of prostate.					
523	52500	Revision of bladder neck.					
523	52606	Control postop bleeding.					
523	52640	Relieve bladder contracture.					
523	52700	Drainage of prostate abscess.					
523	55720	Drainage of prostate abscess.					
523	55725	Drainage of prostate abscess.					
523	55859	Percut/needle insert, pros.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
524		LEVEL IV CYSTOURETHROSCOPY AND OTHER GENITOURINARY PROCEDURES	T	27.20	$1,398.62	$824.90	$279.72
524	52337	Cystoscopy, stone removal.					
524	52601	Prostatectomy (TURP).					
524	52612	Prostatectomy, first stage.					
524	52614	Prostatectomy, second stage.					
524	52620	Remove residual prostate.					
524	52630	Remove prostate regrowth.					
524	52647	Laser surgery of prostate.					
524	52648	Laser surgery of prostate.					
524	53850	Prostatic microwave thermotx.					
524	53852	Prostatic rf thermotx.					
527		LITHOTRIPSY	T	43.48	$2,2[illegible]5.74	$1,372.95	$447.15
527	50590	Fragmenting of kidney stone.					
529		SIMPLE URINARY STUDIES AND PROCEDURES	T	2.33	$119.81	$59.66	$23.96
529	50396	Measure kidney pressure.					
529	50686	Measure ureter pressure.					
529	51725	Simple cystometrogram.					
529	51726	Complex cystometrogram.					
529	51736	Urine flow measurement.					
529	51741	Electro-uroflowmetry, first.					
529	51772	Urethra pressure profile.					
529	51784	Anal/urinary muscle study.					
529	51785	Anal/urinary muscle study.					
529	51792	Urinary reflex study.					
529	51795	Urine voiding pressure study.					
529	51797	Intraabdominal pressure test.					
529	54240	Penis study.					
529	54250	Penis study.					
530		GENITOURINARY PROCEDURES	T	2.46	$126.49	$53.34	$25.30
530	51000	Drainage of bladder.					
530	51005	Drainage of bladder.					
530	51010	Drainage of bladder.					
530	51700	Irrigation of bladder.					
530	51720	Treatment of bladder lesion.					
530	53600	Dilate urethra stricture.					
530	53601	Dilate urethra stricture.					
530	53620	Dilate urethra stricture.					
530	53621	Dilate urethra stricture.					
[2] 530	53640	Relieve bladder retention.					
530	53660	Dilation of urethra.					
530	53661	Dilation of urethra.					
530	53675	Insert urinary catheter.					
530	53899	Urology surgery procedure.					
530	54200	Treatment of penis lesion.					
530	54220	Treatment of penis lesion.					
530	54231	Dynamic cavernosometry.					
530	54235	Penile injection.					
530	54450	Preputial stretching.					
530	55899	Genital surgery procedure.					
531		LEVEL I URETHRAL PROCEDURES	T	18.59	$955.90	$531.55	$191.18
531	51715	Endoscopic injection/implant.					
531	53000	Incision of urethra.					
531	53010	Incision of urethra.					
531	53020	Incision of urethra.					
531	53025	Incision of urethra.					
531	53040	Drainage of urethra abscess.					
531	53060	Drainage of urethra abscess.					
531	53080	Drainage of urinary leakage.					
531	53200	Biopsy of urethra.					
531	53250	Removal of urethra gland.					
531	53260	Treatment of urethra lesion.					
531	53265	Treatment of urethra lesion.					
531	53270	Removal of urethra gland.					
531	53275	Repair of urethra defect.					
531	53442	Remove perineal prosthesis.					
531	53502	Repair of urethra injury.					
531	53505	Repair of urethra injury.					
531	53510	Repair of urethra injury.					
531	53665	Dilation of urethra.					
531	54000	Slitting of prepuce.					
531	54001	Slitting of prepuce.					
532		LEVEL II URETHRAL PROCEDURES	T	23.02	$1,183.69	$588.50	$236.74
532	53210	Removal of urethra.					
532	53215	Removal of urethra.					
532	53220	Treatment of urethra lesion.					
532	53230	Removal of urethra lesion.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
532	53235	Removal of urethra lesion[1]					
532	53240	Surgery for urethra pouch.					
532	53400	Revise urethra, 1st stage.					
532	53405	Revise urethra, 2nd stage.					
532	53410	Reconstruction of urethra.					
532	53420	Reconstruct urethra, stage 1.					
532	53425	Reconstruct urethra, stage 2.					
532	53430	Reconstruction of urethra.					
532	53447	Remove artificial sphincter.					
532	53449	Correct artificial sphincter.					
532	53450	Revision of urethra.					
532	53460	Revision of urethra.					
532	53515	Repair of urethra injury.					
532	53520	Repair of urethra defect.					
536	CIRCUMCISION		T	12.89	$662.80	$321.60	$132.56
536	54150	Circumcision.					
536	54152	Circumcision.					
536	54160	Circumcision.					
536	54161	Circumcision.					
537	PENILE PROCEDURES		T	28.65	$1,473.18	$872.36	$294.64
537	37790	Penile venous occlusion.					
537	54110	Treatment of penis lesion.					
537	54111	Treat penis lesion, graft.					
537	54112	Treat penis lesion, graft.					
537	54120	Partial removal of penis.					
537	54205	Treatment of penis lesion.					
537	54300	Revision of penis.					
537	54304	Revision of penis.					
537	54308	Reconstruction of urethra.					
537	54312	Reconstruction of urethra.					
537	54316	Reconstruction of urethra.					
537	54318	Reconstruction of urethra.					
537	54322	Reconstruction of urethra.					
537	54324	Reconstruction of urethra.					
537	54326	Reconstruction of urethra.					
537	54328	Revise penis, urethra.					
537	54340	Secondary urethral surgery.					
537	54344	Secondary urethral surgery.					
537	54348	Secondary urethral surgery.					
537	54352	Reconstruct urethra, penis.					
537	54360	Penis plastic surgery.					
537	54380	Repair penis.					
537	54385	Repair penis.					
537	54402	Remove penis prosthesis.					
537	54407	Remove multi-comp prosthesis.					
537	54409	Revise penis prosthesis.					
537	54420	Revision of penis.					
537	54435	Revision of penis.					
537	54440	Repair of penis.					
538	INSERTION OF PENILE PROSTHESIS		T	48.41	$2,489.24	$1,563.47	$497.85
538	53440	Correct bladder function.					
538	53445	Correct urine flow control.					
538	54400	Insert semi-rigid prosthesis.					
538	54401	Insert self-contd prosthesis.					
538	54405	Insert multi-comp prosthesis.					
546	TESTES/EPIDIDYMIS PROCEDURES		T	16.54	$850.49	$449.51	$170.10
546	54505	Biopsy of testis.					
546	54510	Removal of testis lesion.					
546	54520	Removal of testis.					
546	54530	Removal of testis.					
546	54550	Exploration for testis.					
546	54600	Reduce testis torsion.					
546	54620	Suspension of testis.					
546	54640	Suspension of testis.					
546	54660	Revision of testis.					
546	54670	Repair testis injury.					
546	54680	Relocation of testis(es).					
546	54700	Drainage of scrotum.					
546	54820	Exploration of epididymis.					
546	54830	Remove epididymis lesion.					
546	54840	Remove epididymis lesion.					
546	54860	Removal of epididymis.					
546	54861	Removal of epididymis.					
546	54900	Fusion of spermatic ducts.					
546	54901	Fusion of spermatic ducts.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
546	55060	Repair of hydrocele.					
546	55110	Explore scrotum.					
546	55120	Removal of scrotum lesion.					
546	55150	Removal of scrotum.					
546	55175	Revision of scrotum.					
546	55180	Revision of scrotum.					
546	55200	Incision of sperm duct.					
546	55250	Removal of sperm duct(s).					
546	55400	Repair of sperm duct.					
546	55450	Ligation of sperm duct.					
546	55500	Removal of hydrocele.					
546	55520	Removal of sperm cord lesion.					
546	55530	Revise spermatic cord veins.					
546	55535	Revise spermatic cord veins.					
546	55540	Revise hernia & sperm veins.					
546	55680	Remove sperm pouch lesion.					
547	PROSTATE BIOPSY		T	4.39	$225.73	$125.20	$45.15
547	55700	Biopsy of prostate.					
547	55705	Biopsy of prostate.					
550	SURGICAL HYSTEROSCOPY		T	16.46	$846.37	$445.22	$169.27
550	56351	Hysteroscopy; biopsy.					
550	56352	Hysteroscopy; lysis.					
550	56353	Hysteroscopy; resect septum.					
550	56354	Hysteroscopy; remove myoma.					
550	56355	Hysteroscopy; remove impact.					
550	56356	Hysteroscopy; ablation.					
551	LEVEL I LAPAROSCOPY		T	24.61	$1,265.45	$701.73	$253.09
551	56300	Laparoscopy; diagnostic.					
551	56301	Laparoscopy; tubal cautery.					
551	56302	Laparoscopy; tubal block.					
551	56303	Laparoscopy; excise lesions.					
551	56304	Laparoscopy; lysis.					
551	56305	Laparoscopy; biopsy.					
551	56306	Laparoscopy; aspiration.					
551	56346	Laparoscopic gastrostomy.					
[2] 551	56360	Peritoneoscopy.					
[2] 551	56361	Peritoneoscopy w/biopsy.					
552	LEVEL II LAPAROSCOPY		T	37.09	$1,907.17	$1,053.84	$381.43
552	56307	Laparoscopy; remove adnexa.					
552	56309	Laparoscopy; remove myoma.					
552	56311	Laparoscopic lymph node biop.					
552	56312	Laparoscopic lymphadenectomy.					
552	56313	Laparoscopic lymphadenectomy.					
552	56316	Laparoscopic hernia repair.					
552	56317	Laparoscopic hernia repair.					
552	56318	Laparoscopic orchiectomy.					
552	56320	Laparoscopy, spermatic veins.					
552	56343	Laparoscopic salpingostomy.					
552	56344	Laparoscopic fimbrioplasty.					
552	56362	Laparoscopy w/cholangio.					
552	56363	Laparoscopy w/biopsy.					
561	LEVEL I FEMALE REPRODUCTIVE PROCEDURES		T	1.46	$75.07	$24.41	$15.01
561	56405	I & D of vulva/perineum.					
561	56420	Drainage of gland abscess.					
561	56441	Lysis of labial lesion(s).					
561	57061	Destruction vagina lesion(s).					
561	57100	Biopsy of vagina.					
561	57150	Treat vagina infection.					
561	57160	Insertion of pessary/device.					
561	57170	Fitting of diaphragm/cap.					
561	57180	Treat vaginal bleeding.					
561	57452	Examination of vagina.					
561	57454	Vagina examination & biopsy.					
561	57500	Biopsy of cervix.					
561	57505	Endocervical curettage.					
561	57510	Cauterization of cervix.					
561	57511	Cryocautery of cervix.					
561	57513	Laser surgery of cervix.					
561	57800	Dilation of cervical canal.					
561	58100	Biopsy of uterus lining.					
561	58301	Remove intrauterine device.					
561	59200	Insert cervical dilator.					
561	Q0091	Obtaining screen pap smear.					
562	LEVEL II FEMALE REPRODUCTIVE PROCEDURES		T	12.30	$632.47	$325.44	$126.49
562	56350	Hysteroscopy; diagnostic.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
562	56399	Laparoscopy procedure.					
562	56440	Surgery for vulva lesion.					
562	56700	Partial removal of hymen.					
562	56720	Incision of hymen.					
562	56740	Remove vagina gland lesion.					
562	56800	Repair of vagina.					
562	56810	Repair of perineum.					
562	57000	Exploration of vagina.					
562	57010	Drainage of pelvic abscess.					
562	57020	Drainage of pelvic fluid.					
562	57065	Destruction vagina lesion(s).					
562	57105	Biopsy of vagina.					
562	57130	Remove vagina lesion.					
562	57135	Remove vagina lesion.					
562	57200	Repair of vagina.					
562	57210	Repair vagina/perineum.					
562	57230	Repair of urethral lesion.					
562	57400	Dilation of vagina.					
562	57410	Pelvic examination.					
562	57415	Removal vaginal foreign body.					
562	57460	Cervix excision.					
562	57700	Revision of cervix.					
562	57720	Revision of cervix.					
562	58345	Reopen fallopian tube.					
562	58350	Reopen fallopian tube.					
562	58970	Retrieval of oocyte.					
562	59300	Episiotomy or vaginal repair.					
562	59320	Revision of cervix.					
562	59871	Remove cerclage suture.					
563	LEVEL III	FEMALE REPRODUCTIVE PROCEDURES	T	16.50	$848.43	$461.72	$169.69
563	56620	Partial removal of vulva.					
563	56625	Complete removal of vulva.					
563	57220	Revision of urethra.					
563	57240	Repair bladder & vagina.					
563	57250	Repair rectum & vagina.					
563	57260	Repair of vagina.					
563	57265	Extensive repair of vagina.					
563	57268	Repair of bowel bulge.					
563	57284	Repair paravaginal defect.					
563	57288	Repair bladder defect.					
563	57289	Repair bladder & vagina.					
563	57291	Construction of vagina.					
563	57300	Repair rectum-vagina fistula.					
563	57520	Conization of cervix.					
563	57522	Conization of cervix.					
563	57530	Removal of cervix.					
563	57550	Removal of residual cervix.					
563	57555	Remove cervix, repair vagina.					
563	57556	Remove cervix, repair bowel.					
563	58145	Removal of uterus lesion.					
563	58800	Drainage of ovarian cyst(s).					
563	58820	Open drain ovary abscess.					
567	D & C		T	13.18	$677.72	$360.70	$135.54
567	57820	D&c of residual cervix.					
567	58120	Dilation and curettage (D&C).					
567	59160	D&C after delivery.					
568	INFERTILITY PROCEDURES		T	2.79	$143.46	$55.60	$28.69
568	55870	Electroejaculation.					
568	58321	Artificial insemination.					
568	58322	Artificial insemination.					
568	58323	Sperm washing.					
568	58974	Transfer of embryo.					
568	58976	Transfer of embryo.					
578	PREGNANCY AND NEONATAL CARE PROCEDURES		T	1.17	$60.16	$32.77	$12.03
578	59000	Amniocentesis.					
578	59012	Fetal cord puncture, prenatal.					
578	59015	Chorion biopsy.					
578	59020	Fetal contract stress test.					
578	59025	Fetal non-stress test.					
578	59030	Fetal scalp blood sample.					
578	59050	Fetal monitor w/report.					
578	59899	Maternity care procedure.					
580	VAGINAL DELIVERY		T	4.31	$221.62	$44.32	$44.32
580	59409	Obstetrical care.					
580	59412	Antepartum manipulation.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
580	59414	Deliver placenta.					
580	59612	Vbac delivery only					
586	THERAPEUTIC ABORTION		T	11.98	$616.01	$409.29	$123.20
586	59840	Abortion.					
586	59841	Abortion.					
587	SPONTANEOUS ABORTION		T	12.96	$666.40	$347.14	$133.28
587	59812	Treatment of miscarriage.					
587	59820	Care of miscarriage.					
587	59821	Treatment of miscarriage.					
587	59870	Evacuate mole of uterus.					
600	SPINAL TAP		T	2.41	$123.92	$61.47	$24.78
600	62270	Spinal fluid tap, diagnostic.					
600	62272	Drain spinal fluid.					
601	LEVEL I NERVOUS SYSTEM INJECTIONS		T	3.00	$154.26	$74.13	$30.85
601	64400	Injection for nerve block.					
601	64402	Injection for nerve block.					
601	64405	Injection for nerve block.					
601	64408	Injection for nerve block.					
601	64410	Injection for nerve block.					
601	64412	Injection for nerve block.					
601	64413	Injection for nerve block.					
601	64415	Injection for nerve block.					
601	64417	Injection for nerve block.					
601	64418	Injection for nerve block.					
601	64420	Injection for nerve block.					
601	64421	Injection for nerve block.					
601	64425	Injection for nerve block.					
601	64430	Injection for nerve block.					
601	64435	Injection for nerve block.					
601	64440	Injection for nerve block.					
601	64441	Injection for nerve block.					
601	64442	Injection for nerve block.					
601	64443	Inject, nerve block add-on.					
601	64445	Injection for nerve block.					
601	64450	Injection for nerve block.					
601	64505	Injection for nerve block.					
601	64508	Injection for nerve block.					
601	64510	Injection for nerve block.					
601	64520	Injection for nerve block.					
601	64530	Injection for nerve block.					
601	64600	Injection treatment of nerve.					
601	64605	Injection treatment of nerve.					
601	64610	Injection treatment of nerve.					
601	64612	Destroy nerve, face muscle.					
601	64613	Destroy nerve, spine muscle.					
601	64620	Injection treatment of nerve.					
601	64622	Injection treatment of nerve.					
601	64623	Inject, tx of nerve add-on.					
601	64630	Injection treatment of nerve.					
601	64640	Injection treatment of nerve.					
601	64680	Injection treatment of nerve.					
601	64999	Nervous system surgery.					
602	LEVEL II NERVOUS SYSTEM INJECTIONS		T	3.19	$164.03	$87.01	$32.81
602	61000	Remove cranial cavity fluid.					
602	61001	Remove cranial cavity fluid.					
602	61020	Remove brain cavity fluid.					
602	61026	Injection into brain canal.					
602	61050	Remove brain canal fluid.					
602	61055	Injection into brain canal.					
602	61070	Brain canal shunt procedure.					
602	62194	Replace/irrigate catheter.					
602	62225	Replace/irrigate catheter.					
602	62268	Drain spinal cord cyst.					
602	62273	Treat lumbar spine lesion.					
602	62274	Inject spinal anesthetic.					
602	62275	Inject spinal anesthetic.					
602	62276	Inject spinal anesthetic.					
602	62277	Inject spinal anesthetic.					
602	62278	Inject spinal anesthetic.					
602	62279	Inject spinal anesthetic.					
602	62280	Treat spinal cord lesion.					
602	62281	Treat spinal cord lesion.					
602	62282	Treat spinal canal lesion.					
602	62288	Injection into spinal canal.					
602	62289	Injection into spinal canal.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
602	62292	Injection into disk lesion.					
602	62294	Injection into spinal artery.					
602	62298	Injection into spinal canal.					
616		IMPLANTATION OF NEUROSTIMULATOR ELECTRODES	T	11.85	$609.33	$329.06	$121.87
616	63650	Implant neuroelectrodes.					
616	64553	Implant neuroelectrodes.					
616	64555	Implant neuroelectrodes.					
616	64560	Implant neuroelectrodes.					
616	64565	Implant neuroelectrodes.					
616	64573	Implant neuroelectrodes.					
616	64575	Implant neuroelectrodes.					
616	64577	Implant neuroelectrodes.					
616	64580	Implant neuroelectrodes.					
617		REVISION/REMOVAL NEUROLOGICAL DEVICE	T	11.31	$581.56	$280.01	$116.31
617	62230	Replace/revise brain shunt.					
617	62350	Implant spinal catheter.					
617	62355	Remove spinal canal catheter.					
617	62365	Remove spine infusion device.					
617	63660	Revise/remove neuroelectrode.					
617	63688	Revise/remove neuroreceiver.					
617	63744	Revision of spinal shunt.					
617	63746	Removal of spinal shunt.					
617	64585	Revise/remove neuroelectrode.					
617	64595	Revise/remove neuroreceiver.					
618		IMPLANTATION OF NEUROLOGICAL DEVICE	T	24.78	$1,274.19	$808.18	$254.84
618	61215	Insert brain-fluid device.					
618	61885	Implant neuroreceiver.					
618	62360	Insert spine infusion device.					
618	62361	Implant spine infusion pump.					
618	62362	Implant spine infusion pump.					
618	63685	Implant neuroreceiver.					
618	64590	Implant neuroreceiver.					
631		LEVEL I NERVE PROCEDURES	T	12.70	$653.03	$329.06	$130.61
631	27315	Partial removal, thigh nerve.					
631	27320	Partial removal, thigh nerve.					
631	28030	Removal of foot nerve.					
631	28035	Decompression of tibia nerve.					
631	61790	Treat trigeminal nerve.					
631	62287	Percutaneous diskectomy.					
631	63600	Remove spinal cord lesion.					
631	63610	Stimulation of spinal cord.					
631	63615	Remove lesion of spinal cord.					
631	64702	Revise finger/toe nerve.					
631	64704	Revise hand/foot nerve.					
631	64708	Revise arm/leg nerve.					
631	64712	Revision of sciatic nerve.					
631	64713	Revision of arm nerve(s).					
631	64714	Revise low back nerve(s).					
631	64716	Revision of cranial nerve.					
631	64718	Revise ulnar nerve at elbow.					
631	64719	Revise ulnar nerve at wrist.					
631	64721	Carpal tunnel surgery.					
631	64722	Relieve pressure on nerve(s).					
631	64726	Release foot/toe nerve.					
631	64727	Internal nerve revision.					
631	64732	Incision of brow nerve.					
631	64734	Incision of cheek nerve.					
631	64736	Incision of chin nerve.					
631	64738	Incision of jaw nerve.					
631	64740	Incision of tongue nerve.					
631	64742	Incision of facial nerve.					
631	64744	Incise nerve, back of head.					
631	64746	Incise diaphragm nerve.					
631	64761	Incision of pelvis nerve.					
631	64771	Sever cranial nerve.					
631	64772	Incision of spinal nerve.					
631	64774	Remove skin nerve lesion.					
631	64776	Remove digit nerve lesion.					
631	64778	Digit nerve surgery add-on.					
631	64782	Remove limb nerve lesion.					
631	64783	Limb nerve surgery add-on.					
631	64784	Remove nerve lesion.					
631	64787	Implant nerve end.					
631	64788	Remove skin nerve lesion.					
631	64790	Removal of nerve lesion.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
631	64795	Biopsy of nerve.					
[2] 631	64830	Microrepair of nerve.					
632	LEVEL II NERVE PROCEDURES		T	16.48	$847.40	$453.58	$169.48
632	64786	Remove sciatic nerve lesion.					
632	64792	Removal of nerve lesion.					
632	64831	Repair of digit nerve.					
632	64832	Repair nerve add-on.					
632	64834	Repair of hand or foot nerve.					
632	64835	Repair of hand or foot nerve.					
632	64836	Repair of hand or foot nerve.					
632	64837	Repair nerve add-on.					
632	64840	Repair of leg nerve.					
632	64856	Repair/transpose nerve.					
632	64857	Repair arm/leg nerve.					
632	64858	Repair sciatic nerve.					
632	64859	Nerve surgery.					
632	64861	Repair of arm nerves.					
632	64862	Repair of low back nerves.					
632	64864	Repair of facial nerve.					
632	64865	Repair of facial nerve.					
632	64870	Fusion of facial/other nerve.					
632	64872	Subsequent repair of nerve.					
632	64874	Repair & revise nerve add-on.					
632	64876	Repair nerve; shorten bone.					
632	64885	Nerve graft, head or neck.					
632	64886	Nerve graft, head or neck.					
632	64890	Nerve graft, hand or foot.					
632	64891	Nerve graft, hand or foot.					
632	64892	Nerve graft, arm or leg.					
632	64893	Nerve graft, arm or leg.					
632	64895	Nerve graft, hand or foot.					
632	64896	Nerve graft, hand or foot.					
632	64897	Nerve graft, arm or leg.					
632	64898	Nerve graft, arm or leg.					
632	64901	Nerve graft add-on.					
632	64902	Nerve graft add-on.					
632	64905	Nerve pedicle transfer.					
632	64907	Nerve pedicle transfer.					
648	LASER RETINAL PROCEDURES		T	3.76	$193.34	$93.56	$38.67
648	67105	Repair, detached retina.					
648	67145	Treatment of retina.					
648	67210	Treatment of retinal lesion.					
648	67228	Treatment of retinal lesion.					
649	LASER EYE PROCEDURES EXCEPT RETINAL		T	4.37	$224.71	$111.64	$44.94
649	65855	Laser surgery of eye.					
649	65860	Incise inner eye adhesions.					
649	66761	Revision of iris.					
649	66762	Revision of iris.					
649	66770	Removal of inner eye lesion.					
649	66821	After cataract laser surgery.					
649	66999	Eye surgery procedure.					
649	67031	Laser surgery, eye strands.					
649	67299	Eye surgery procedure.					
651	LEVEL I ANTERIOR SEGMENT EYE PROCEDURES		T	6.85	$352.23	$171.99	$70.45
651	65272	Repair of eye wound.					
651	65275	Repair of eye wound.					
651	65286	Repair of eye wound.					
651	65420	Removal of eye lesion.					
651	65436	Curette/treat cornea.					
651	65450	Treatment of corneal lesion.					
651	65772	Correction of astigmatism.					
651	65810	Drainage of eye.					
651	65815	Drainage of eye.					
651	65820	Relieve inner eye pressure.					
651	66130	Remove eye lesion.					
651	66500	Incision of iris.					
651	66505	Incision of iris.					
651	66600	Remove iris and lesion.					
651	66625	Removal of iris.					
651	66630	Removal of iris.					
651	66700	Destruction, ciliary body.					
651	66710	Destruction, ciliary body.					
651	66720	Destruction, ciliary body.					
651	66820	Incision, secondary cataract.					
651	66825	Reposition intraocular lens.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
652		LEVEL II ANTERIOR SEGMENT EYE PROCEDURES	T	16.35	$840.72	$433.92	$168.14
652	65235	Remove foreign body from eye.					
652	65280	Repair of eye wound.					
652	65285	Repair of eye wound.					
652	65400	Removal of eye lesion.					
652	65426	Removal of eye lesion.					
652	65770	Revise cornea with implant.					
652	65775	Correction of astigmatism.					
652	65850	Incision of eye.					
652	65865	Incise inner eye adhesions.					
652	65870	Incise inner eye adhesions.					
652	65875	Incise inner eye adhesions.					
652	65880	Incise inner eye adhesions.					
652	65900	Remove eye lesion.					
652	65920	Remove implant from eye.					
652	65930	Remove blood clot from eye.					
652	66150	Glaucoma surgery.					
652	66155	Glaucoma surgery.					
652	66160	Glaucoma surgery.					
652	66165	Glaucoma surgery.					
652	66170	Glaucoma surgery.					
652	66172	Incision of eye.					
652	66180	Implant eye shunt.					
652	66185	Revise eye shunt.					
652	66225	Repair/graft eye lesion.					
652	66250	Follow-up surgery of eye.					
652	66605	Removal of iris.					
652	66635	Removal of iris.					
652	66680	Repair iris & ciliary body.					
652	66682	Repair iris and ciliary body.					
652	66740	Destruction, ciliary body.					
652	66830	Removal of lens lesion.					
652	68130	Remove eyelid lining lesion.					
652	68330	Revise eyelid lining.					
652	68360	Revise eyelid lining.					
652	68362	Revise eyelid lining.					
667		CATARACT PROCEDURES	T	20.35	$1,046.40	$538.11	$209.28
667	66840	Removal of lens material.					
667	66850	Removal of lens material.					
667	66852	Removal of lens material.					
667	66920	Extraction of lens.					
667	66930	Extraction of lens.					
667	66940	Extraction of lens.					
668		CATARACT PROCEDURES WITH IOL INSERT	T	22.02	$1,132.27	$617.21	$226.45
668	66983	Remove cataract, insert lens.					
668	66984	Remove cataract, insert lens.					
668	66985	Insert lens prosthesis.					
668	66986	Exchange lens prosthesis.					
670		CORNEAL TRANSPLANT	T	30.78	$1,582.71	$885.92	$316.54
670	65710	Corneal transplant.					
670	65730	Corneal transplant.					
670	65750	Corneal transplant.					
670	65755	Corneal transplant.					
676		POSTERIOR SEGMENT EYE PROCEDURES	T	5.87	$301.84	$138.54	$60.37
676	65260	Remove foreign body from eye.					
676	65265	Remove foreign body from eye.					
676	66220	Repair eye lesion.					
676	67005	Partial removal of eye fluid.					
676	67010	Partial removal of eye fluid.					
676	67015	Release of eye fluid.					
676	67030	Incise inner eye strands.					
676	67101	Repair, detached retina.					
676	67110	Repair detached retina.					
676	67115	Release, encircling material.					
676	67120	Remove eye implant material.					
676	67121	Remove eye implant material.					
676	67141	Treatment of retina.					
676	67208	Treatment of retinal lesion.					
676	67218	Treatment of retinal lesion.					
676	67227	Treatment of retinal lesion.					
676	92018	New eye exam & treatment.					
676	92019	Eye exam & treatment.					
677		STRABISMUS/MUSCLE PROCEDURES	T	16.11	$828.38	$428.95	$165.68
677	65290	Repair of eye socket wound.					
677	67311	Revise eye muscle.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
677	67312	Revise two eye muscles.					
677	67314	Revise eye muscle.					
677	67316	Revise two eye muscles.					
677	67318	Revise eye muscle(s).					
677	67320	Revise eye muscle(s) add-on.					
677	67331	Eye surgery follow-up add-on.					
677	67332	Rerevise eye muscles add-on.					
677	67334	Revise eye muscle w/suture.					
677	67335	Eye suture during surgery.					
677	67340	Revise eye muscle add-on.					
677	67343	Release eye tissue.					
681	LEVEL I EYE PROCEDURES		T	1.65	$84.84	$30.51	$16.97
681	65125	Revise ocular implant.					
681	65205	Remove foreign body from eye.					
681	65210	Remove foreign body from eye.					
681	65220	Remove foreign body from eye.					
681	65222	Remove foreign body from eye.					
681	65430	Corneal smear.					
681	65435	Curette/treat cornea.					
681	65600	Revision of cornea.					
681	67345	Destroy nerve of eye muscle.					
681	67500	Inject/treat eye socket.					
681	67505	Inject/treat eye socket.					
681	67515	Inject/treat eye socket.					
681	67599	Orbit surgery procedure.					
681	68200	Treat eyelid by injection.					
681	68761	Close tear duct opening.					
681	68899	Tear duct system surgery.					
682	LEVEL II EYE PROCEDURES		T	3.41	$175.34	$80.68	$35.07
682	67028	Injection eye drug.					
682	67700	Drainage of eyelid abscess.					
682	67710	Incision of eyelid.					
682	67800	Remove eyelid lesion.					
682	67801	Remove eyelid lesions.					
682	67805	Remove eyelid lesions.					
682	67810	Biopsy of eyelid.					
682	67820	Revise eyelashes.					
682	67825	Revise eyelashes.					
682	67840	Remove eyelid lesion.					
682	67850	Treat eyelid lesion.					
682	67875	Closure of eyelid by suture.					
682	67915	Repair eyelid defect.					
682	67922	Repair eyelid defect.					
682	67930	Repair eyelid wound.					
682	67938	Remove eyelid foreign body.					
682	67999	Revision of eyelid.					
682	68020	Incise/drain eyelid lining.					
682	68040	Treatment of eyelid lesions.					
682	68400	Incise/drain tear gland.					
682	68420	Incise/drain tear sac.					
682	68440	Incise tear duct opening.					
682	68530	Clearance of tear duct.					
682	68705	Revise tear duct opening.					
682	68760	Close tear duct opening.					
[2] 682	68800	Dilate tear duct opening(s).					
682	68801	Dilate tear duct opening.					
682	68840	Explore/irrigate tear ducts.					
683	LEVEL III EYE PROCEDURES		T	9.56	$491.58	$252.44	$98.32
683	65175	Removal of ocular implant.					
683	65410	Biopsy of cornea.					
683	65800	Drainage of eye.					
683	65805	Drainage of eye.					
683	66020	Injection treatment of eye.					
683	66030	Injection treatment of eye.					
683	67025	Replace eye fluid.					
683	67715	Incision of eyelid fold.					
683	67830	Revise eyelashes.					
683	67880	Revision of eyelid.					
683	67935	Repair eyelid wound.					
683	68510	Biopsy of tear gland.					
683	68525	Biopsy of tear sac.					
683	68810	Probe nasolacrimal duct.					
[2] 683	68820	Explore tear duct system.					
[2] 683	68825	Explore tear duct system.					
[2] 683	68830	Reopen tear duct channel.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
684		LEVEL IV EYE PROCEDURES	T	13.26	$681.83	$341.94	$136.37
684	65091	Revise eye.					
684	65093	Revise eye with implant.					
684	65101	Removal of eye.					
684	65103	Remove eye/insert implant.					
684	65105	Remove eye/attach implant.					
684	65130	Insert ocular implant.					
684	65135	Insert ocular implant.					
684	65140	Attach ocular implant.					
684	65150	Revise ocular implant.					
684	65155	Reinsert ocular implant.					
684	67250	Reinforce eye wall.					
684	67255	Reinforce/graft eye wall.					
684	67400	Explore/biopsy eye socket.					
684	67405	Explore/drain eye socket.					
684	67412	Explore/treat eye socket.					
684	67413	Explore/treat eye socket.					
684	67550	Insert eye socket implant.					
684	67560	Revise eye socket implant.					
684	67308	Remove eyelid lesion(s).					
684	67835	Revise eyelashes.					
684	67882	Revision of eyelid.					
684	67900	Repair brow defect.					
684	67901	Repair eyelid defect.					
684	67902	Repair eyelid defect.					
684	67903	Repair eyelid defect.					
684	67904	Repair eyelid defect.					
684	67906	Repair eyelid defect.					
684	67908	Repair eyelid defect.					
684	67909	Revise eyelid defect.					
684	67911	Revise eyelid defect.					
684	67914	Repair eyelid defect.					
684	67916	Repair eyelid defect.					
684	67917	Repair eyelid defect.					
684	67921	Repair eyelid defect.					
684	67923	Repair eyelid defect.					
684	67924	Repair eyelid defect.					
684	67950	Revision of eyelid.					
684	67961	Revision of eyelid.					
684	67966	Revision of eyelid.					
684	67971	Reconstruction of eyelid.					
684	67973	Reconstruction of eyelid.					
684	67974	Reconstruction of eyelid.					
684	67975	Reconstruction of eyelid.					
684	68320	Revise/graft eyelid lining.					
684	68325	Revise/graft eyelid lining.					
684	68326	Revise/graft eyelid lining.					
684	68328	Revise/graft eyelid lining.					
684	68335	Revise/graft eyelid lining.					
684	68340	Separate eyelid adhesions.					
684	68500	Removal of tear gland.					
684	68505	Partial removal tear gland.					
684	68520	Removal of tear sac.					
684	68540	Remove tear gland lesion.					
684	68550	Remove tear gland lesion.					
684	68700	Repair tear ducts.					
684	68720	Create tear sac drain.					
684	68745	Create tear duct drain.					
684	68750	Create tear duct drain.					
684	68770	Close tear system fistula.					
684	68811	Probe nasolacrimal duct.					
684	68815	Probe nasolacrimal duct.					
690		VITRECTOMY	T	30.39	$1,562.65	$845.69	$312.53
690	67027	Implant eye drug system.					
690	67036	Removal of inner eye fluid.					
690	67038	Strip retinal membrane.					
690	67039	Laser treatment of retina.					
690	67040	Laser treatment of retina.					
690	67107	Repair detached retina.					
690	67108	Repair detached retina.					
690	67112	Re-repair detached retina.					
700		PLAIN FILM	X	0.80	$41.14	$22.37	$8.23
700	70030	X-ray eye for foreign body.					
700	70100	X-ray exam of jaw.					
700	70110	X-ray exam of jaw.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
700	70120	X-ray exam of mastoids.					
700	70130	X-ray exam of mastoids.					
700	70134	X-ray exam of middle ear.					
700	70140	X-ray exam of facial bones.					
700	70150	X-ray exam of facial bones.					
700	70160	X-ray exam of nasal bones.					
700	70190	X-ray exam of eye sockets.					
700	70200	X-ray exam of eye sockets.					
700	70210	X-ray exam of sinuses.					
700	70220	X-ray exam of sinuses.					
700	70240	X-ray exam pituitary saddle.					
700	70250	X-ray exam of skull.					
700	70260	X-ray exam of skull.					
700	70300	X-ray exam of teeth.					
700	70310	X-ray exam of teeth.					
700	70320	Full mouth x-ray of teeth.					
700	70328	X-ray exam of jaw joint.					
700	70330	X-ray exam of jaw joints.					
700	70350	X-ray head for orthodontia.					
700	70355	Panoramic x-ray of jaws.					
700	70360	X-ray exam of neck.					
700	70380	X-ray exam of salivary gland.					
700	71010	Chest x-ray.					
700	71015	X-ray exam of chest.					
700	71020	Chest x-ray.					
700	71021	Chest x-ray.					
700	71022	Chest x-ray.					
700	71030	Chest x-ray.					
700	71035	Chest x-ray.					
700	71100	X-ray exam of ribs.					
700	71101	X-ray exam of ribs, chest.					
700	71110	X-ray exam of ribs.					
700	71111	X-ray exam of ribs, chest.					
700	71120	X-ray exam of breastbone.					
700	71130	X-ray exam of breastbone.					
700	72010	X-ray exam of spine.					
700	72020	X-ray exam of spine.					
700	72040	X-ray exam of neck spine.					
700	72050	X-ray exam of neck spine.					
700	72052	X-ray exam of neck spine.					
700	72069	X-ray exam of trunk spine.					
700	72070	X-ray exam of thorax spine.					
700	72072	X-ray exam of thoracic spine.					
700	72074	X-ray exam of thoracic spine.					
700	72080	X-ray exam of trunk spine.					
700	72090	X-ray exam of trunk spine.					
700	72100	X-ray exam of lower spine.					
700	72110	X-ray exam of lower spine.					
700	72114	X-ray exam of lower spine.					
700	72120	X-ray exam of lower spine.					
700	72170	X-ray exam of pelvis.					
700	72190	X-ray exam of pelvis.					
700	72200	X-ray exam sacroiliac joints.					
700	72202	X-ray exam sacroiliac joints.					
700	72220	X-ray exam of tailbone.					
700	73000	X-ray exam of collarbone.					
700	73010	X-ray exam of shoulder blade.					
700	73020	X-ray exam of shoulder.					
700	73030	X-ray exam of shoulder.					
700	73050	X-ray exam of shoulders.					
700	73060	X-ray exam of humerus.					
700	73070	X-ray exam of elbow.					
700	73080	X-ray exam of elbow.					
700	73090	X-ray exam of forearm.					
700	73092	X-ray exam of arm, infant.					
700	73100	X-ray exam of wrist.					
700	73110	X-ray exam of wrist.					
700	73120	X-ray exam of hand.					
700	73130	X-ray exam of hand.					
700	73140	X-ray exam of finger(s).					
700	73500	X-ray exam of hip.					
700	73510	X-ray exam of hip.					
700	73520	X-ray exam of hips.					
700	73530	X-ray exam of hip.					
700	73540	X-ray exam of pelvis & hips.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
700	73550	X-ray exam of thigh.					
700	73560	X-ray exam of knee, 1 or 2.					
700	73562	X-ray exam of knee, 3.					
700	73564	X-ray exam of knee, 4+.					
700	73565	X-ray exam of knee.					
700	73590	X-ray exam of lower leg.					
700	73592	X-ray exam of leg, infant.					
700	73600	X-ray exam of ankle.					
700	73610	X-ray exam of ankle.					
700	73620	X-ray exam of foot.					
700	73630	X-ray exam of foot.					
700	73650	X-ray exam of heel.					
700	73660	X-ray exam of toe(s).					
700	74000	X-ray exam of abdomen.					
700	74010	X-ray exam of abdomen.					
700	74020	X-ray exam of abdomen.					
700	74022	X-ray exam series, abdomen.					
700	74710	X-ray measurement of pelvis.					
700	76010	X-ray, nose to rectum.					
700	76020	X-rays for bone age.					
700	76040	X-rays, bone evaluation.					
700	76061	X-rays, bone survey.					
700	76062	X-rays, bone survey.					
700	76065	X-rays, bone evaluation.					
700	76066	Joint(s) survey, single film.					
700	76076	Dual energy x-ray study.					
700	76078	Photodensitometry.					
700	76098	X-ray exam, breast specimen.					
700	76100	X-ray exam of body section.					
700	76120	Cinematic x-rays.					
700	76125	Cinematic x-rays add-on.					
700	76150	X-ray exam, dry process.					
700	76499	Radiographic procedure.					
700	77417	Radiology port film(s).					
700	78350	Bone mineral, single photon.					
706	MISCELLANEOUS RADIOLOGICAL PROCEDURES		X	1.43	$73.53	$39.10	$14.71
706	70170	X-ray exam of tear duct.					
706	70373	Contrast x-ray of larynx.					
706	70390	X-ray exam of salivary duct.					
706	71040	Contrast x-ray of bronchi.					
706	71060	Contrast x-ray of bronchi.					
706	74190	X-ray exam of peritoneum.					
706	74305	X-ray bile ducts, pancreas.					
706	74320	Contrast x-ray of bile ducts.					
706	74328	X-ray for bile duct endoscopy.					
706	74329	X-ray for pancreas endoscopy.					
706	74330	X-ray, bile/pancreas endoscopy.					
706	74350	X-ray guide, stomach tube.					
706	74355	X-ray guide, intestinal tube.					
706	74470	X-ray exam of kidney lesion.					
706	74740	X-ray female genital tract.					
706	74742	X-ray fallopian tube.					
706	75801	Lymph vessel x-ray, arm/leg.					
706	75803	Lymph vessel x-ray,arms/legs.					
706	75805	Lymph vessel x-ray, trunk.					
706	75807	Lymph vessel x-ray, trunk.					
706	75809	Nonvascular shunt, x-ray.					
706	75898	Follow-up angiogram.					
706	76075	Dual energy x-ray study.					
706	76080	X-ray exam of fistula.					
706	76086	X-ray of mammary duct.					
706	76088	X-ray of mammary ducts.					
706	76095	Stereotactic breast biopsy.					
706	76096	X-ray of needle wire, breast.					
706	76101	Complex body section x-ray.					
706	76102	Complex body section x-rays.					
710	COMPUTERIZED AXIAL TOMOGRAPHY		S	4.98	$256.07	$173.12	$51.21
710	70450	CAT scan of head or brain.					
710	70460	Contrast CAT scan of head.					
710	70470	Contrast CAT scans of head.					
710	70480	CAT scan of skull.					
710	70481	Contrast CAT scan of skull.					
710	70482	Contrast CAT scans of skull.					
710	70486	CAT scan of face, jaw.					
710	70487	Contrast CAT scan, face/jaw.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
710	70488	Contrast CAT scans face/jaw.					
710	70490	CAT scan of neck tissue.					
710	70491	Contrast CAT of neck tissue.					
710	70492	Contrast CAT of neck tissue.					
710	71250	Cat scan of chest.					
710	71260	Contrast CAT scan of chest.					
710	71270	Contrast CAT scans of chest.					
710	72125	CAT scan of neck spine.					
710	72126	Contrast CAT scan of neck.					
710	72127	Contrast CAT scans of neck.					
710	72128	CAT scan of thorax spine.					
710	72129	Contrast CAT scan of thorax.					
710	72130	Contrast CAT scans of thorax.					
710	72131	CAT scan of lower spine.					
710	72132	Contrast CAT of lower spine.					
710	72133	Contrast CAT scans,low spine.					
710	72192	CAT scan of pelvis.					
710	72193	Contrast CAT scan of pelvis.					
710	72194	Contrast CAT scans of pelvis.					
710	73200	CAT scan of arm.					
710	73201	Contrast CAT scan of arm.					
710	73202	Contrast CAT scans of arm.					
710	73700	CAT scan of leg.					
710	73701	Contrast CAT scan of leg.					
710	73702	Contrast CAT scans of leg.					
710	74150	CAT scan of abdomen.					
710	74160	Contrast CAT scan of abdomen.					
710	74170	Contrast CAT scans, abdomen.					
710	76355	CAT scan for localization.					
710	76360	CAT scan for needle biopsy.					
710	76365	CAT scan for cyst aspiration.					
710	76370	CAT scan for therapy guide.					
710	76375	3d/holograph reconstr add-on.					
710	76380	CAT scan follow-up study.					
716	FLUOROSCOPY		X	1.39	$71.47	$40.00	$14.29
716	70370	Throat x-ray & fluoroscopy.					
716	70371	Speech evaluation, complex.					
716	71023	Chest x-ray and fluoroscopy.					
716	71034	Chest x-ray & fluoroscopy.					
716	71036	X-ray guidance for biopsy.					
[2]716	71038	X-ray guidance for biopsy.					
716	71090	X-ray & pacemaker insertion.					
716	74340	X-ray guide for GI tube.					
716	75989	Abscess drainage under x-ray.					
716	76000	Fluoroscope examination.					
716	76001	Fluoroscope exam, extensive.					
716	76003	Needle localization by x-ray.					
720	MAGNETIC RESONANCE ANGIOGRAPHY		S	6.37	$327.55	$204.98	$65.51
720	70541	Magnetic image, head (MRA).					
726	MAGNETIC RESONANCE IMAGING		S	7.91	$406.73	$256.06	$81.35
726	70336	Magnetic image jaw joint.					
726	70540	Magnetic image, face, neck.					
726	70551	Magnetic image, brain (MRI).					
726	70552	Magnetic image, brain (MRI).					
726	70553	Magnetic image, brain.					
726	71550	Magnetic image, chest.					
726	72141	Magnetic image, neck spine.					
726	72142	Magnetic image, neck spine.					
726	72146	Magnetic image, chest spine.					
726	72147	Magnetic image, chest spine.					
726	72148	Magnetic image, lumbar spine.					
726	72149	Magnetic image, lumbar spine.					
726	72156	Magnetic image, neck spine.					
726	72157	Magnetic image, chest spine.					
726	72158	Magnetic image, lumbar spine.					
726	72196	Magnetic image, pelvis.					
726	73220	Magnetic image, arm, hand.					
726	73221	Magnetic image, joint of arm.					
726	73720	Magnetic image, leg, foot.					
726	73721	Magnetic image, joint of leg					
726	74181	Magnetic image, abdomen (MRI).					
726	75552	Magnetic image, myocardium.					
726	75553	Magnetic image, myocardium.					
726	75554	Cardiac MRI/function.					
726	75555	Cardiac MRI/limited study.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
726	76093	Magnetic image, breast.					
726	76094	Magnetic image, both breasts.					
726	76390	Mr spectroscopy.					
726	76400	Magnetic image, bone marrow.					
728	MYELOGRAPHY		S	3.50	$179.97	$91.98	$35.99
728	70010	Contrast x-ray of brain.					
728	70015	Contrast x-ray of brain.					
728	72240	Contrast x-ray of neck spine.					
728	72255	Contrast x-ray thorax spine.					
728	72265	Contrast x-ray lower spine.					
728	72270	Contrast x-ray of spine.					
728	72285	X-ray of neck spine disk.					
728	72295	X-ray of lower spine disk.					
730	ARTHOGRAPHY		S	2.30	$118.27	$65 77	$23.65
730	70332	X-ray exam of jaw joint.					
730	73040	Contrast x-ray of shoulder.					
730	73085	Contrast x-ray of elbow.					
730	73115	Contrast x-ray of wrist.					
730	73525	Contrast x-ray of hip.					
730	73580	Contrast x-ray of knee joint.					
730	73615	Contrast x-ray of ankle.					
736	DIGESTIVE RADIOLOGY		S	1.85	$95.13	$53.79	$19.03
736	74210	Contrast xray exam of throat.					
736	74220	Contrast xray exam, esophagus.					
736	74230	Cinema xray throat/esophagus.					
736	74240	X-ray exam upper GI tract.					
736	74241	X-ray exam upper GI tract.					
736	74245	X-ray exam upper GI tract.					
736	74246	Contrast x-ray upper GI tract.					
736	74247	Contrast x-ray upper GI tract.					
736	74249	Contrast x-ray upper GI tract.					
736	74250	X-ray exam of small bowel.					
736	74251	X-ray exam of small bowel.					
736	74260	X-ray exam of small bowel.					
736	74270	Contrast x-ray exam of colon.					
736	74280	Contrast x-ray exam of colon.					
736	74283	Contrast x-ray exam of colon.					
736	74290	Contrast x-ray, gallbladder.					
736	74291	Contrast x-rays, gallbladder.					
736	G0106	Colon CA screen; barium enema.					
736	G0120	Colon ca scrn: barium enema.					
737	DIAGNOSTIC UROGRAPHY		S	2.69	$138.32	$81.81	$27.66
737	74400	Contrast x-ray urinary tract.					
[2] 737	74405	Contrast x-ray urinary tract.					
737	74410	Contrast x-ray urinary tract.					
737	74415	Contrast x-ray urinary tract.					
737	74420	Contrast x-ray urinary tract.					
737	74425	Contrast x-ray urinary tract.					
737	74430	Contrast x-ray of bladder.					
737	74440	X-ray exam male genital tract.					
737	74445	X-ray exam of penis.					
737	74450	X-ray exam urethra/bladder.					
737	74455	X-ray exam urethra/bladder.					
737	74775	X-ray exam of perineum.					
738	THERAPEUTIC RADIOLOGIC PROCEDURES		S	3.74	$192.31	$104.86	$38.46
738	74235	Remove esophagus obstruction.					
738	74327	X-ray for bile stone removal.					
738	74360	X-ray guide, GI dilation.					
738	74363	X-ray, bile duct dilation.					
738	74475	X-ray control catheter insert.					
738	74480	X-ray control catheter insert.					
738	74485	X-ray guide, GU dilation.					
738	75980	Contrast x-ray exam bile duct.					
738	75982	Contrast x-ray exam bile duct.					
738	75984	X-ray control catheter change.					
739	DIAGNOSTIC ANGIOGRAPHY AND VENOGRAPHY		S	5.33	$274.07	$150.74	$54.81
739	75600	Contrast x-ray exam of aorta.					
739	75605	Contrast x-ray exam of aorta.					
739	75625	Contrast x-ray exam of aorta.					
739	75630	X-ray aorta, leg arteries.					
739	75650	Artery x-rays, head & neck.					
739	75658	X-ray exam of arm arteries.					
739	75660	Artery x-rays, head & neck.					
739	75662	Artery x-rays, head & neck.					
739	75665	Artery x-rays, head & neck.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
739	75671	Artery x-rays, head & neck.					
739	75676	Artery x-rays, neck.					
739	75680	Artery x-rays, neck.					
739	75685	Artery x-rays, spine.					
739	75705	Artery x-rays, spine.					
739	75710	Artery x-rays, arm/leg.					
739	75716	Artery x-rays, arms/legs.					
739	75722	Artery x-rays, kidney.					
739	75724	Artery x-rays, kidneys.					
739	75726	Artery x-rays, abdomen.					
739	75731	Artery x-rays, adrenal gland.					
739	75733	Artery x-rays, adrenal glands.					
739	75736	Artery x-rays, pelvis.					
739	75741	Artery x-rays, lung.					
739	75743	Artery x-rays, lungs.					
739	75746	Artery x-rays, lung.					
739	75756	Artery x-rays, chest.					
739	75774	Artery x-ray, each vessel.					
739	75790	Visualize A-V shunt.					
739	75810	Vein x-ray, spleen/liver.					
739	75820	Vein x-ray, arm/leg.					
739	75822	Vein x-ray, arms/legs.					
739	75825	Vein x-ray, trunk.					
739	75827	Vein x-ray, chest.					
739	75831	Vein x-ray, kidney.					
739	75833	Vein x-ray, kidneys.					
739	75840	Vein x-ray, adrenal gland.					
739	75842	Vein x-ray, adrenal glands.					
739	75860	Vein x-ray, neck.					
739	75870	Vein x-ray, skull.					
739	75872	Vein x-ray, skull.					
739	75880	Vein x-ray, eye socket.					
739	75885	Vein x-ray, liver.					
739	75887	Vein x-ray, liver.					
739	75889	Vein x-ray, liver.					
739	75891	Vein x-ray, liver.					
746	MAMMOGRAPHY		S	0.69	$35.48	$19.44	$7.10
746	76090	Mammogram, one breast.					
746	76091	Mammogram, both breasts.					
747	DIAGNOSTIC ULTRASOUND EXCEPT VASCULAR		S	1.65	$84.84	$54.47	$16.97
747	76506	Echo exam of head.					
747	76511	Echo exam of eye.					
747	76512	Echo exam of eye.					
747	76513	Echo exam of eye, water bath.					
747	76516	Echo exam of eye.					
747	76519	Echo exam of eye.					
747	76529	Echo exam of eye.					
747	76536	Echo exam of head and neck.					
747	76604	Echo exam of chest.					
747	76645	Echo exam of breast.					
747	76700	Echo exam of abdomen.					
747	76705	Echo exam of abdomen.					
747	76770	Echo exam abdomen back wall.					
747	76775	Echo exam abdomen back wall.					
747	76778	Echo exam kidney transplant.					
747	76800	Echo exam spinal canal.					
747	76805	Echo exam of pregnant uterus.					
747	76810	Echo exam of pregnant uterus.					
747	76815	Echo exam of pregnant uterus.					
747	76816	Echo exam followup or repeat.					
747	76818	Fetal biophysical profile.					
747	76830	Echo exam, transvaginal.					
747	76831	Echo exam, uterus.					
747	76856	Echo exam of pelvis.					
747	76857	Echo exam of pelvis.					
747	76870	Echo exam of scrotum.					
747	76872	Echo exam, transrectal.					
747	76880	Echo exam of extremity.					
747	76885	Echo exam, infant hips.					
747	76886	Echo exam, infant hips.					
747	76970	Ultrasound exam follow-up.					
747	76975	GI endoscopic ultrasound.					
747	76986	Echo exam at surgery.					
747	76999	Echo examination procedure.					
747	G0050	Residual urine by ultrasound.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
749		GUIDANCE UNDER ULTRASOUND	X	2.22	$114.15	$70.06	$22.83
749	76930	Echo guide for heart sac tap.					
749	76932	Echo guide for heart biopsy.					
749	76934	Echo guide for chest tap.					
749	76936	Echo guide for artery repair.					
749	76938	Echo exam for drainage.					
749	76941	Echo guide for transfusion.					
749	76942	Echo guide for biopsy.					
749	76945	Echo guide, villus sampling.					
749	76946	Echo guide for amniocentesis.					
749	76948	Echo guide, ova aspiration.					
749	76950	Echo guidance radiotherapy.					
749	76960	Echo guidance radiotherapy.					
749	76965	Echo guidance radiotherapy.					
750		THERAPEUTIC RADIATION TREATMENT PLANNING	X	0.96	$49.36	$25.99	$9.87
750	77261	Radiation therapy planning.					
750	77262	Radiation therapy planning.					
750	77263	Radiation therapy planning.					
750	77336	Radiation physics consult					
750	77370	Radiation physics consult.					
750	77399	External radiation dosimetry.					
750	77431	Radiation therapy management.					
750	77432	Stereotactic radiation trmt.					
751		LEVEL I THERAPEUTIC RADIATION TREATMENT PREPARATION	X	1.15	$59.13	$33.22	$11.83
751	77299	Radiation therapy planning.					
751	77300	Radiation therapy dose plan.					
751	77305	Radiation therapy dose plan.					
751	77310	Radiation therapy dose plan.					
751	77315	Radiation therapy dose plan.					
751	77321	Radiation therapy port plan.					
751	77326	Radiation therapy dose plan.					
751	77327	Radiation therapy dose plan.					
751	77328	Radiation therapy dose plan.					
751	77331	Special radiation dosimetry.					
751	77332	Radiation treatment aid(s).					
751	77333	Radiation treatment aid(s).					
751	77334	Radiation treatment aid(s).					
752		LEVEL II THERAPEUTIC RADIATION TREATMENT PREPARATION	X	3.48	$178.94	$86.56	$35.79
752	77280	Set radiation therapy field.					
752	77285	Set radiation therapy field.					
752	77290	Set radiation therapy field.					
752	77295	Set radiation therapy field.					
757		RADIATION THERAPY	S	2.26	$116.21	$52.43	$23.24
757	61793	Focus radiation beam.					
757	77401	Radiation treatment delivery.					
757	77402	Radiation treatment delivery.					
757	77403	Radiation treatment delivery.					
757	77404	Radiation treatment delivery.					
757	77406	Radiation treatment delivery.					
757	77407	Radiation treatment delivery.					
757	77408	Radiation treatment delivery.					
757	77409	Radiation treatment delivery.					
757	77411	Radiation treatment delivery.					
757	77412	Radiation treatment delivery.					
757	77413	Radiation treatment delivery.					
757	77414	Radiation treatment delivery.					
757	77416	Radiation treatment delivery.					
757	77470	Special radiation treatment.					
758		HYPERTHERMIC THERAPIES	S	5.08	$261.21	$137.18	$52.24
758	77600	Hyperthermia treatment.					
758	77605	Hyperthermia treatment.					
758	77610	Hyperthermia treatment.					
758	77615	Hyperthermia treatment.					
758	77620	Hyperthermia treatment.					
759		BRACHYTHERAPY AND COMPLEX RADIOELEMENT APPLICATIONS	S	7.98	$410.33	$157.97	$82.07
759	77750	Infuse radioactive materials.					
759	77761	Radioelement application.					
759	77762	Radioelement application.					
759	77763	Radioelement application.					
759	77776	Radioelement application.					
759	77777	Radioelement application.					
759	77778	Radioelement application.					
759	77781	High intensity brachytherapy.					
759	77782	High intensity brachytherapy.					
759	77783	High intensity brachytherapy.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
759	77784	High intensity brachytherapy.					
759	77789	Radioelement application.					
759	77799	Radium/radioisotope therapy.					
760	PET SCANS		S	14.89	$765.64	$419.46	$153.13
760	78459	Heart muscle imaging (PET).					
760	78608	Brain imaging (PET).					
760	78609	Brain imaging (PET).					
760	78810	Tumor imaging (PET).					
760	G0030	PET imaging prev PET single.					
760	G0031	PET imaging prev PET multple.					
760	G0032	PET follow SPECT 78464 singl.					
760	G0033	PET follow SPECT 78464 mult.					
760	G0034	PET follow SPECT 76865 singl.					
760	G0035	PET follow SPECT 78465 mult.					
760	G0036	PET follow comry angio sing.					
760	G0037	PET follow comry angio mult.					
760	G0038	PET follow myocard perf sing.					
760	G0039	PET follow myocard perf mult.					
760	G0040	PET follow stress echo singl.					
760	G0041	PET follow stress echo mult.					
760	G0042	PET follow ventriculogm sing.					
760	G0043	PET follow ventriculogm mult.					
760	G0044	PET following rest ECG singl.					
760	G0045	PET following rest ECG mult.					
760	G0046	PET follow stress ECG singl.					
760	G0047	PET follow stress ECG mult.					
761	STANDARD NON-IMAGING NUCLEAR MEDICINE		S	1.80	$92.56	$54.01	$18.51
761	78000	Thyroid, single uptake.					
761	78099	Endocrine nuclear procedure.					
761	78110	Plasma volume, single.					
761	78111	Plasma volume, multiple.					
761	78120	Red cell mass, single.					
761	78199	Blood/lymph nuclear exam.					
761	78270	Vit B-12 absorption exam.					
761	78271	Vit B-12 absorp exam, IF.					
761	78272	Vit B-12 absorp, combined.					
761	78282	GI protein loss exam.					
761	78299	GI nuclear procedure.					
761	78725	Kidney function study.					
761	78999	Nuclear diagnostic exam.					
762	COMPLEX NON-IMAGING NUCLEAR MEDICINE		S	2.02	$103.87	$55.82	$20.77
762	78001	Thyroid, multiple uptakes.					
762	78003	Thyroid suppress/stimul.					
762	78121	Red cell mass, multiple.					
762	78122	Blood volume.					
762	78130	Red cell survival study.					
762	78135	Red cell survival kinetics.					
762	78140	Red cell sequestration.					
762	78160	Plasma iron turnover.					
762	78162	Iron absorption exam.					
762	78170	Red cell iron utilization.					
762	78172	Total body iron estimation.					
762	78190	Platelet survival, kinetics.					
762	78191	Platelet survival.					
762	78414	Non-imaging heart function.					
762	78455	Venous thrombosis study.					
762	78499	Cardiovascular nuclear exam.					
771	STANDARD PLANAR NUCLEAR MEDICINE		S	3.81	$195.91	$117.29	$39.18
771	78006	Thyroid,imaging with uptake.					
771	78010	Thyroid imaging.					
771	78011	Thyroid imaging with flow.					
771	78015	Thyroid met imaging.					
771	78102	Bone marrow imaging, ltd.					
771	78103	Bone marrow imaging, mult.					
771	78104	Bone marrow imaging, body.					
771	78185	Spleen imaging.					
771	78201	Liver imaging.					
771	78202	Liver imaging with flow.					
771	78215	Liver and spleen imaging.					
771	78216	Liver & spleen image, flow.					
771	78230	Salivary gland imaging.					
771	78231	Serial salivary imaging.					
771	78261	Gastric mucosa imaging.					
771	78290	Meckels divert exam.					
771	78300	Bone imaging, limited area.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
771	78305	Bone imaging, multiple areas.					
771	78306	Bone imaging, whole body.					
771	78399	Musculoskeletal nuclear exam.					
771	78428	Cardiac shunt imaging.					
771	78445	Vascular flow imaging.					
771	78457	Venous thrombosis imaging.					
771	78458	Ven thrombosis images, bilat.					
771	78460	Heart muscle blood single.					
771	78466	Heart infarct image.					
771	78478	Heart wall motion add-on.					
771	78480	Heart function add-on.					
771	78481	Heart first pass single.					
771	78580	Lung perfusion imaging.					
771	78586	Aerosol lung image, single.					
771	78587	Aerosol lung image, multiple.					
771	78591	Vent image, 1 breath, 1 proj.					
771	78593	Vent image, 1 proj, gas.					
771	78599	Respiratory nuclear exam.					
771	78600	Brain imaging, ltd static.					
771	78601	Brain ltd imaging & flow.					
771	78605	Brain imaging, complete.					
771	78610	Brain flow imaging only.					
771	78660	Nuclear exam of tear flow.					
771	78699	Nervous system nuclear exam.					
771	78700	Kidney imaging, static.					
771	78701	Kidney imaging with flow.					
771	78704	Imaging renogram.					
771	78707	Kidney flow & function image.					
771	78715	Renal vascular flow exam.					
771	78730	Urinary bladder retention.					
771	78760	Testicular imaging.					
771	78761	Testicular imaging & flow.					
771	78799	Genitourinary nuclear exam.					
772	COMPLEX PLANAR NUCLEAR MEDICINE		S	4.26	$219.05	$128.37	$43.81
772	78007	Thyroid, image, mult uptakes.					
772	78016	Thyroid met imaging/studies.					
[2] 772	78017	Thyroid met imaging, mult.					
772	78018	Thyroid, met imaging, body.					
772	78070	Parathyroid nuclear imaging.					
772	78075	Adrenal nuclear imaging.					
772	78195	Lymph system imaging.					
772	78220	Liver function study.					
772	78223	Hepatobiliary imaging.					
772	78232	Salivary gland function exam.					
772	78258	Esophageal motility study.					
772	78262	Gastroesophageal reflux exam.					
772	78264	Gastric emptying study.					
772	78278	Acute GI blood loss imaging.					
772	78291	Leveen/shunt patency exam.					
772	78315	Bone imaging, 3 phase.					
772	78461	Heart muscle blood multiple.					
772	78468	Heart infarct image, EF.					
772	78472	Gated heart, planar single.					
772	78473	Gated heart, multiple.					
772	78483	Heart first pass multiple.					
772	78584	Lung V/Q image single breath.					
772	78585	Lung V/Q imaging.					
772	78594	Vent image, mult proj, gas.					
772	78596	Lung differential function.					
772	78606	Brain imaging comp & flow.					
772	78615	Cerebral blood flow imaging.					
772	78630	Cerebrospinal fluid scan.					
772	78635	CSF ventriculography.					
772	78645	CSF shunt evaluation.					
772	78650	CSF leakage imaging.					
772	78708	Kidney flow & function image.					
772	78709	Kidney flow & function image.					
772	78740	Ureteral reflux study.					
772	78800	Tumor imaging, limited area.					
772	78801	Tumor imaging, mult areas.					
772	78802	Tumor imaging, whole body.					
772	78805	Abscess imaging, ltd area.					
772	78806	Abscess imaging, whole body.					
781	STANDARD SPECT NUCLEAR MEDICINE		S	5.43	$279.21	$155.04	$55.84
781	78205	Liver imaging (3D).					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
781	78320	Bone imaging (3D).					
781	78464	Heart image (3D) single.					
781	78469	Heart infarct image (3D).					
781	78607	Brain imaging (3D).					
781	78647	Cerebrospinal fluid scan.					
781	78710	Kidney imaging (3D).					
782		COMPLEX SPECT NUCLEAR MEDICINE	S	9.00	$462.78	$267.13	$92.56
782	78465	Heart image (3D) multiple.					
782	78803	Tumor imaging (3D).					
782	78807	Nuclear localization/abscess.					
791		STANDARD THERAPEUTIC NUCLEAR MEDICINE	S	14.74	$757.93	$539.91	$151.59
791	79001	Repeat hyperthyroid therapy.					
791	79100	Hematopoetic nuclear therapy.					
791	79300	Interstitial nuclear therapy.					
791	79400	Nonhemato nuclear therapy.					
791	79420	Intravascular nuc therapy.					
791	79440	Nuclear joint therapy.					
791	79999	Nuclear medicine therapy.					
792		COMPLEX THERAPEUTIC NUCLEAR MEDICINE	S	4.81	$247.33	$143.06	$49.47
792	79000	Intial hyperthyroid therapy.					
792	79020	Thyroid ablation.					
792	79030	Thyroid ablation, carcinoma.					
792	79035	Thyroid metastatic therapy.					
792	79200	Intracavitary nuc treatment.					
861		IMMUNOLOGY TESTS	X	0.13	$6.68	$3.62	$1.34
861	86485	Skin test, candida.					
861	86490	Coccidioidomycosis skin test.					
861	86510	Histoplasmosis skin test.					
861	86580	TB intradermal test.					
861	86585	TB tine test.					
861	86586	Skin test, unlisted.					
881		LEVEL I PATHOLOGY	X	0.22	$11.31	$6.78	$2.26
881	88125	Forensic cytopathology.					
881	88199	Cytopathology procedure.					
881	88300	Surg path, gross.					
881	88311	Decalcify tissue.					
881	88313	Special stains.					
881	88399	Surgical pathology procedure.					
881	89350	Sputum specimen collection.					
881	89360	Collect sweat for test.					
881	89399	Pathology lab procedure.					
881	G0025	Collagen skin test kit.					
882		LEVEL II PATHOLOGY	X	0.39	$20.05	$11.75	$4.01
882	80500	Lab pathology consultation.					
882	80502	Lab pathology consultation.					
882	85060	Blood smear interpretation.					
882	85097	Bone marrow interpretation.					
882	86077	Physician blood bank service.					
882	86078	Physician blood bank service.					
882	86079	Physician blood bank service.					
882	88104	Cytopathology, fluids.					
882	88106	Cytopathology, fluids.					
882	88107	Cytopathology, fluids.					
882	88108	Cytopath, concentrate tech.					
882	88160	Cytopath smear, other source.					
882	88161	Cytopath smear, other source.					
882	88162	Cytopath smear, other source.					
882	88172	Evaluation of smear.					
882	88173	Interpretation of smear.					
882	88180	Cell marker study.					
882	88182	Cell marker study.					
882	88302	Tissue exam by pathologist.					
882	88304	Tissue exam by pathologist.					
882	88305	Tissue exam by pathologist.					
882	88312	Special stains.					
882	88314	Histochemical stain.					
882	88318	Chemical histochemistry.					
882	88319	Enzyme histochemistry.					
882	88321	Microslide consultation.					
882	88323	Microslide consultation.					
882	88325	Comprehensive review of data.					
882	88329	Pathology consult in surgery.					
882	88331	Pathology consult in surgery.					
882	88332	Pathology consult in surgery.					
882	88342	Immunocytochemistry.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
882	88346	Immunofluorescent study.					
882	88347	Immunofluorescent study.					
883	LEVEL III PATHOLOGY		X	0.69	$35.48	$20.34	$7.10
883	88307	Tissue exam by pathologist.					
883	88309	Tissue exam by pathologist.					
883	88348	Electron microscopy.					
883	88349	Scanning electron microscopy.					
883	88355	Analysis, skeletal muscle.					
883	88356	Analysis, nerve.					
883	88358	Analysis, tumor.					
883	88362	Nerve teasing preparations.					
883	88365	Tissue hybridization.					
900	CRITICAL CARE		S	7.54	$387.71	$145.09	$77.54
900	99291	Critical care, first hour.					
901	LEVEL I IMMUNIZATION		X	0.07	$3.60	$2.49	$0.72
901	90700	Dtap vaccine, im.					
901	90701	Dtp vaccine, im.					
901	90702	Dt vaccine, im.					
901	90703	Tetanus vaccine, im.					
901	90704	Mumps vaccine, sc.					
901	90705	Measles vaccine, sc.					
901	90706	Rubella vaccine, sc.					
901	90708	Measles-rubella vaccine sc.					
901	90709	Rubella & mumps vaccine sc.					
901	90710	Mmrv vaccine, sc.					
[2]901	90711	Combined vaccine.					
[2]901	90714	Typhoid immunization.					
901	90718	Td vaccine, im.					
901	90719	Diphtheria vaccine, im.					
[2]901	90724	Influenza immunization.					
901	90725	Cholera vaccine, injectable.					
[2]901	90730	Hepatitis A vaccine.					
901	90732	Pneumococcal vaccine, adult.					
901	90748	Hepb/hib vaccine, im.					
901	90749	Vaccine toxoid.					
901	95149	Antigen therapy services.					
901	95170	Antigen therapy services.					
901	G0008	Admin influenza virus vac.					
901	G0009	Admin pneumococcal vaccine.					
901	Q0034	Admin of influenza vaccine.					
902	LEVEL II IMMUNIZATION		X	1.31	$67.36	$38.19	$13.47
902	90707	Mmr vaccine, sc.					
902	90712	Oral poliovirus vaccine.					
902	90713	Poliovirus, ipv, sc.					
902	90716	Chicken pox vaccine, sc.					
902	90717	Yellow fever vaccine, sc.					
902	90720	Dtp/hib vaccine, im.					
902	90733	Meningococcal vaccine, sc.					
[2]902	90737	Influenza B immunization.					
[2]902	90741	Passive immunization, ISG.					
902	90744	Hepb vaccine, ped/adol, im.					
902	90745	Hepb vaccine, adol/risk, im.					
902	90746	Hepb vaccine, adult, im.					
902	90747	Hepb vaccine, ill pat, im.					
902	G0010	Admin hepatitis b vaccine.					
903	LEVEL III IMMUNIZATION		X	1.00	$51.42	$24.86	$10.28
903	90721	Dtap/hib vaccine, im.					
[2]903	90726	Rabies immunization.					
903	90727	Plague vaccine, im.					
[2]903	90728	BCG immunization.					
903	90735	Encephalitis vaccine, sc.					
[2]903	90742	Special passive immunization.					
906	INFUSION THERAPY EXCEPT CHEMOTHERAPY		X	1.93	$99.24	$57.18	$19.85
906	36680	Insert needle, bone cavity.					
906	90780	IV infusion therapy, 1 hour.					
906	90781	IV infusion, additional hour.					
906	Q0081	Infusion ther other than che.					
907	INTRAMUSCULAR INJECTIONS		X	0.74	$38.05	$11.53	$7.61
907	90782	Injection (SC)/(IM).					
907	90783	Injection (IA).					
907	90784	Injection (IV).					
907	90788	Injection of antibiotic.					
907	90799	Therapeutic/diag injection.					
919	ELECTROCONVULSIVE THERAPY		S	3.09	$158.89	$80.00	$31.78
919	90870	Electroconvulsive therapy.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
919	90871	Electroconvulsive therapy.					
920		BIOFEEDBACK AND OTHER TRAINING	S	1.17	$60.16	$29.61	$12.03
[2]920	90900	Biofeedback, electromyogram.					
920	90901	Biofeedback, any method.					
[2]920	90902	Biofeedback, nerve impulse.					
[2]920	90904	Biofeedback, blood pressure.					
[2]920	90906	Biofeedback, blood flow.					
[2]920	90908	Biofeedback, brain waves.					
[2]920	90910	Biofeedback, oculogram.					
920	90911	Biofeedback peri/uro/rectal.					
[2]920	90915	Biofeedback, unspecified.					
921		DIABETES EDUCATION	S				
921	99078	Group health education.					
926		DIALYSIS FOR OTHER THAN ESRD PATIENTS	S	4.22	$216.99	$69.83	$43.40
926	90935	Hemodialysis, one evaluation.					
926	90937	Hemodialysis, repeated eval..					
926	90945	Dialysis, one evaluation.					
926	90947	Dialysis, repeated eval..					
926	90997	Hemoperfusion.					
926	90999	Dialysis procedure.					
928		ALIMENTARY TESTS	X	2.91	$149.63	$79.78	$29.93
928	89100	Sample intestinal contents.					
928	89105	Sample intestinal contents.					
928	89130	Sample stomach contents.					
928	89132	Sample stomach contents.					
928	89135	Sample stomach contents.					
928	89136	Sample stomach contents.					
928	89140	Sample stomach contents.					
928	89141	Sample stomach contents.					
928	91000	Esophageal intubation.					
928	91010	Esophagus motility study.					
928	91011	Esophagus motility study.					
928	91012	Esophagus motility study.					
928	91020	Gastric motility.					
928	91030	Acid perfusion of esophagus.					
928	91032	Esophagus, acid reflux test.					
928	91033	Prolonged acid reflux test.					
928	91052	Gastric analysis test.					
928	91055	Gastric intubation for smear.					
928	91060	Gastric saline load test.					
928	91065	Breath hydrogen test.					
928	91100	Pass intestine bleeding tube.					
928	91105	Gastric intubation treatment.					
928	91299	Gastroenterology procedure.					
928	95075	Ingestion challenge test.					
930		MINOR EYE EXAMINATIONS	X	1.04	$53.48	$22.83	$10.70
930	92060	Special eye evaluation.					
930	92065	Orthoptic/pleoptic training.					
930	92081	Visual field examination(s).					
930	92082	Visual field examination(s).					
930	92083	Visual field examination(s).					
930	92140	Glaucoma provocative tests.					
930	92283	Color vision examination.					
930	92284	Dark adaptation eye exam.					
930	92285	Eye photography.					
931		LEVEL I EYE TESTS	X	0.74	$38.05	$21.47	$7.61
931	92120	Tonography & eye evaluation.					
931	92130	Water provocation tonography.					
931	92230	Eye exam with photos.					
931	92240	Icg angiography.					
931	92250	Eye exam with photos.					
931	92499	Eye service or procedure.					
932		LEVEL II EYE TESTS	X	2.41	$123.92	$63.73	$24.78
932	92235	Eye exam with photos.					
932	92265	Eye muscle evaluation.					
932	92270	Electro-oculography.					
932	92286	Internal eye photography.					
932	92287	Internal eye photography.					
936		FITTING OF VISION AIDS	X	0.48	$24.68	$9.49	$4.94
936	92311	Contact lens fitting.					
936	92312	Contact lens fitting.					
936	92313	Contact lens fitting.					
936	92315	Prescription of contact lens.					
936	92316	Prescription of contact lens.					
936	92317	Prescription of contact lens.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
936	92325	Modification of contact lens.					
936	92326	Replacement of contact lens.					
936	92330	Fitting of artificial eye.					
936	92352	Special spectacles fitting.					
936	92353	Special spectacles fitting.					
936	92354	Special spectacles fitting.					
936	92355	Special spectacles fitting.					
936	92358	Eye prosthesis service.					
936	92371	Repair & adjust spectacles.					
940		OTORHINOLARYNGOLOGIC FUNCTION TESTS	X	3.13	$160.94	$52.21	$32.19
940	92512	Nasal function studies.					
940	92516	Facial nerve function test.					
940	92520	Laryngeal function studies.					
940	92541	Spontaneous nystagmus test.					
940	92542	Positional nystagmus test.					
940	92543	Caloric vestibular test.					
940	92544	Optokinetic nystagmus test.					
940	92545	Oscillating tracking test.					
940	92546	Sinusoidal rotational test.					
940	92547	Supplemental electrical test.					
940	92548	Posturography.					
940	92584	Electrocochleography.					
940	92587	Evoked auditory test.					
940	92588	Evoked auditory test.					
941		LEVEL I AUDIOMETRY	X	0.74	$38.05	$13.33	$7.61
941	92552	Pure tone audiometry, air.					
941	92553	Audiometry, air & bone.					
941	92555	Speech threshold audiometry.					
941	92556	Speech audiometry, complete.					
941	92567	Tympanometry.					
941	92599	ENT procedure/service.					
942		LEVEL II AUDIOMETRY	X	1.46	$75.07	$22.15	$15.01
942	92557	Comprehensive hearing test.					
942	92561	Bekesy audiometry, diagnosis.					
942	92562	Loudness balance test.					
942	92563	Tone decay hearing test.					
942	92564	Sisi hearing test.					
942	92565	Stenger test, pure tone.					
942	92568	Acoustic reflex testing.					
942	92569	Acoustic reflex decay test.					
942	92571	Filtered speech hearing test.					
942	92572	Staggered spondaic word test.					
942	92573	Lombard test.					
942	92575	Sensorineural acuity test.					
942	92576	Synthetic sentence test.					
942	92577	Stenger test, speech.					
942	92579	Visual audiometry (vra).					
942	92582	Conditioning play audiometry.					
942	92583	Select picture audiometry.					
942	92589	Auditory function test(s).					
942	92596	Ear protector evaluation.					
947		RESUSCITATION AND CARDIOVERSION	S	4.11	$211.34	$106.22	$42.27
947	31500	Insert emergency airway.					
947	92950	Heart/lung resuscitation(CPR.					
947	92953	Temporary external pacing.					
947	92960	Heart electroconversion.					
947	99440	Newborn resuscitation.					
948		CARDIAC REHABILITATION	X	0.81	$41.65	$16.95	$8.33
948	93797	Cardiac rehab.					
948	93798	Cardiac rehab/monitor.					
949		CARDIOVASCULAR STRESS TEST	X	1.43	$73.53	$61.92	$14.71
949	93017	Cardiovascular stress test.					
949	93024	Cardiac drug stress test.					
950		ELECTROCARDIOGRAM (ECG)	X	0.35	$18.00	$15.82	$3.60
950	93005	Electrocardiogram, tracing.					
950	93041	Rhythm ECG, tracing.					
950	Q0035	Cardiokymography.					
956		CONTINUOUS ECG AND BLOOD PRESSURE MONITORING	X	1.09	$56.05	$54.47	$11.21
956	93012	Transmission of ecg.					
956	93224	ECG monitor/report, 24 hrs.					
956	93225	ECG monitor/record, 24 hrs.					
956	93226	ECG monitor/report, 24 hrs.					
956	93230	ECG monitor/report, 24 hrs.					
956	93231	ECG monitor/record, 24 hrs.					
956	93232	ECG monitor/report, 24 hrs.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
956	93235	ECG monitor/report, 24 hrs.					
956	93236	ECG monitor/report, 24 hrs.					
956	93268	ECG record/review.					
956	93270	ECG recording.					
956	93271	ECG/monitoring and anaylysis.					
956	93278	ECG/signal-averaged.					
956	G0004	ECG transm phys review & int.					
956	G0005	ECG 24 hour recording.					
956	G0006	ECG transmission & analysis.					
956	G0015	Post symptom ECG tracing.					
957	ECHOCARDIOGRAPHY		S	4.04	$207.74	$114.13	$41.55
957	76825	Echo exam of fetal heart.					
957	76826	Echo exam of fetal heart.					
957	76827	Echo exam of fetal heart.					
957	76828	Echo exam of fetal heart.					
957	93303	Echo transthoracic.					
957	93304	Echo transthoracic.					
957	93307	Echo exam of heart.					
957	93308	Echo exam of heart.					
957	93312	Echo transesophageal.					
957	93313	Echo transesophageal.					
957	93315	Echo transesophageal.					
957	93316	Echo transesophageal.					
957	93320	Doppler echo exam, heart.					
957	93321	Doppler echo exam, heart.					
957	93325	Doppler color flow add-on.					
957	93350	Echo transthoracic.					
958	DIAGNOSTIC CARDIAC CATHETERIZATION		S	23.74	$1,220.71	$705.57	$244.14
958	93501	Right heart catheterization.					
958	93503	Insert/place heart catheter.					
958	93505	Biopsy of heart lining.					
958	93510	Left heart catheterization.					
958	93511	Left heart catheterization.					
958	93514	Left heart catheterization.					
958	93524	Left heart catheterization.					
958	93526	Rt & Lt heart catheters.					
958	93527	Rt & Lt heart catheters.					
958	93528	Rt & Lt heart catheters.					
958	93529	Rt, Lt heart catheterization.					
958	93530	Rt heart cath, congenital.					
958	93531	R & I heart cath, congenital.					
958	93532	R & I heart cath, congenital.					
958	93533	R & I heart cath, congenital.					
958	93536	Insert circulation assi.					
960	CARDIAC ELECTROPHYSIOLOGIC TESTS/PROCEDURES		S	4.80	$246.82	$143.74	$49.36
960	93600	Bundle of His recording.					
960	93602	Intra-atrial recording.					
960	93603	Right ventricular recording.					
960	93607	Right ventricular recording.					
960	93609	Mapping of tachycardia.					
960	93610	Intra-atrial pacing.					
960	93612	Intraventricular pacing.					
960	93615	Esophageal recording.					
960	93616	Esophageal recording.					
960	93618	Heart rhythm pacing.					
960	93619	Electrophysiology evaluation.					
960	93620	Electrophysiology evaluation.					
960	93621	Electrophysiology evaluation.					
960	93622	Electrophysiology evaluation.					
960	93623	Stimulation, pacing heart.					
960	93624	Electrophysiologic study.					
960	93631	Heart pacing mapping.					
960	93640	Evaluation heart device.					
960	93641	Electrophysiology evaluation.					
960	93642	Electrophysiology evaluation.					
960	93650	Ablate heart dysrhythm focus.					
960	93651	Ablate heart dysrhythm focus.					
960	93652	Ablate heart dysrhythm focus.					
960	93660	Tilt table evaluation.					
960	93724	Analyze pacemaker system.					
966	ELECTRONIC ANALYSIS OF PACEMAKERS/OTHER DEVICES		X	0.39	$20.05	$12.43	$4.01
966	62367	Analyze spine infusion pump.					
966	62368	Analyze spine infusion pump.					
[2] 966	63690	Analysis of neuroreceiver.					
[2] 966	63691	Analysis of neuroreceiver.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
966	93731	Analyze pacemaker system.					
966	93732	Analyze pacemaker system.					
966	93733	Telephone analysis, pacemaker.					
966	93734	Analyze pacemaker system.					
966	93735	Analyze pacemaker system.					
966	93736	Telephone analysis, pacemaker.					
966	93737	Analyze cardio/defibrillator.					
966	93738	Analyze cardio/defibrillator.					
967	NON-INVASIVE VASCULAR STUDIES		X	1.70	$87.41	$57.40	$17.48
967	93720	Total body plethysmography.					
967	93721	Plethysmography tracing.					
967	93740	Temperature gradient studies.					
967	93799	Cardiovascular procedure.					
967	93922	Extremity study.					
967	93923	Extremity study.					
967	93924	Extremity study.					
967	93965	Extremity study.					
968	VASCULAR ULTRASOUND		X	2.39	$122.89	$79.55	$24.58
968	93875	Extracranial study.					
968	93880	Extracranial study.					
968	93882	Extracranial study.					
968	93886	Intracranial study.					
968	93888	Intracranial study.					
968	93925	Lower extremity study.					
968	93926	Lower extremity study.					
968	93930	Upper extremity study.					
968	93931	Upper extremity study.					
968	93970	Extremity study.					
968	93971	Extremity study.					
968	93975	Vascular study.					
968	93976	Vascular study.					
968	93978	Vascular study.					
968	93979	Vascular study.					
968	93980	Penile vascular study.					
968	93981	Penile vascular study.					
968	93990	Doppler flow testing.					
969	HYPERBARIC OXYGEN		S	2.65	$136.26	$141.70	$27.25
969	99183	Hyperbaric oxygen therapy.					
971	LEVEL I PULMONARY TESTS		X	0.98	$50.39	$26.44	$10.08
971	94010	Breathing capacity test.					
971	94060	Evaluation of wheezing.					
[2] 971	94160	Vital capacity screening.					
971	94200	Lung function test (MBC/MVV).					
971	94250	Expired gas collection.					
971	94260	Thoracic gas volume.					
971	94360	Measure airflow resistance.					
971	94375	Respiratory flow volume loop.					
971	94400	CO2 breathing response curve.					
971	94450	Hypoxia response curve.					
971	94762	Measure blood oxygen level.					
971	94770	Exhaled carbon dioxide test.					
971	94799	Pulmonary service/procedure.					
972	LEVEL II PULMONARY TESTS		X	1.00	$51.42	$29.38	$10.28
972	94240	Residual lung capacity.					
972	94350	Lung nitrogen washout curve.					
972	94370	Breath airway closing volume.					
972	94680	Exhaled air analysis: O2.					
972	94681	Exhaled air analysis: O2,CO2.					
972	94690	Exhaled air analysis.					
972	94720	Monoxide diffusing capacity.					
972	94725	Membrane diffusion capacity.					
973	LEVEL III PULMONARY TESTS		S	1.81	$93.07	$55.82	$18.61
973	94070	Evaluation of wheezing.					
973	94620	Pulmonary stress test/simple.					
973	94750	Pulmonary compliance study.					
973	94772	Breath recording, infant.					
973	95070	Bronchial allergy tests.					
973	95071	Bronchial allergy tests.					
976	PULMONARY THERAPY		S	0.44	$22.62	$14.69	$4.53
976	94640	Airway inhalation treatment.					
976	94642	Aerosol inhalation treatment.					
976	94650	Pressure breathing (IPPB).					
976	94651	Pressure breathing (IPPB).					
976	94657	Cont. ventilator.					
976	94660	Pos airway pressure, CPAP.					

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ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
976	94662	Neg pressure ventilation, cnp.					
976	94664	Aerosol or vapor inhalations.					
976	94665	Aerosol or vapor inhalations.					
976	94667	Chest wall manipulation.					
976	94668	Chest wall manipulation.					
977	ALLERGY TESTS		X	0.56	$28.80	$11.30	$5.76
977	95004	Allergy skin tests.					
977	95010	Sensitivity skin tests.					
977	95015	Sensitivity skin tests.					
977	95024	Allergy skin tests.					
977	95027	Skin end point titration.					
977	95028	Allergy skin tests.					
977	95044	Allergy patch tests.					
977	95052	Photo patch test.					
977	95056	Photosensitivity tests.					
977	95060	Eye allergy tests.					
977	95065	Nose allergy test.					
977	95078	Provocative testing.					
977	95180	Rapid desensitization.					
977	95199	Allergy immunology services.					
978	ALLERGY INJECTIONS		X	0.30	$15.43	$3.39	$3.09
978	95115	Immunotherapy, one injection.					
978	95117	Immunotherapy injections.					
978	95144	Antigen therapy services.					
978	95145	Antigen therapy services.					
978	95146	Antigen therapy services.					
978	95147	Antigen therapy services.					
978	95148	Antigen therapy services.					
978	95165	Antigen therapy services.					
979	EXTENDED EEG STUDIES AND SLEEP STUDIES		S	10.15	$521.91	$287.25	$104.38
979	95805	Multiple sleep latency test.					
979	95806	Sleep study, unattended.					
979	95807	Sleep study, attended.					
979	95808	Polysomnography, 1-3.					
979	95810	Polysomnography, 4 or more.					
979	95811	Polysomnography w/cpap.					
979	95812	Electroencephalogram (EEG).					
979	95813	Electroencephalogram (EEG).					
979	95827	Night electroencephalogram.					
979	95951	EEG monitoring/videorecord.					
979	95953	EEG monitoring/computer.					
979	95954	EEG monitoring/giving drugs.					
979	95958	EEG monitoring/function test.					
980	ELECTROENCEPHALOGRAM		S	2.15	$110.55	$57.86	$22.11
980	95816	Electroencephalogram (EEG).					
980	95819	Electroencephalogram (EEG).					
980	95822	Sleep electroencephalogram.					
980	95824	Electroencephalography.					
980	95829	Surgery electrocorticogram.					
980	95955	EEG during surgery.					
981	LEVEL I NERVE AND MUSCLE TESTS		X	1.22	$62.73	$34.35	$12.55
981	92275	Electroretinography.					
981	95857	Tensilon test.					
981	95867	Muscle test, head or neck.					
981	95869	Muscle test, thor paraspinal.					
981	95870	Muscle test, non-paraspinal.					
981	95900	Motor nerve conduction test.					
981	95921	Autonomic nervous func test.					
981	95922	Autonomic nervous func test.					
981	95923	Autonomic nervous func test.					
981	95926	Somatosensory testing.					
981	95927	Somatosensory testing.					
981	95930	Visual evoked potential test.					
981	95933	Blink reflex test.					
981	95934	'h' reflex test.					
981	95936	'h' reflex test.					
981	95937	Neuromuscular junction test.					
981	95950	Ambulatory eeg monitoring.					
982	LEVEL II NERVE AND MUSCLE TESTS		X	1.37	$70.45	$38.42	$14.09
982	92585	Auditory evoked potential.					
982	95858	Tensilon test & myogram.					
982	95860	Muscle test, one limb.					
982	95861	Muscle test, two limbs.					
982	95863	Muscle test, 3 limbs.					
982	95864	Muscle test, 4 limbs.					

[1] This APC assignment will not apply to services furnished under a partial hospitalization program. Instead, services furnished as part of a partial hospitalization program are paid on a per-diem basis via APC 020.

[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

ADDENDUM C.—PROPOSED HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT FOR PROCEDURES BY APC—Continued

APC	CPT HCPCS	Description	Status indicator	Relative weight	Proposed payment rate	National unadjusted coinsurance	Minimum unadjusted coinsurance
982	95868	Muscle test, head or neck.					
982	95872	Muscle test, one fiber.					
982	95875	Limb exercise test:					
982	95903	Motor nerve conduction test.					
982	95904	Sense nerve conduction test.					
982	95925	Somatosensory testing.					
987		SUBCUTANEOUS OR INTRAMUSCULAR CHEMOTHERAPY	S	2.09	$107.47	$65.09	$21.49
987	96400	Chemotherapy, (SC)/(IM).					
987	96405	Intralesional chemo admin.					
987	96406	Intralesional chemo admin.					
987	96549	Chemotherapy, unspecified.					
987	Q0083	Chemo by other than infusion.					
988		CHEMOTHERAPY EXCEPT BY EXTENDED INFUSION	S	4.02	$206.71	$110.29	$41.34
988	96408	Chemotherapy, push technique.					
988	96410	Chemotherapy, infusion method.					
988	96412	Chemotx infuse method add-on.					
988	96420	Chemotherapy, push technique.					
988	96422	Chemotherapy, infusion method.					
988	96423	Chemotx infuse method add-on.					
989		CHEMOTHERAPY BY EXTENDED INFUSION	S	1.91	$98.21	$44.52	$19.64
989	96414	Chemotx infuse method add-on.					
989	96425	Chemotherapy, infusion method.					
989	96440	Chemotherapy, intracavitary.					
989	96445	Chemotherapy, intracavitary.					
989	96450	Chemotherapy, into CNS.					
989	96542	Chemotherapy injection.					
989	Q0084	Chemotherapy by infusion.					
989	Q0085	Chemo by both infusion and o.					
990		PHOTOCHEMOTHERAPY	S	0.43	$22.11	$8.14	$4.42
990	96900	Ultraviolet light therapy.					
990	96910	Photochemotherapy with UV-B.					
990	96912	Photochemotherapy with UV-A.					
990	96913	Photochemotherapy, UV-A or B.					
990	96999	Dermatological procedure.					
997		MANIPULATION THERAPY	S	0.69	$35.48	$7.46	$7.10
[2]997	97250	Myofascial release.					
[2]997	97260	Regional manipulation.					
[2]997	97261	Supplemental manipulations.					
997	98925	Osteopathic manipulation.					
997	98926	Osteopathic manipulation.					
997	98927	Osteopathic manipulation.					
997	98928	Osteopathic manipulation.					
997	98929	Osteopathic manipulation.					
997	98940	Chiropractic manipulation.					
997	98941	Chiropractic manipulation.					
997	98942	Chiropractic manipulation.					
999		THERAPEUTIC PHLEBOTOMY	X	0.43	$22.11	$11.07	$4.42
999	99195	Phlebotomy.					

[1] This APC assignment will not apply to services furnished under a partial hospitalization program. Instead, services furnished as part of a partial hospitalization program are paid on a per-diem basis via APC 020.

[2] This code was valid in 1996 and therefore was available for use in calculating weights. However, it has since been terminated and will not be paid upon implementation.

49. On page 47834, Addendum D is corrected to read as follows:

ADDENDUM D.—SUMMARY OF MEDICAL APCS

APC	Code	Description
911 Low Level Clinic Visits		
	99201	Office/outpatient visit, new
	99202	Office/outpatient visit, new
	99211	Office/outpatient visit, est
	99212	Office/outpatient visit, est
	99241	Office consultation
	99242	Office consultation
	99271	Confirmatory consultation
	99272	Confirmatory consultation
913 Mid Level Clinic Visits		
	92002	Eye exam, new patient
	92012	Eye exam established pt
	99203	Office/outpatient visit, new

ADDENDUM D.—SUMMARY OF MEDICAL APCs—Continued

APC	Code	Description
	99213	Office/outpatient visit, est
	99243	Office consultation
	99273	Confirmatory consultation
	G0101	Cancer Screening Exam, Women
915 High Level Clinic Visits		
	92004	Eye exam, new patient
	92014	Eye exam & treatment
	99204	Office/outpatient visit, new
	99205	Office/outpatient visit, new
	99214	Office/outpatient visit, est
	99215	Office/outpatient visit, est
	99244	Office consultation
	99245	Office consultation
	99274	Confirmatory consultation
	99275	Confirmatory consultation
951 Low Level Emergency Visits		
	99281	Emergency dept visit
	99282	Emergency dept visit
953 Mid Level Emergency Visits		
	99283	Emergency dept visit
955 High Level Emergency Visits		
	99284	Emergency dept visit
	99285	Emergency dept visit

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50. On pages 47996 through 48005, Addendum G is corrected to read as follows:

ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES

CPT[1] HCPCS[2]	HOPD status indicator	Description
00174	C	Anesth, pharyngeal surgery
00176	C	Anesth, pharyngeal surgery
00192	C	Anesth, facial bone surgery
00214	C	Anesth, skull drainage
00215	C	Anesth, skull fracture
00404	C	Anesth, surgery of breast
00406	C	Anesth, surgery of breast
00452	C	Anesth, surgery of shoulder
00474	C	Anesth, surgery of rib(s)
00524	C	Anesth, chest drainage
00530	C	Anesth, pacemaker insertion
00540	C	Anesth, chest surgery
00542	C	Anesth, release of lung
00544	C	Anesth, chest lining removal
00546	C	Anesth, lung, chest wall surg
00560	C	Anesth, open heart surgery
00562	C	Anesth, open heart surgery
00580	C	Anesth, heart/lung transplant
00604	C	Anesth, surgery of vertebra
00622	C	Anesth, removal of nerves
00632	C	Anesth, removal of nerves
00634	C	Anesth for chemonucleolysis
00670	C	Anesth, spine, cord surgery
00792	C	Anesth, part liver removal
00794	C	Anesth, pancreas removal
00796	C	Anesth, for liver transplant
00802	C	Anesth, fat layer removal
00844	C	Anesth, pelvis surgery
00846	C	Anesth, hysterectomy
00848	C	Anesth, pelvic organ surg
00850	C	Anesth, cesarean section
00855	C	Anesth, hysterectomy
00857	C	Analgesia, labor & c-section
00864	C	Anesth, removal of bladder
00865	C	Anesth, removal of prostate
00866	C	Anesth, removal of adrenal
00868	C	Anesth, kidney transplant
00882	C	Anesth, major vein ligation
00884	C	Anesth, major vein revision
00904	C	Anesth, perineal surgery
00908	C	Anesth, removal of prostate
00928	C	Anesth, removal of testis

ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
00932	C	Anesth, amputation of penis
00934	C	Anesth, penis, nodes removal
00936	C	Anesth, penis, nodes removal
00944	C	Anesth, vaginal hysterectomy
00955	C	Analgesia, vaginal delivery
01140	C	Anesth, amputation at pelvis
01150	C	Anesth, pelvic tumor surgery
01190	C	Anesth, pelvis nerve removal
01212	C	Anesth, hip disarticulation
01214	C	Anesth, replacement of hip
01232	C	Anesth, amputation of femur
01234	C	Anesth, radical femur surg
01272	C	Anesth, femoral artery surg
01274	C	Anesth, femoral embolectomy
01402	C	Anesth, replacement of knee
01404	C	Anesth, amputation at knee
01442	C	Anesth, knee artery surg
01444	C	Anesth, knee artery repair
01486	C	Anesth, ankle replacement
01502	C	Anesth, lowerleg embolectomy
01632	C	Anesth, surgery of shoulder
01634	C	Anesth, shoulder joint amput
01636	C	Anesth, forequarter amput
01638	C	Anesth, shoulder replacement
01652	C	Anesth, shoulder vessel surg
01654	C	Anesth, shoulder vessel surg
01656	C	Anesth, arm-leg vessel surg
01756	C	Anesth, radical humerus surg
01772	C	Anesth, upperarm embolectomy
01782	C	Anesth, upperarm vein repair
01842	C	Anesth, lowerarm embolectomy
01852	C	Anesth, lowerarm vein repair
01902	C	Anesth, burr holes, skull
01904	C	Anesth, skull x-ray inject
01916	C	Anesth, head arteriogram
01918	C	Anesth, limb arteriogram
01921	C	Anesth, vessel surgery
01990	C	Support for organ donor
15755	C	Microvascular flap graft
15756	C	Free muscle flap, microvasc

ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
15757	C	Free skin flap, microvasc
15758	C	Free fascial flap, microvasc
19200	C	Removal of breast
19220	C	Removal of breast
19240	C	Removal of breast
19260	C	Removal of chest wall lesion
19271	C	Revision of chest wall
19272	C	Extensive chest wall surgery
19361	C	Breast reconstruction
19364	C	Breast reconstruction
19367	C	Breast reconstruction
19368	C	Breast reconstruction
19369	C	Breast reconstruction
20100	C	Explore wound, neck
20101	C	Explore wound, chest
20102	C	Explore wound, abdomen
20103	C	Explore wound, extremity
20150	C	Excise epiphyseal bar
20660	C	Apply,remove fixation device
20661	C	Application of head brace
20662	C	Application of pelvis brace
20663	C	Application of thigh brace
20664	C	Halo brace application
20802	C	Replantation, arm, complete
20805	C	Replant forearm, complete
20808	C	Replantation, hand, complete
20816	C	Replantation digit, complete
20822	C	Replantation digit, complete
20824	C	Replantation thumb, complete
20827	C	Replantation thumb, complete
20838	C	Replantation, foot, complete
20930	C	Spinal bone allograft
20931	C	Spinal bone allograft
20936	C	Spinal bone autograft
20937	C	Spinal bone autograft
20938	C	Spinal bone autograft
20955	C	Fibula bone graft, microvasc
20956	C	Iliac bone graft, microvasc
20957	C	Mt bone graft, microvasc
20960	C	Microvascular rib graft
20962	C	Other bone graft, microvasc
20969	C	Bone/skin graft, microvasc

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ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
20970	C	Bone/skin graft, iliac crest
20971	C	Bone-skin graft, rib
20972	C	Bone-skin graft, metatarsal
20973	C	Bone-skin graft, great toe
21045	C	Extensive jaw surgery
21137	C	Reduction of forehead
21138	C	Reduction of forehead
21139	C	Reduction of forehead
21141	C	Reconstruct midface, lefort
21142	C	Reconstruct midface, lefort
21143	C	Reconstruct midface, lefort
21145	C	Reconstruct midface, lefort
21146	C	Reconstruct midface, lefort
21147	C	Reconstruct midface, lefort
21150	C	Reconstruct midface, lefort
21151	C	Reconstruct midface, lefort
21154	C	Reconstruct midface, lefort
21155	C	Reconstruct midface, lefort
21159	C	Reconstruct midface, lefort
21160	C	Reconstruct midface, lefort
21172	C	Reconstruct orbit/forehead
21175	C	Reconstruct orbit/forehead
21179	C	Reconstruct entire forehead
21180	C	Reconstruct entire forehead
21182	C	Reconstruct cranial bone
21183	C	Reconstruct cranial bone
21184	C	Reconstruct cranial bone
21188	C	Reconstruction of midface
21193	C	Reconstruct lower jaw bone
21194	C	Reconstruct lower jaw bone
21195	C	Reconstruct lower jaw bone
21196	C	Reconstruct lower jaw bone
21198	C	Reconstruct lower jaw bone
21247	C	Reconstruct lower jaw bone
21255	C	Reconstruct lower jaw bone
21256	C	Reconstruction of orbit
21261	C	Revise eye sockets
21263	C	Revise eye sockets
21268	C	Revise eye sockets
21344	C	Repair of sinus fracture
21346	C	Repair of nose/jaw fracture
21347	C	Repair of nose/jaw fracture
21348	C	Repair of nose/jaw fracture
21356	C	Repair cheek bone fracture
21360	C	Repair cheek bone fracture
21365	C	Repair cheek bone fracture
21366	C	Repair cheek bone fracture
21385	C	Repair eye socket fracture
21386	C	Repair eye socket fracture
21387	C	Repair eye socket fracture
21390	C	Repair eye socket fracture
21395	C	Repair eye socket fracture
21406	C	Repair eye socket fracture
21407	C	Repair eye socket fracture
21408	C	Repair eye socket fracture
21422	C	Repair mouth roof fracture
21423	C	Repair mouth roof fracture
21431	C	Treat craniofacial fracture
21432	C	Repair craniofacial fracture
21433	C	Repair craniofacial fracture
21435	C	Repair craniofacial fracture
21436	C	Repair craniofacial fracture
21470	C	Repair lower jaw fracture
21495	C	Repair hyoid bone fracture
21510	C	Drainage of bone lesion
21557	C	Remove tumor, neck or chest
21615	C	Removal of rib
21616	C	Removal of rib and nerves
21620	C	Partial removal of sternum
21627	C	Sternal debridement
21630	C	Extensive sternum surgery
21632	C	Extensive sternum surgery
21705	C	Revision of neck muscle/rib

ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
21740	C	Reconstruction of sternum
21750	C	Repair of sternum separation
21810	C	Treatment of rib fracture(s)
21825	C	Repair sternum fracture
22100	C	Remove part of neck vertebra
22101	C	Remove part, thorax vertebra
22102	C	Remove part, lumbar vertebra
22103	C	Remove extra spine segment
22110	C	Remove part of neck vertebra
22112	C	Remove part, thorax vertebra
22114	C	Remove part, lumbar vertebra
22116	C	Remove extra spine segment
22210	C	Revision of neck spine
22212	C	Revision of thorax spine
22214	C	Revision of lumbar spine
22216	C	Revise, extra spine segment
22220	C	Revision of neck spine
22222	C	Revision of thorax spine
22224	C	Revision of lumbar spine
22226	C	Revise, extra spine segment
22325	C	Repair of spine fracture
22326	C	Repair neck spine fracture
22327	C	Repair thorax spine fracture
22328	C	Repair each add spine fx
22548	C	Neck spine fusion
22554	C	Neck spine fusion
22556	C	Thorax spine fusion
22558	C	Lumbar spine fusion
22585	C	Additional spinal fusion
22590	C	Spine & skull spinal fusion
22595	C	Neck spinal fusion
22600	C	Neck spine fusion
22610	C	Thorax spine fusion
22612	C	Lumbar spine fusion
22614	C	Spine fusion, extra segment
22630	C	Lumbar spine fusion
22632	C	Spine fusion, extra segment
22800	C	Fusion of spine
22802	C	Fusion of spine
22804	C	Fusion of spine
22808	C	Fusion of spine
22810	C	Fusion of spine
22812	C	Fusion of spine
22818	C	Kyphectomy, 1-2 segments
22819	C	Kyphectomy, 3 & more segment
22830	C	Exploration of spinal fusion
22840	C	Insert spine fixation device
22841	C	Insert spine fixation device
22842	C	Insert spine fixation device
22843	C	Insert spine fixation device
22844	C	Insert spine fixation device
22845	C	Insert spine fixation device
22846	C	Insert spine fixation device
22847	C	Insert spine fixation device
22848	C	Insert pelvic fixationdevice
22849	C	Reinsert spinal fixation
22850	C	Remove spine fixation device
22851	C	Apply spine prosth device
22852	C	Remove spine fixation device
22855	C	Remove spine fixation device
23035	C	Drain shoulder bone lesion
23125	C	Removal of collarbone
23195	C	Removal of head of humerus
23200	C	Removal of collar bone
23210	C	Removal of shoulderblade
23220	C	Partial removal of humerus
23221	C	Partial removal of humerus
23222	C	Partial removal of humerus
23332	C	Remove shoulder foreign body
23395	C	Muscle transfer, shoulder/arm
23397	C	Muscle transfers
23400	C	Fixation of shoulder blade

ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
23440	C	Removal/transplant tendon
23470	C	Reconstruct shoulder joint
23472	C	Reconstruct shoulder joint
23900	C	Amputation of arm & girdle
23920	C	Amputation at shoulder joint
24149	C	Radical resection of elbow
24150	C	Extensive humerus surgery
24151	C	Extensive humerus surgery
24152	C	Extensive radius surgery
24153	C	Extensive radius surgery
24900	C	Amputation of upper arm
24920	C	Amputation of upper arm
24930	C	Amputation follow-up surgery
24931	C	Amputate upper arm & implant
24935	C	Revision of amputation
24940	C	Revision of upper arm
25170	C	Extensive forearm surgery
25390	C	Shorten radius/ulna
25391	C	Lengthen radius/ulna
25392	C	Shorten radius & ulna
25393	C	Lengthen radius & ulna
25405	C	Repair/graft radius or ulna
25420	C	Repair/graft radius & ulna
25900	C	Amputation of forearm
25905	C	Amputation of forearm
25909	C	Amputation follow-up surgery
25915	C	Amputation of forearm
25920	C	Amputate hand at wrist
25924	C	Amputation follow-up surgery
25927	C	Amputation of hand
25931	C	Amputation follow-up surgery
26551	C	Great toe-hand transfer
26552	C	Construct thumb replacement
26553	C	Single toe-hand transfer
26554	C	Double toe-hand transfer
26556	C	Toe joint transfer
26557	C	Construct finger replacement
26558	C	Added finger surgery
26559	C	Added finger surgery
26992	C	Drainage of bone lesion
27005	C	Incision of hip tendon
27006	C	Incision of hip tendons
27025	C	Incision of hip/thigh fascia
27030	C	Drainage of hip joint
27035	C	Denervation of hip joint
27036	C	Excision of hip joint/muscle
27054	C	Removal of hip joint lining
27070	C	Partial removal of hip bone
27071	C	Partial removal of hip bone
27075	C	Extensive hip surgery
27076	C	Extensive hip surgery
27077	C	Extensive hip surgery
27078	C	Extensive hip surgery
27079	C	Extensive hip surgery
27090	C	Removal of hip prosthesis
27091	C	Removal of hip prosthesis
27120	C	Reconstruction of hip socket
27122	C	Reconstruction of hip socket
27125	C	Partial hip replacement
27130	C	Total hip replacement
27132	C	Total hip replacement
27134	C	Revise hip joint replacement
27137	C	Revise hip joint replacement
27138	C	Revise hip joint replacement
27140	C	Transplant of femur ridge
27146	C	Incision of hip bone
27147	C	Revision of hip bone
27151	C	Incision of hip bones
27156	C	Revision of hip bones
27158	C	Revision of pelvis
27161	C	Incision of neck of femur
27165	C	Incision/fixation of femur
27170	C	Repair/graft femur head/neck

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ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
27175	C	Treat slipped epiphysis
27176	C	Treat slipped epiphysis
27177	C	Repair slipped epiphysis
27178	C	Repair slipped epiphysis
27179	C	Revise head/neck of femur
27181	C	Repair slipped epiphysis
27185	C	Revision of femur epiphysis
27187	C	Reinforce hip bones
27215	C	Pelvic fracture(s) treatment
27216	C	Treat pelvic ring fracture
27217	C	Treat pelvic ring fracture
27218	C	Treat pelvic ring fracture
27222	C	Treat hip socket fracture
27226	C	Treat hip wall fracture
27227	C	Treat hip fracture(s)
27228	C	Treat hip fracture(s)
27232	C	Treat fracture of thigh
27235	C	Repair of thigh fracture
27236	C	Repair of thigh fracture
27240	C	Treatment of thigh fracture
27244	C	Repair of thigh fracture
27245	C	Repair of thigh fracture
27248	C	Repair of thigh fracture
27253	C	Repair of hip dislocation
27254	C	Repair of hip dislocation
27258	C	Repair of hip dislocation
27259	C	Repair of hip dislocation
27280	C	Fusion of sacroiliac joint
27282	C	Fusion of pubic bones
27284	C	Fusion of hip joint
27286	C	Fusion of hip joint
27290	C	Amputation of leg at hip
27295	C	Amputation of leg at hip
27303	C	Drainage of bone lesion
27365	C	Extensive leg surgery
27445	C	Revision of knee joint
27446	C	Revision of knee joint
27447	C	Total knee replacement
27448	C	Incision of thigh
27450	C	Incision of thigh
27454	C	Realignment of thigh bone
27455	C	Realignment of knee
27457	C	Realignment of knee
27465	C	Shortening of thigh bone
27466	C	Lengthening of thigh bone
27468	C	Shorten/lengthen thighs
27470	C	Repair of thigh
27472	C	Repair/graft of thigh
27475	C	Surgery to stop leg growth
27477	C	Surgery to stop leg growth
27479	C	Surgery to stop leg growth
27485	C	Surgery to stop leg growth
27486	C	Revise knee joint replace
27487	C	Revise knee joint replace
27488	C	Removal of knee prosthesis
27495	C	Reinforce thigh
27506	C	Repair of thigh fracture
27507	C	Treatment of thigh fracture
27511	C	Treatment of thigh fracture
27513	C	Treatment of thigh fracture
27514	C	Repair of thigh fracture
27519	C	Repair of thigh growth plate
27524	C	Repair of kneecap fracture
27535	C	Treatment of knee fracture
27536	C	Repair of knee fracture
27540	C	Repair of knee fracture
27557	C	Repair of knee dislocation
27558	C	Repair of knee dislocation
27580	C	Fusion of knee
27590	C	Amputate leg at thigh
27591	C	Amputate leg at thigh
27592	C	Amputate leg at thigh
27596	C	Amputation follow-up surgery
27598	C	Amputate lower leg at knee
27645	C	Extensive lower leg surgery
27646	C	Extensive lower leg surgery
27702	C	Reconstruct ankle joint
27703	C	Reconstruction, ankle joint
27712	C	Realignment of lower leg
27715	C	Revision of lower leg
27720	C	Repair of tibia
27722	C	Repair/graft of tibia
27724	C	Repair/graft of tibia
27725	C	Repair of lower leg
27727	C	Repair of lower leg
27880	C	Amputation of lower leg
27881	C	Amputation of lower leg
27882	C	Amputation of lower leg
27886	C	Amputation follow-up surgery
27888	C	Amputation of foot at ankle
28800	C	Amputation of midfoot
28805	C	Amputation thru metatarsal
31225	C	Removal of upper jaw
31230	C	Removal of upper jaw
31290	C	Nasal/sinus endoscopy, surg
31291	C	Nasal/sinus endoscopy, surg
31292	C	Nasal/sinus endoscopy, surg
31293	C	Nasal/sinus endoscopy, surg
31294	C	Nasal/sinus endoscopy, surg
31360	C	Removal of larynx
31365	C	Removal of larynx
31367	C	Partial removal of larynx
31368	C	Partial removal of larynx
31370	C	Partial removal of larynx
31375	C	Partial removal of larynx
31380	C	Partial removal of larynx
31382	C	Partial removal of larynx
31390	C	Removal of larynx & pharynx
31395	C	Reconstruct larynx & pharynx
31580	C	Revision of larynx
31582	C	Revision of larynx
31584	C	Repair of larynx fracture
31587	C	Revision of larynx
31600	C	Incision of windpipe
31601	C	Incision of windpipe
31610	C	Incision of windpipe
31725	C	Clearance of airways
31760	C	Repair of windpipe
31766	C	Reconstruction of windpipe
31770	C	Repair/graft of bronchus
31775	C	Reconstruct bronchus
31780	C	Reconstruct windpipe
31781	C	Reconstruct windpipe
31785	C	Remove windpipe lesion
31786	C	Remove windpipe lesion
31800	C	Repair of windpipe injury
31805	C	Repair of windpipe injury
32005	C	Treat lung lining chemically
32035	C	Exploration of chest
32036	C	Exploration of chest
32095	C	Biopsy through chest wall
32100	C	Exploration/biopsy of chest
32110	C	Explore/repair chest
32120	C	Re-exploration of chest
32124	C	Explore chest,free adhesions
32140	C	Removal of lung lesion(s)
32141	C	Remove/treat lung lesions
32150	C	Removal of lung lesion(s)
32151	C	Remove lung foreign body
32160	C	Open chest heart massage
32200	C	Open drainage, lung lesion
32201	C	Percut drainage, lung lesion
32215	C	Treat chest lining
32220	C	Release of lung
32225	C	Partial release of lung
32310	C	Removal of chest lining
32320	C	Free/remove chest lining
32402	C	Open biopsy chest lining
32440	C	Removal of lung
32442	C	Sleeve pneumonectomy
32445	C	Removal of lung
32480	C	Partial removal of lung
32482	C	Bilobectomy
32484	C	Segmentectomy
32486	C	Sleeve lobectomy
32488	C	Completion pneumonectomy
32491	C	Lung volume reduction
32500	C	Partial removal of lung
32501	C	Repair bronchus (add-on)
32520	C	Remove lung & revise chest
32522	C	Remove lung & revise chest
32525	C	Remove lung & revise chest
32540	C	Removal of lung lesion
32601	C	Thoracoscopy, diagnostic
32602	C	Thoracoscopy, diagnostic
32603	C	Thoracoscopy, diagnostic
32604	C	Thoracoscopy, diagnostic
32605	C	Thoracoscopy, diagnostic
32606	C	Thoracoscopy, diagnostic
32650	C	Thoracoscopy, surgical
32651	C	Thoracoscopy, surgical
32652	C	Thoracoscopy, surgical
32653	C	Thoracoscopy, surgical
32654	C	Thoracoscopy, surgical
32655	C	Thoracoscopy, surgical
32656	C	Thoracoscopy, surgical
32657	C	Thoracoscopy, surgical
32658	C	Thoracoscopy, surgical
32659	C	Thoracoscopy, surgical
32660	C	Thoracoscopy, surgical
32661	C	Thoracoscopy, surgical
32662	C	Thoracoscopy, surgical
32663	C	Thoracoscopy, surgical
32664	C	Thoracoscopy, surgical
32665	C	Thoracoscopy, surgical
32800	C	Repair lung hernia
32810	C	Close chest after drainage
32815	C	Close bronchial fistula
32820	C	Reconstruct injured chest
32850	C	Donor pneumonectomy
32851	C	Lung transplant, single
32852	C	Lung transplant w/bypass
32853	C	Lung transplant, double
32854	C	Lung transplant w/bypass
32900	C	Removal of rib(s)
32905	C	Revise & repair chest wall
32906	C	Revise & repair chest wall
32940	C	Revision of lung
33015	C	Incision of heart sac
33020	C	Incision of heart sac
33025	C	Incision of heart sac
33030	C	Partial removal of heart sac
33031	C	Partial removal of heart sac
33050	C	Removal of heart sac lesion
33120	C	Removal of heart lesion
33130	C	Removal of heart lesion
33200	C	Insertion of heart pacemaker
33201	C	Insertion of heart pacemaker
33206	C	Insertion of heart pacemaker
33207	C	Insertion of heart pacemaker
33208	C	Insertion of heart pacemaker
33210	C	Insertion of heart electrode
33211	C	Insertion of heart electrode
33212	C	Insertion of pulse generator
33213	C	Insertion of pulse generator
33214	C	Upgrade of pacemaker system
33216	C	Revision implanted electrode
33217	C	Insert/revise electrode
33218	C	Repair pacemaker electrodes

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ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
33220	C	Repair pacemaker electrode
33233	C	Removal of pacemaker system
33234	C	Removal of pacemaker system
33235	C	Removal pacemaker electrode
33236	C	Remove electrode/ thoracotomy
33237	C	Remove electrode/ thoracotomy
33238	C	Remove electrode/ thoracotomy
33240	C	Insert/replace pulse gener
33241	C	Remove pulse generator only
33242	C	Repair pulse generator/leads
33243	C	Remove generator/ thoracotomy
33244	C	Remove generator
33245	C	Implant heart defibrillator
33246	C	Implant heart defibrillator
33247	C	Insert/replace leads
33249	C	Insert/replace leads/gener
33250	C	Ablate heart dysrhythm focus
33251	C	Ablate heart dysrhythm focus
33253	C	Reconstruct atria
33261	C	Ablate heart dysrhythm focus
33300	C	Repair of heart wound
33305	C	Repair of heart wound
33310	C	Exploratory heart surgery
33315	C	Exploratory heart surgery
33320	C	Repair major blood vessel(s)
33321	C	Repair major vessel
33322	C	Repair major blood vessel(s)
33330	C	Insert major vessel graft
33332	C	Insert major vessel graft
33335	C	Insert major vessel graft
33400	C	Repair of aortic valve
33401	C	Valvuloplasty, open
33403	C	Valvuloplasty, w/cp bypass
33404	C	Prepare heart-aorta conduit
33405	C	Replacement of aortic valve
33406	C	Replacement, aortic valve
33411	C	Replacement of aortic valve
33412	C	Replacement of aortic valve
33413	C	Replacement, aortic valve
33414	C	Repair, aortic valve
33415	C	Revision, subvalvular tissue
33416	C	Revise ventricle muscle
33417	C	Repair of aortic valve
33420	C	Revision of mitral valve
33422	C	Revision of mitral valve
33425	C	Repair of mitral valve
33426	C	Repair of mitral valve
33427	C	Repair of mitral valve
33430	C	Replacement of mitral valve
33460	C	Revision of tricuspid valve
33463	C	Valvuloplasty, tricuspid
33464	C	Valvuloplasty, tricuspid
33465	C	Replace tricuspid valve
33468	C	Revision of tricuspid valve
33470	C	Revision of pulmonary valve
33471	C	Valvotomy, pulmonary valve
33472	C	Revision of pulmonary valve
33474	C	Revision of pulmonary valve
33475	C	Replacement, pulmonary valve
33476	C	Revision of heart chamber
33478	C	Revision of heart chamber
33496	C	Repair, prosth valve clot
33500	C	Repair heart vessel fistula
33501	C	Repair heart vessel fistula
33502	C	Coronary artery correction
33503	C	Coronary artery graft
33504	C	Coronary artery graft
33505	C	Repair artery w/tunnel
33506	C	Repair artery, translocation
33510	C	CABG, vein, single
33511	C	CABG, vein, two
33512	C	CABG, vein, three
33513	C	CABG, vein, four
33514	C	CABG, vein, five
33516	C	CABG, vein, six+
33517	C	CABG, artery-vein, single
33518	C	CABG, artery-vein, two
33519	C	CABG, artery-vein, three
33521	C	CABG, artery-vein, four
33522	C	CABG, artery-vein, five
33523	C	CABG, artery-vein, six+
33530	C	Coronary artery, bypass/reop
33533	C	CABG, arterial, single
33534	C	CABG, arterial, two
33535	C	CABG, arterial, three
33536	C	CABG, arterial, four+
33542	C	Removal of heart lesion
33545	C	Repair of heart damage
33572	C	Open coronary endarterectomy
33600	C	Closure of valve
33602	C	Closure of valve
33606	C	Anastomosis/artery-aorta
33608	C	Repair anomaly w/conduit
33610	C	Repair by enlargement
33611	C	Repair double ventricle
33612	C	Repair double ventricle
33615	C	Repair (simple fontan)
33617	C	Repair by modified fontan
33619	C	Repair single ventricle
33641	C	Repair heart septum defect
33645	C	Revision of heart veins
33647	C	Repair heart septum defects
33660	C	Repair of heart defects
33665	C	Repair of heart defects
33670	C	Repair of heart chambers
33681	C	Repair heart septum defect
33684	C	Repair heart septum defect
33688	C	Repair heart septum defect
33690	C	Reinforce pulmonary artery
33692	C	Repair of heart defects
33694	C	Repair of heart defects
33697	C	Repair of heart defects
33702	C	Repair of heart defects
33710	C	Repair of heart defects
33720	C	Repair of heart defect
33722	C	Repair of heart defect
33730	C	Repair heart-vein defect(s)
33732	C	Repair heart-vein defect
33735	C	Revision of heart chamber
33736	C	Revision of heart chamber
33737	C	Revision of heart chamber
33750	C	Major vessel shunt
33755	C	Major vessel shunt
33762	C	Major vessel shunt
33764	C	Major vessel shunt & graft
33766	C	Major vessel shunt
33767	C	Major vessel shunt
33770	C	Repair great vessels defect
33771	C	Repair great vessels defect
33774	C	Repair great vessels defect
33775	C	Repair great vessels defect
33776	C	Repair great vessels defect
33777	C	Repair great vessels defect
33778	C	Repair great vessels defect
33779	C	Repair great vessels defect
33780	C	Repair great vessels defect
33781	C	Repair great vessels defect
33786	C	Repair arterial trunk
33768	C	Revision of pulmonary artery
33800	C	Aortic suspension
33802	C	Repair vessel defect
33803	C	Repair vessel defect
33813	C	Repair septal defect
33814	C	Repair septal defect
33820	C	Revise major vessel
33822	C	Revise major vessel
33824	C	Revise major vessel
33840	C	Remove aorta constriction
33845	C	Remove aorta constriction
33851	C	Remove aorta constriction
33852	C	Repair septal defect
33853	C	Repair septal defect
33860	C	Ascending aorta graft
33861	C	Ascending aorta graft
33863	C	Ascending aorta graft
33870	C	Transverse aortic arch graft
33875	C	Thoracic aorta graft
33877	C	Thoracoabdominal graft
33910	C	Remove lung artery emboli
33915	C	Remove lung artery emboli
33916	C	Surgery of great vessel
33917	C	Repair pulmonary artery
33918	C	Repair pulmonary atresia
33919	C	Repair pulmonary atresia
33920	C	Repair pulmonary atresia
33922	C	Transect pulmonary artery
33924	C	Remove pulmonary shunt
33930	C	Removal of donor heart/lung
33935	C	Transplantation, heart/lung
33940	C	Removal of donor heart
33945	C	Transplantation of heart
33960	C	External circulation assist
33961	C	External circulation assist
33970	C	Aortic circulation assist
33971	C	Aortic circulation assist
33973	C	Insert balloon device
33974	C	Remove intra-aortic balloon
33975	C	Implant ventricular device
33976	C	Implant ventricular device
33977	C	Remove ventricular device
33978	C	Remove ventricular device
34001	C	Removal of artery clot
34051	C	Removal of artery clot
34101	C	Removal of artery clot
34111	C	Removal of arm artery clot
34151	C	Removal of artery clot
34201	C	Removal of artery clot
34203	C	Removal of leg artery clot
34401	C	Removal of vein clot
34421	C	Removal of vein clot
34451	C	Removal of vein clot
34471	C	Removal of vein clot
34490	C	Removal of vein clot
34501	C	Repair valve, femoral vein
34502	C	Reconstruct, vena cava
34510	C	Transposition of vein valve
34520	C	Cross-over vein graft
34530	C	Leg vein fusion
35001	C	Repair defect of artery
35002	C	Repair artery rupture, neck
35005	C	Repair defect of artery
35011	C	Repair defect of artery
35013	C	Repair artery rupture, arm
35021	C	Repair defect of artery
35022	C	Repair artery rupture, chest
35045	C	Repair defect of arm artery
35081	C	Repair defect of artery
35082	C	Repair artery rupture, aorta
35091	C	Repair defect of artery
35092	C	Repair artery rupture, aorta
35102	C	Repair defect of artery

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ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
35103	C	Repair artery rupture, groin
35111	C	Repair defect of artery
35112	C	Repair artery rupture, spleen
35121	C	Repair defect of artery
35122	C	Repair artery rupture, belly
35131	C	Repair defect of artery
35132	C	Repair artery rupture, groin
35141	C	Repair defect of artery
35142	C	Repair artery rupture, thigh
35151	C	Repair defect of artery
35152	C	Repair artery rupture, knee
35161	C	Repair defect of artery
35162	C	Repair artery rupture
35180	C	Repair blood vessel lesion
35182	C	Repair blood vessel lesion
35184	C	Repair blood vessel lesion
35189	C	Repair blood vessel lesion
35190	C	Repair blood vessel lesion
35201	C	Repair blood vessel lesion
35206	C	Repair blood vessel lesion
35211	C	Repair blood vessel lesion
35216	C	Repair blood vessel lesion
35221	C	Repair blood vessel lesion
35226	C	Repair blood vessel lesion
35231	C	Repair blood vessel lesion
35236	C	Repair blood vessel lesion
35241	C	Repair blood vessel lesion
35246	C	Repair blood vessel lesion
35251	C	Repair blood vessel lesion
35256	C	Repair blood vessel lesion
35261	C	Repair blood vessel lesion
35266	C	Repair blood vessel lesion
35271	C	Repair blood vessel lesion
35276	C	Repair blood vessel lesion
35281	C	Repair blood vessel lesion
35286	C	Repair blood vessel lesion
35301	C	Rechanneling of artery
35311	C	Rechanneling of artery
35321	C	Rechanneling of artery
35331	C	Rechanneling of artery
35341	C	Rechanneling of artery
35351	C	Rechanneling of artery
35355	C	Rechanneling of artery
35361	C	Rechanneling of artery
35363	C	Rechanneling of artery
35371	C	Rechanneling of artery
35372	C	Rechanneling of artery
35381	C	Rechanneling of artery
35390	C	Reoperation, carotid add-on
35400	C	Angioscopy
35450	C	Repair arterial blockage
35452	C	Repair arterial blockage
35454	C	Repair arterial blockage
35456	C	Repair arterial blockage
35458	C	Repair arterial blockage
35459	C	Repair arterial blockage
35460	C	Repair venous blockage
35470	C	Repair arterial blockage
35471	C	Repair arterial blockage
35472	C	Repair arterial blockage
35473	C	Repair arterial blockage
35474	C	Repair arterial blockage
35475	C	Repair arterial blockage
35476	C	Repair venous blockage
35480	C	Atherectomy, open
35481	C	Atherectomy, open
35482	C	Atherectomy, open
35483	C	Atherectomy, open
35484	C	Atherectomy, open
35485	C	Atherectomy, open
35490	C	Atherectomy, percutaneous
35491	C	Atherectomy, percutaneous
35492	C	Atherectomy, percutaneous

ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
35493	C	Atherectomy, percutaneous
35494	C	Atherectomy, percutaneous
35495	C	Atherectomy, percutaneous
35501	C	Artery bypass graft
35506	C	Artery bypass graft
35507	C	Artery bypass graft
35508	C	Artery bypass graft
35509	C	Artery bypass graft
35511	C	Artery bypass graft
35515	C	Artery bypass graft
35516	C	Artery bypass graft
35518	C	Artery bypass graft
35521	C	Artery bypass graft
35526	C	Artery bypass graft
35531	C	Artery bypass graft
35533	C	Artery bypass graft
35536	C	Artery bypass graft
35541	C	Artery bypass graft
35546	C	Artery bypass graft
35548	C	Artery bypass graft
35549	C	Artery bypass graft
35551	C	Artery bypass graft
35556	C	Artery bypass graft
35558	C	Artery bypass graft
35560	C	Artery bypass graft
35563	C	Artery bypass graft
35565	C	Artery bypass graft
35566	C	Artery bypass graft
35571	C	Artery bypass graft
35582	C	Vein bypass graft
35583	C	Vein bypass graft
35585	C	Vein bypass graft
35587	C	Vein bypass graft
35601	C	Artery bypass graft
35606	C	Artery bypass graft
35612	C	Artery bypass graft
35616	C	Artery bypass graft
35621	C	Artery bypass graft
35623	C	Bypass graft, not vein
35626	C	Artery bypass graft
35631	C	Artery bypass graft
35636	C	Artery bypass graft
35641	C	Artery bypass graft
35642	C	Artery bypass graft
35645	C	Artery bypass graft
35646	C	Artery bypass graft
35650	C	Artery bypass graft
35651	C	Artery bypass graft
35654	C	Artery bypass graft
35656	C	Artery bypass graft
35661	C	Artery bypass graft
35663	C	Artery bypass graft
35665	C	Artery bypass graft
35666	C	Artery bypass graft
35671	C	Artery bypass graft
35681	C	Composite bypass graft
35691	C	Arterial transposition
35693	C	Arterial transposition
35694	C	Arterial transposition
35695	C	Arterial transposition
35700	C	Reoperation, bypass graft
35701	C	Exploration, carotid artery
35721	C	Exploration, femoral artery
35741	C	Exploration popliteal artery
35761	C	Exploration of artery/vein
35800	C	Explore neck vessels
35820	C	Explore chest vessels
35840	C	Explore abdominal vessels
35860	C	Explore limb vessels
35870	C	Repair vessel graft defect
35901	C	Excision, graft, neck
35903	C	Excision, graft, extremity
35905	C	Excision, graft, thorax

ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
35907	C	Excision, graft, abdomen
36510	C	Insertion of catheter, vein
36660	C	Insertion catheter, artery
36822	C	Insertion of cannula(s)
36834	C	Repair A-V aneurysm
37140	C	Revision of circulation
37145	C	Revision of circulation
37160	C	Revision of circulation
37180	C	Revision of circulation
37181	C	Splice spleen/kidney veins
37195	C	Thrombolytic therapy, stroke
37200	C	Transcatheter biopsy
37201	C	Transcatheter therapy infuse
37202	C	Transcatheter therapy infuse
37204	C	Transcatheter occlusion
37205	C	Transcatheter stent
37206	C	Transcatheter stent add-on
37207	C	Transcatheter stent
37208	C	Transcatheter stent add-on
37209	C	Exchange arterial catheter
37250	C	Intravascular us
37251	C	Intravascular us
37565	C	Ligation of neck vein
37600	C	Ligation of neck artery
37605	C	Ligation of neck artery
37606	C	Ligation of neck artery
37615	C	Ligation of neck artery
37616	C	Ligation of chest artery
37617	C	Ligation of abdomen artery
37620	C	Revision of major vein
37660	C	Revision of major vein
37788	C	Revascularization, penis
38100	C	Removal of spleen, total
38101	C	Removal of spleen, partial
38102	C	Removal of spleen, total
38115	C	Repair of ruptured spleen
38240	C	Bone marrow/stem transplant
38241	C	Bone marrow/stem transplant
38380	C	Thoracic duct procedure
38381	C	Thoracic duct procedure
38382	C	Thoracic duct procedure
38562	C	Removal, pelvic lymph nodes
38564	C	Removal, abdomen lymph nodes
38700	C	Removal of lymph nodes, neck
38720	C	Removal of lymph nodes, neck
38724	C	Removal of lymph nodes, neck
38746	C	Remove thoracic lymph nodes
38747	C	Remove abdominal lymph nodes
38765	C	Remove groin lymph nodes
38770	C	Remove pelvis lymph nodes
38780	C	Remove abdomen lymph nodes
39000	C	Exploration of chest
39010	C	Exploration of chest
39200	C	Removal chest lesion
39220	C	Removal chest lesion
39400	C	Visualization of chest
39499	C	Chest procedure
39501	C	Repair diaphragm laceration
39502	C	Repair paraesophageal hernia
39503	C	Repair of diaphragm hernia
39520	C	Repair of diaphragm hernia
39530	C	Repair of diaphragm hernia
39531	C	Repair of diaphragm hernia
39540	C	Repair of diaphragm hernia
39541	C	Repair of diaphragm hernia
39545	C	Revision of diaphragm
39599	C	Diaphragm surgery procedure

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ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
41130	C	Partial removal of tongue
41135	C	Tongue and neck surgery
41140	C	Removal of tongue
41145	C	Tongue removal; neck surgery
41150	C	Tongue, mouth, jaw surgery
41153	C	Tongue, mouth, neck surgery
41155	C	Tongue, jaw, & neck surgery
42145	C	Repair, palate, pharynx/uvula
42426	C	Excise parotid gland/lesion
42845	C	Extensive surgery of throat
42880	C	Excise nose/throat lesion
42894	C	Revision of pharyngeal walls
42953	C	Repair throat, esophagus
42961	C	Control throat bleeding
42971	C	Control nose/throat bleeding
43045	C	Incision of esophagus
43100	C	Excision of esophagus lesion
43101	C	Excision of esophagus lesion
43107	C	Removal of esophagus
43108	C	Removal of esophagus
43112	C	Removal of esophagus
43113	C	Removal of esophagus
43116	C	Partial removal of esophagus
43117	C	Partial removal of esophagus
43118	C	Partial removal of esophagus
43121	C	Partial removal of esophagus
43122	C	Parital removal of esophagus
43123	C	Partial removal of esophagus
43124	C	Removal of esophagus
43130	C	Removal of esophagus pouch
43135	C	Removal of esophagus pouch
43300	C	Repair of esophagus
43305	C	Repair esophagus and fistula
43310	C	Repair of esophagus
43312	C	Repair esophagus and fistula
43320	C	Fuse esophagus & stomach
43324	C	Revise esophagus & stomach
43325	C	Revise esophagus & stomach
43326	C	Revise esophagus & stomach
43330	C	Repair of esophagus
43331	C	Repair of esophagus
43340	C	Fuse esophagus & intestine
43341	C	Fuse esophagus & intestine
43350	C	Surgical opening, esophagus
43351	C	Surgical opening, esophagus
43352	C	Surgical opening, esophagus
43360	C	Gastrointestinal repair
43361	C	Gastrointestinal repair
43400	C	Ligate esophagus veins
43401	C	Esophagus surgery for veins
43405	C	Ligate/staple esophagus
43410	C	Repair esophagus wound
43415	C	Repair esophagus wound
43420	C	Repair esophagus opening
43425	C	Repair esophagus opening
43460	C	Pressure treatment esophagus
43496	C	Free jejunum flap, microvasc
43500	C	Surgical opening of stomach
43501	C	Surgical repair of stomach
43502	C	Surgical repair of stomach
43510	C	Surgical opening of stomach
43520	C	Incision of pyloric muscle
43605	C	Biopsy of stomach
43610	C	Excision of stomach lesion
43611	C	Excision of stomach lesion
43620	C	Removal of stomach
43621	C	Removal of stomach
43622	C	Removal of stomach
43631	C	Removal of stomach, partial
43632	C	Removal stomach, partial
43633	C	Removal stomach, partial
43634	C	Removal stomach, partial
43635	C	Partial removal of stomach
43638	C	Partial removal of stomach
43639	C	Removal stomach, partial
43640	C	Vagotomy & pylorus repair
43641	C	Vagotomy & pylorus repair
43800	C	Reconstruction of pylorus
43810	C	Fusion of stomach and bowel
43820	C	Fusion of stomach and bowel
43825	C	Fusion of stomach and bowel
43830	C	Place gastrostomy tube
43831	C	Place gastrostomy tube
43832	C	Place gastrostomy tube
43840	C	Repair of stomach lesion
43842	C	Gastroplasty for obesity
43843	C	Gastroplasty for obesity
43846	C	Gastric bypass for obesity
43847	C	Gastric bypass for obesity
43848	C	Revision gastroplasty
43850	C	Revise stomach-bowel fusion
43855	C	Revise stomach-bowel fusion
43860	C	Revise stomach-bowel fusion
43865	C	Revise stomach-bowel fusion
43880	C	Repair stomach-bowel fistula
44005	C	Freeing of bowel adhesion
44010	C	Incision of small bowel
44015	C	Insert needle catheter, bowel
44020	C	Exploration of small bowel
44021	C	Decompress small bowel
44025	C	Incision of large bowel
44050	C	Reduce bowel obstruction
44055	C	Correct malrotation of bowel
44110	C	Excision of bowel lesion(s)
44111	C	Excision of bowel lesion(s)
44120	C	Removal of small intestine
44121	C	Removal of small intestine
44125	C	Removal of small intestine
44130	C	Bowel to bowel fusion
44139	C	Mobilization of colon
44140	C	Partial removal of colon
44141	C	Partial removal of colon
44143	C	Partial removal of colon
44144	C	Partial removal of colon
44145	C	Partial removal of colon
44146	C	Partial removal of colon
44147	C	Partial removal of colon
44150	C	Removal of colon
44151	C	Removal of colon/ileostomy
44152	C	Removal of colon/ileostomy
44153	C	Removal of colon/ileostomy
44155	C	Removal of colon
44156	C	Removal of colon/ileostomy
44160	C	Removal of colon
44300	C	Open bowel to skin
44310	C	Ileostomy/jejunostomy
44314	C	Revision of ileostomy
44316	C	Devise bowel pouch
44320	C	Colostomy
44322	C	Colostomy with biopsies
44345	C	Revision of colostomy
44346	C	Revision of colostomy
44500	C	Intro, gastrointestinal tube
44602	C	Suture, small intestine
44603	C	Suture, small intestine
44604	C	Suture, large intestine
44605	C	Repair of bowel lesion
44615	C	Intestinal stricturoplasty
44620	C	Repair bowel opening
44625	C	Repair bowel opening
44626	C	Repair bowel opening
44640	C	Repair bowel-skin fistula
44650	C	Repair bowel fistula
44660	C	Repair bowel-bladder fistula
44661	C	Repair bowel-bladder fistula
44680	C	Surgical revision, intestine
44700	C	Suspend bowel w/prosthesis
44800	C	Excision of bowel pouch
44820	C	Excision of mesentery lesion
44850	C	Repair of mesentery
44899	C	Bowel surgery procedure
44900	C	Drain, app abscess, open
44901	C	Drain, app abscess, perc
44950	C	Appendectomy
44955	C	Appendectomy add-on
44960	C	Appendectomy
45110	C	Removal of rectum
45111	C	Partial removal of rectum
45112	C	Removal of rectum
45113	C	Partial proctectomy
45114	C	Partial removal of rectum
45116	C	Partial removal of rectum
45119	C	Remove, rectum w/reservoir
45120	C	Removal of rectum
45121	C	Removal of rectum and colon
45123	C	Partial proctectomy
45130	C	Excision of rectal prolapse
45135	C	Excision of rectal prolapse
45540	C	Correct rectal prolapse
45541	C	Correct rectal prolapse
45550	C	Repair rectum;remove sigmoid
45562	C	Exploration/repair of rectum
45563	C	Exploration/repair of rectum
45800	C	Repair rectumbladder fistula
45805	C	Repair fistula; colostomy
45820	C	Repair rectourethral fistula
45825	C	Repair fistula; colostomy
46705	C	Repair of anal stricture
46715	C	Repair of anovaginal fistula
46716	C	Repair of anovaginal fistula
46730	C	Construction of absent anus
46735	C	Construction of absent anus
46740	C	Construction of absent anus
46742	C	Repair, imperforated anus
46744	C	Repair, cloacal anomaly
46746	C	Repair, cloacal anomaly
46748	C	Repair, cloacal anomaly
46751	C	Repair of anal sphincter
47001	C	Needle biopsy, liver add-on
47010	C	Open drainage, liver lesion
47011	C	Percut drain, liver lesion
47015	C	Inject/aspirate liver cyst
47100	C	Wedge biopsy of liver
47120	C	Partial removal of liver
47122	C	Extensive removal of liver
47125	C	Partial removal of liver
47130	C	Partial removal of liver
47133	C	Removal of donor liver
47134	C	Partial removal, donor liver
47135	C	Transplantation of liver
47136	C	Transplantation of liver
47300	C	Surgery for liver lesion
47350	C	Repair liver wound
47360	C	Repair liver wound
47361	C	Repair liver wound
47362	C	Repair liver wound
47400	C	Incision of liver duct
47420	C	Incision of bile duct
47425	C	Incision of bile duct
47460	C	Incise bile duct sphincter
47480	C	Incision of gallbladder
47490	C	Incision of gallbladder
47550	C	Bile duct endoscopy add-on
47600	C	Removal of gallbladder
47605	C	Removal of gallbladder
47610	C	Removal of gallbladder
47612	C	Removal of gallbladder
47620	C	Removal of gallbladder
47700	C	Exploration of bile ducts

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ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
47701	C	Bile duct revision
47711	C	Excision of bile duct tumor
47712	C	Excision of bile duct tumor
47715	C	Excision of bile duct cyst
47716	C	Fusion of bile duct cyst
47720	C	Fuse gallbladder & bowel
47721	C	Fuse upper gi structures
47740	C	Fuse gallbladder & bowel
47741	C	Fuse gallbladder & bowel
47760	C	Fuse bile ducts and bowel
47765	C	Fuse liver ducts & bowel
47780	C	Fuse bile ducts and bowel
47785	C	Fuse bile ducts and bowel
47800	C	Reconstruction of bile ducts
47801	C	Placement, bile duct support
47802	C	Fuse liver duct & intestine
47900	C	Suture bile duct injury
48000	C	Drainage of abdomen
48001	C	Placement of drain, pancreas
48005	C	Resect/debride pancreas
48020	C	Removal of pancreatic stone
48100	C	Biopsy of pancreas
48120	C	Removal of pancreas lesion
48140	C	Partial removal of pancreas
48145	C	Partial removal of pancreas
48146	C	Pancreatectomy
48148	C	Removal of pancreatic duct
48150	C	Partial removal of pancreas
48152	C	Pancreatectomy
48153	C	Pancreatectomy
48154	C	Pancreatectomy
48155	C	Removal of pancreas
48180	C	Fuse pancreas and bowel
48400	C	Injection, intraop add-on
48500	C	Surgery of panereas cyst
48510	C	Drain pancreatic pseudocyst
48511	C	Drain pancreatic pseudocyst
48520	C	Fuse pancreas cyst and bowel
48540	C	Fuse pancreas cyst and bowel
48545	C	Pancreatorrhaphy
48547	C	Duodenal exclusion
48556	C	Removal, allograft pancreas
49000	C	Exploration of abdomen
49002	C	Reopening of abdomen
49010	C	Exploration behind abdomen
49020	C	Drain abdominal abscess
49021	C	Drain abdominal abscess
49040	C	Open drainage abdom abscess
49041	C	Percut drain abdom abscess
49060	C	Open drain retroper abscess
49061	C	Percutdrain retroper abscess
49062	C	Drain to peritoneal cavity
49200	C	Removal of abdominal lesion
49201	C	Removal of abdominal lesion
49215	C	Excise sacral spine tumor
49220	C	Multiple surgery, abdomen
49255	C	Removal of omentum
49425	C	Insert abdomen-venous drain
49428	C	Ligation of shunt
49605	C	Repair umbilical lesion
49606	C	Repair umbilical lesion
49610	C	Repair umbilical lesion
49611	C	Repair umbilical lesion
49900	C	Repair of abdominal wall
49905	C	Omental flap
49906	C	Free omental flap, microvasc
50010	C	Exploration of kidney
50020	C	Open drain renal abscess
50021	C	Percut drain renal abscess
50040	C	Drainage of kidney
50045	C	Exploration of kidney
50060	C	Removal of kidney stone

ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
50065	C	Incision of kidney
50070	C	Incision of kidney
50075	C	Removal of kidney stone
50080	C	Removal of kidney stone
50081	C	Removal of kidney stone
50100	C	Revise kidney blood vessels
50120	C	Exploration of kidney
50125	C	Explore and drain kidney
50130	C	Removal of kidney stone
50135	C	Exploration of kidney
50205	C	Biopsy of kidney
50220	C	Removal of kidney
50225	C	Removal of kidney
50230	C	Removal of kidney
50234	C	Removal of kidney & ureter
50236	C	Removal of kidney & ureter
50240	C	Partial removal of kidney
50280	C	Removal of kidney lesion
50290	C	Removal of kidney lesion
50300	C	Removal of donor kidney
50320	C	Removal of donor kidney
50340	C	Removal of kidney
50360	C	Transplantation of kidney
50365	C	Transplantation of kidney
50370	C	Remove transplanted kidney
50380	C	Reimplantation of kidney
50400	C	Revision of kidney/ureter
50405	C	Revision of kidney/ureter
50500	C	Repair of kidney wound
50520	C	Close kidney-skin fistula
50525	C	Repair renal-abdomen fistula
50526	C	Repair renal-abdomen fistula
50540	C	Revision of horseshoe kidney
50570	C	Kidney endoscopy
50572	C	Kidney endoscopy
50574	C	Kidney endoscopy & biopsy
50575	C	Kidney endoscopy
50576	C	Kidney endoscopy & treatment
50578	C	Renal endoscopy; radiotracer
50580	C	Kidney endoscopy & treatment
50600	C	Exploration of ureter
50605	C	Insert ureteral support
50610	C	Removal of ureter stone
50620	C	Removal of ureter stone
50630	C	Removal of ureter stone
50650	C	Removal of ureter
50660	C	Removal of ureter
50700	C	Revision of ureter
50715	C	Release of ureter
50722	C	Release of ureter
50725	C	Release/revise ureter
50727	C	Revise ureter
50728	C	Revise ureter
50740	C	Fusion of ureter & kidney
50750	C	Fusion of ureter & kidney
50760	C	Fusion of ureters
50770	C	Splicing of ureters
50780	C	Reimplant ureter in bladder
50782	C	Reimplant ureter in bladder
50783	C	Reimplant ureter in bladder
50785	C	Reimplant ureter in bladder
50800	C	Implant ureter in bowel
50810	C	Fusion of ureter & bowel
50815	C	Urine shunt to bowel
50820	C	Construct bowel bladder
50825	C	Construct bowel bladder
50830	C	Revise urine flow
50840	C	Replace ureter by bowel
50845	C	Appendico-vesicostomy
50860	C	Transplant ureter to skin
50900	C	Repair of ureter
50920	C	Closure ureter/skin fistula
50930	C	Closure ureter/bowel fistula

ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
50940	C	Release of ureter
50970	C	Ureter endoscopy
50972	C	Ureter endoscopy & catheter
50974	C	Ureter endoscopy & biopsy
50976	C	Ureter endoscopy & treatment
50978	C	Ureter endoscopy & tracer
50980	C	Ureter endoscopy & treatment
51060	C	Removal of ureter stone
51525	C	Removal of bladder lesion
51530	C	Removal of bladder lesion
51535	C	Repair of ureter lesion
51550	C	Partial removal of bladder
51555	C	Partial removal of bladder
51565	C	Revise bladder & ureter(s)
51570	C	Removal of bladder
51575	C	Removal of bladder & nodes
51580	C	Remove bladder; revise tract
51585	C	Removal of bladder & nodes
51590	C	Remove bladder; revise tract
51595	C	Remove bladder; revise tract
51596	C	Remove bladder, create pouch
51597	C	Removal of pelvic structures
51800	C	Revision of bladder/urethra
51820	C	Revision of urinary tract
51840	C	Attach bladder/urethra
51841	C	Attach bladder/urethra
51845	C	Repair bladder neck
51860	C	Repair of bladder wound
51865	C	Repair of bladder wound
51900	C	Repair bladder/vagina lesion
51920	C	Close bladder-uterus fistula
51925	C	Hysterectomy/bladder repair
51940	C	Correction of bladder defect
51960	C	Revision of bladder & bowel
51980	C	Construct bladder opening
53085	C	Drainage of urinary leakage
53415	C	Reconstruction of urethra
53443	C	Reconstruction of urethra
54125	C	Removal of penis
54130	C	Remove penis & nodes
54135	C	Remove penis & nodes
54332	C	Revise penis, urethra
54336	C	Revise penis, urethra
54390	C	Repair penis and bladder
54430	C	Revision of penis
54535	C	Extensive testis surgery
54560	C	Exploration for testis
54650	C	Orchiopexy (Fowler-Stephens)
55600	C	Incise sperm duct pouch
55605	C	Incise sperm duct pouch
55650	C	Remove sperm duct pouch
55801	C	Removal of prostate
55810	C	Extensive prostate surgery
55812	C	Extensive prostate surgery
55815	C	Extensive prostate surgery
55821	C	Removal of prostate
55831	C	Removal of prostate
55840	C	Extensive prostate surgery
55842	C	Extensive prostate surgery
55845	C	Extensive prostate surgery
55860	C	Surgical exposure, prostate
55862	C	Extensive prostate surgery
55865	C	Extensive prostate surgery
56308	C	Laparoscopy; hysterectomy
56310	C	Laparoscopic enterolysis
56314	C	Lapar; drain lymphocele
56315	C	Laparoscopic appendectomy
56322	C	Laparoscopy, vagus nerves
56323	C	Laparoscopy, vagus nerves
56324	C	Laparoscopy, cholecystoenter
56340	C	Laparoscopic cholecystectomy
56341	C	Laparoscopic cholecystectomy

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ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
56342	C	Laparoscopic cholecystectomy
56345	C	Laparoscopic splenectomy
56347	C	Laparoscopic jejunostomy
56348	C	Laparo; resect intestine
56349	C	Laparoscopy; fundoplasty
56630	C	Extensive vulva surgery
56631	C	Extensive vulva surgery
56632	C	Extensive vulva surgery
56633	C	Extensive vulva surgery
56634	C	Extensive vulva surgery
56637	C	Extensive vulva surgery
56640	C	Extensive vulva surgery
56805	C	Repair clitoris
57108	C	Partial removal of vagina
57110	C	Remove vagina wall, complete
57120	C	Closure of vagina
57270	C	Repair of bowel pouch
57280	C	Suspension of vagina
57282	C	Repair of vaginal prolapse
57292	C	Construct vagina with graft
57305	C	Repair rectum-vagina fistula
57307	C	Fistula repair & colostomy
57308	C	Fistula repair, transperine
57310	C	Repair urethrovaginal lesion
57311	C	Repair urethrovaginal lesion
57320	C	Repair bladder-vagina lesion
57330	C	Repair bladder-vagina lesion
57335	C	Repair vagina
57531	C	Removal of cervix, radical
57540	C	Removal of residual cervix
57545	C	Remove cervix, repair pelvis
58140	C	Removal of uterus lesion
58150	C	Total hysterectomy
58152	C	Total hysterectomy
58180	C	Partial hysterectomy
58200	C	Extensive hysterectomy
58210	C	Extensive hysterectomy
58240	C	Removal of pelvis contents
58260	C	Vaginal hysterectomy
58262	C	Vaginal hysterectomy
58263	C	Vaginal hysterectomy
58267	C	Hysterectomy & vagina repair
58270	C	Hysterectomy & vagina repair
58275	C	Hysterectomy, revise vagina
58280	C	Hysterectomy, revise vagina
58285	C	Extensive hysterectomy
58400	C	Suspension of uterus
58410	C	Suspension of uterus
58520	C	Repair of ruptured uterus
58540	C	Revision of uterus
58600	C	Division of fallopian tube
58605	C	Division of fallopian tube
58611	C	Ligate oviduct(s) add-on
58615	C	Occlude fallopian tube(s)
58700	C	Removal of fallopian tube
58720	C	Removal of ovary/tube(s)
58740	C	Revise fallopian tube(s)
58750	C	Repair oviduct
58752	C	Revise ovarian tube(s)
58760	C	Remove tubal obstruction
58770	C	Create new tubal opening
58805	C	Drainage of ovarian cyst(s)
58822	C	Percut drain ovary abscess
58823	C	Percut drain pelvic abscess
58825	C	Transposition, ovary(s)
58900	C	Biopsy of ovary(s)
58920	C	Partial removal of ovary(s)
58925	C	Removal of ovarian cyst(s)
58940	C	Removal of ovary(s)
58943	C	Removal of ovary(s)
58950	C	Resect ovarian malignancy
58951	C	Resect ovarian malignancy
58952	C	Resect ovarian malignancy
58960	C	Exploration of abdomen
59100	C	Remove uterus lesion
59120	C	Treat ectopic pregnancy
59121	C	Treat ectopic pregnancy
59130	C	Treat ectopic pregnancy
59135	C	Treat ectopic pregnancy
59136	C	Treat ectopic pregnancy
59140	C	Treat ectopic pregnancy
59150	C	Treat ectopic pregnancy
59151	C	Treat ectopic pregnancy
59325	C	Revision of cervix
59350	C	Repair of uterus
59514	C	Cesarean delivery only
59525	C	Remove uterus after cesarean
59620	C	Attempted vbac delivery only
59830	C	Treat uterus infection
59850	C	Abortion
59851	C	Abortion
59852	C	Abortion
59855	C	Abortion
59856	C	Abortion
59857	C	Abortion
59866	C	Abortion
60212	C	Partial thyroid excision
60252	C	Removal of thyroid
60254	C	Extensive thyroid surgery
60260	C	Repeat thyroid surgery
60270	C	Removal of thyroid
60271	C	Removal of thyroid
60500	C	Explore parathyroid glands
60502	C	Re-explore parathyroids
60505	C	Explore parathyroid glands
60512	C	Autotransplant, parathyroid
60520	C	Removal of thymus gland
60521	C	Removal thymus gland
60522	C	Removal of thymus gland
60540	C	Explore adrenal gland
60545	C	Explore adrenal gland
60600	C	Remove carotid body lesion
60605	C	Remove carotid body lesion
61105	C	Twist drill hole
61106	C	Drill skull for exam/surgery
61107	C	Drill skull for implantation
61108	C	Drill skull for drainage
61120	C	Burr hole for puncture
61130	C	Pierce skull, exam/surgery
61140	C	Pierce skull for biopsy
61150	C	Pierce skull for drainage
61151	C	Pierce skull for drainage
61154	C	Pierce skull, remove clot
61156	C	Pierce skull for drainage
61210	C	Pierce skull; implant device
61250	C	Pierce skull & explore
61253	C	Pierce skull & explore
61304	C	Open skull for exploration
61305	C	Open skull for exploration
61312	C	Open skull for drainage
61313	C	Open skull for drainage
61314	C	Open skull for drainage
61315	C	Open skull for drainage
61320	C	Open skull for drainage
61321	C	Open skull for drainage
61330	C	Decompress eye socket
61332	C	Explore/biopsy eye socket
61333	C	Explore orbit; remove lesion
61334	C	Explore orbit; remove object
61340	C	Relieve cranial pressure
61343	C	Incise skull, pressure relief
61345	C	Relieve cranial pressure
61440	C	Incise skull for surgery
61450	C	Incise skull for surgery
61458	C	Incise skull for brain wound
61460	C	Incise skull for surgery
61470	C	Incise skull for surgery
61480	C	Incise skull for surgery
61490	C	Incise skull for surgery
61500	C	Removal of skull lesion
61501	C	Remove infected skull bone
61510	C	Removal of brain lesion
61512	C	Remove brain lining lesion
61514	C	Removal of brain abscess
61516	C	Removal of brain lesion
61518	C	Removal of brain lesion
61519	C	Remove brain lining lesion
61520	C	Removal of brain lesion
61521	C	Removal of brain lesion
61522	C	Removal of brain abscess
61524	C	Removal of brain lesion
61526	C	Removal of brain lesion
61530	C	Removal of brain lesion
61531	C	Implant brain electrodes
61533	C	Implant brain electrodes
61534	C	Removal of brain lesion
61535	C	Remove brain electrodes
61536	C	Removal of brain lesion
61538	C	Removal of brain tissue
61539	C	Removal of brain tissue
61541	C	Incision of brain tissue
61542	C	Removal of brain tissue
61543	C	Removal of brain tissue
61544	C	Remove & treat brain lesion
61545	C	Excision of brain tumor
61546	C	Removal of pituitary gland
61548	C	Removal of pituitary gland
61550	C	Release of skull seams
61552	C	Release of skull seams
61556	C	Incise skull/sutures
61557	C	Incise skull/sutures
61558	C	Excision of skull/sutures
61559	C	Excision of skull/sutures
61563	C	Excision of skull tumor
61564	C	Excision of skull tumor
61570	C	Remove brain foreign body
61571	C	Incise skull for brain wound
61575	C	Skull base/brainstem surgery
61576	C	Skull base/brainstem surgery
61580	C	Craniofacial approach, skull
61581	C	Craniofacial approach, skull
61582	C	Craniofacial approach, skull
61583	C	Craniofacial approach, skull
61584	C	Orbitocranial approach/skull
61585	C	Orbitocranial approach/skull
61586	C	Resect nasopharynx, skull
61590	C	Infratemporal approach/skull
61591	C	Infratemporal approach/skull
61592	C	Orbitocranial approach/skull
61595	C	Transtemporal approach/skull
61596	C	Transcochlear approach/skull
61597	C	Transcondylar approach/skull
61598	C	Transpetrosal approach/skull
61600	C	Resect/excise cranial lesion
61601	C	Resect/excise cranial lesion
61605	C	Resect/excise cranial lesion
61606	C	Resect/excise cranial lesion
61607	C	Resect/excise cranial lesion
61608	C	Resect/excise cranial lesion
61609	C	Transect, artery, sinus
61610	C	Transect, artery, sinus
61611	C	Transect, artery, sinus
61612	C	Transect, artery, sinus
61613	C	Remove aneurysm, sinus
61615	C	Resect/excise lesion, skull
61616	C	Resect/excise lesion, skull
61618	C	Repair dura
61619	C	Repair dura
61624	C	Occlusion/embolization cath

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ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
61626	C	Occlusion/embolization cath
61680	C	Intracranial vessel surgery
61682	C	Intracranial vessel surgery
61684	C	Intracranial vessel surgery
61686	C	Intracranial vessel surgery
61690	C	Intracranial vessel surgery
61692	C	Intracranial vessel surgery
61700	C	Inner skull vessel surgery
61702	C	Inner skull vessel surgery
61703	C	Clamp neck artery
61705	C	Revise circulation to head
61708	C	Revise circulation to head
61710	C	Revise circulation to head
61711	C	Fusion of skull arteries
61712	C	Skull or spine microsurgery
61720	C	Incise skull/brain surgery
61735	C	Incise skull/brain surgery
61750	C	Incise skull; brain biopsy
61751	C	Brain biopsy with cat scan
61760	C	Implant brain electrodes
61770	C	Incise skull for treatment
61791	C	Treat trigeminal tract
61795	C	Brain surgery using computer
61850	C	Implant neuroelectrodes
61855	C	Implant neuroelectrodes
61860	C	Implant neuroelectrodes
61865	C	Implant neuroelectrodes
61870	C	Implant neuroelectrodes
61875	C	Implant neuroelectrodes
61880	C	Revise/remove neuroelectrode
61888	C	Revise/remove neuroreceiver
62000	C	Repair of skull fracture
62005	C	Repair of skull fracture
62010	C	Treatment of head injury
62100	C	Repair brain fluid leakage
62115	C	Reduction of skull defect
62116	C	Reduction of skull defect
62117	C	Reduction of skull defect
62120	C	Repair skull cavity lesion
62121	C	Incise skull repair
62140	C	Repair of skull defect
62141	C	Repair of skull defect
62142	C	Remove skull plate/flap
62143	C	Replace skull plate/flap
62145	C	Repair of skull & brain
62146	C	Repair of skull with graft
62147	C	Repair of skull with graft
62180	C	Establish brain cavity shunt
62190	C	Establish brain cavity shunt
62192	C	Establish brain cavity shunt
62200	C	Establish brain cavity shunt
62201	C	Establish brain cavity shunt
62220	C	Establish brain cavity shunt
62223	C	Establish brain cavity shunt
62256	C	Remove brain cavity shunt
62258	C	Replace brain cavity shunt
62351	C	Implant spinal catheter
63001	C	Removal of spinal lamina
63003	C	Removal of spinal lamina
63005	C	Removal of spinal lamina
63011	C	Removal of spinal lamina
63012	C	Removal of spinal lamina
63015	C	Removal of spinal lamina
63016	C	Removal of spinal lamina
63017	C	Removal of spinal lamina
63020	C	Neck spine disk surgery
63030	C	Low back disk surgery
63035	C	Spinal disk surgery add-on
63040	C	Neck spine disk surgery
63042	C	Low back disk surgery
63045	C	Removal of spinal lamina
63046	C	Removal of spinal lamina
63047	C	Removal of spinal lamina

ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
63048	C	Remove spinal lamina add-on
63055	C	Decompress spinal cord
63056	C	Decompress spinal cord
63057	C	Decompress spine cord add-on
63064	C	Decompress spinal cord
63066	C	Decompress spine cord add-on
63075	C	Neck spine disk surgery
63076	C	Neck spine disk surgery
63077	C	Spine disk surgery, thorax
63078	C	Spine disk surgery, thorax
63081	C	Removal of vertebral body
63082	C	Remove vertebral body add-on
63085	C	Removal of vertebral body
63086	C	Remove vertebral body add-on
63087	C	Removal of vertebral body
63088	C	Remove vertebral body add-on
63090	C	Removal of vertebral body
63091	C	Remove vertebral body add-on
63170	C	Incise spinal cord tract(s)
63172	C	Drainage of spinal cyst
63173	C	Drainage of spinal cyst
63180	C	Revise spinal cord ligaments
63182	C	Revise spinal cord ligaments
63185	C	Incise spinal column/nerves
63190	C	Incise spinal column/nerves
63191	C	Incise spinal column/nerves
63194	C	Incise spinal column & cord
63195	C	Incise spinal column & cord
63196	C	Incise spinal column & cord
63197	C	Incise spinal column & cord
63198	C	Incise spinal column & cord
63199	C	Incise spinal column & cord
63200	C	Release of spinal cord
63250	C	Revise spinal cord vessels
63251	C	Revise spinal cord vessels
63252	C	Revise spinal cord vessels
63265	C	Excise intraspinal lesion
63266	C	Excise intraspinal lesion
63267	C	Excise intraspinal lesion
63268	C	Excise intraspinal lesion
63270	C	Excise intraspinal lesion
63271	C	Excise intraspinal lesion
63272	C	Excise intraspinal lesion
63273	C	Excise intraspinal lesion
63275	C	Biopsy/excise spinal tumor
63276	C	Biopsy/excise spinal tumor
63277	C	Biopsy/excise spinal tumor
63278	C	Biopsy/excise spinal tumor
63280	C	Biopsy/excise spinal tumor
63281	C	Biopsy/excise spinal tumor
63282	C	Biopsy/excise spinal tumor
63283	C	Biopsy/excise spinal tumor
63285	C	Biopsy/excise spinal tumor
63286	C	Biopsy/excise spinal tumor
63287	C	Biopsy/excise spinal tumor
63290	C	Biopsy/excise spinal tumor
63300	C	Removal of vertebral body
63301	C	Removal of vertebral body
63302	C	Removal of vertebral body
63303	C	Removal of vertebral body
63304	C	Removal of vertebral body
63305	C	Removal of vertebral body
63306	C	Removal of vertebral body
63307	C	Removal of vertebral body
63308	C	Remove vertebral body add-on
63655	C	Implant neuroelectrodes

ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
63700	C	Repair of spinal herniation
63702	C	Repair of spinal herniation
63704	C	Repair of spinal herniation
63706	C	Repair of spinal herniation
63707	C	Repair spinal fluid leakage
63709	C	Repair spinal fluid leakage
63710	C	Graft repair of spine defect
63740	C	Install spinal shunt
63741	C	Install spinal shunt
64752	C	Incision of vagus nerve
64755	C	Incision of stomach nerves
64760	C	Incision of vagus nerve
64763	C	Incise hip/thigh nerve
64766	C	Incise hip/thigh nerve
64802	C	Remove sympathetic nerves
64804	C	Remove sympathetic nerves
64809	C	Remove sympathetic nerves
64818	C	Remove sympathetic nerves
64820	C	Remove sympathetic nerves
64866	C	Fusion of facial/other nerve
64868	C	Fusion of facial/other nerve
65110	C	Removal of eye
65112	C	Remove eye, revise socket
65114	C	Remove eye, revise socket
65273	C	Repair of eye wound
67414	C	Explore/decompress eye socke
67445	C	Explore/decompress eye socke
67570	C	Decompress optic nerve
69155	C	Extensive ear/neck surgery
69535	C	Remove part of temporal bone
69554	C	Remove ear lesion
69950	C	Incise inner ear nerve
69955	C	Release facial nerve
69960	C	Release inner ear canal
69970	C	Remove inner ear lesion
69979	C	Temporal bone surgery
74300	C	X-ray bile ducts, pancreas
74301	C	X-rays at surgery add-on
75894	C	X-rays, transcatheter therapy
75896	C	X-rays, transcatheter therapy
75900	C	Arterial catheter exchange
75940	C	X-ray placement, vein filter
75945	C	Intravascular us
75946	C	Intravascular us add-on
75960	C	Transcatheter intro, stent
75961	C	Retrieval, broken catheter
75962	C	Repair arterial blockage
75964	C	Repair artery blockage, each
75966	C	Repair arterial blockage
75968	C	Repair artery blockage, each
75970	C	Vascular biopsy
75978	C	Repair venous blockage
75992	C	Atherectomy, x-ray exam
75993	C	Atherectomy, x-ray exam
75994	C	Atherectomy, x-ray exam
75995	C	Atherectomy, x-ray exam
75996	C	Atherectomy, x-ray exam
92970	C	Cardioassist, internal
92971	C	Cardioassist, external
92975	C	Dissolve clot, heart vessel
92977	C	Dissolve clot, heart vessel
92978	C	Intravas us, heart add-on
92979	C	Intravas us, heart (add-on)
92980	C	Insert intracoronary stent
92981	C	Insert intracoronary stent
92982	C	Coronary artery dilation
92984	C	Coronary artery dilation
92986	C	Revision of aortic valve
92987	C	Revision of mitral valve
92990	C	Revision of pulmonary valve
92992	C	Revision of heart chamber

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ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
92993	C	Revision of heart chamber
92995	C	Coronary atherectomy
92996	C	Coronary atherectomy add-on
92997	C	Pul art balloon repair, perc
92998	C	Pul art balloon repair, perc
94652	C	Pressure breathing (IPPB)
94656	C	Initial ventilator mgmt
95920	C	Intraop nerve test add-on
95961	C	Electrode stimulation, brain
95962	C	Electrode stimulation, brain
99190	C	Special pump services
99191	C	Special pump services

ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
99192	C	Special pump services
99234	C	Observ/hosp same date
99235	C	Observ/hosp same date
99236	C	Observ/hosp same date
99251	C	Initial inpatient consult
99252	C	Initial inpatient consult
99253	C	Initial inpatient consult
99254	C	Initial inpatient consult
99255	C	Initial inpatient consult
99261	C	Follow-up inpatient consult
99262	C	Follow-up inpatient consult
99263	C	Follow-up inpatient consult

ADDENDUM G.—CPT CODES WHICH WOULD BE PAID ONLY AS INPATIENT PROCEDURES—Continued

CPT[1] HCPCS[2]	HOPD status indicator	Description
99295	C	Neonatal critical care
99296	C	Neonatal critical care
99297	C	Neonatal critical care
99356	C	Prolonged service, inpatient
99357	C	Prolonged service, inpatient
99433	C	Normal newborn care,hospital

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51. On pages 48005 through 48030, Addendum I is corrected to read as follows:

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL

Hospital	SMI
10001	2.87
10004	1.70
10005	2.04
10006	2.81
10007	1.56
10008	1.77
10009	1.47
10010	2.30
10011	2.42
10012	2.01
10015	2.11
10016	2.49
10018	6.17
10019	2.24
10021	1.64
10022	1.86
10023	2.47
10024	2.75
10025	2.02
10027	1.00
10029	2.98
10031	1.85
10032	1.27
10033	1.47
10034	2.41
10035	2.82
10036	2.42
10038	4.13
10039	2.05
10040	2.42
10043	2.17
10044	2.03
10045	1.82
10046	2.00
10047	1.55
10049	2.86
10050	1.79
10051	1.49
10052	1.48
10053	1.88
10054	1.79
10055	2.63
10056	2.61
10058	1.16
10059	1.76
10061	2.48
10062	1.64
10064	3.07
10065	2.25
10066	1.32
10068	1.35
10069	2.15

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
10072	2.44
10073	2.43
10078	2.31
10079	2.33
10080	1.05
10081	2.33
10083	2.10
10084	3.82
10087	2.56
10089	2.42
10090	2.33
10091	1.55
10092	2.36
10094	2.36
10095	1.36
10097	1.92
10098	1.68
10099	1.89
10100	2.58
10101	2.26
10102	1.23
10103	2.19
10104	2.47
10108	1.82
10109	2.17
10110	1.14
10112	1.73
10113	2.55
10114	2.24
10115	1.40
10117	1.19
10118	2.43
10119	2.05
10120	1.91
10123	2.90
10124	3.20
10125	1.38
10126	2.00
10127	3.04
10128	1.28
10129	1.76
10130	1.59
10131	2.58
10134	1.44
10137	1.41
10138	1.21
10139	2.54
10143	1.80
10144	2.52
10145	1.51
10146	2.79
10148	1.83

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
10149	2.67
10150	1.99
10152	2.08
10155	1.50
13025	1.76
13027	1.08
13028	0.89
13300	1.38
14000	1.26
14002	1.20
20001	2.64
20002	1.99
20004	1.80
20005	1.03
20006	1.87
20007	0.84
20008	2.08
20009	1.03
20010	0.53
20011	0.98
20012	3.12
20013	1.76
20014	1.70
20017	3.05
20024	1.78
20025	1.00
24001	1.40
30001	2.48
30002	2.35
30003	1.98
30004	0.83
30006	2.66
30007	2.48
30009	1.32
30010	2.44
30011	3.35
30012	1.86
30014	2.89
30016	1.75
30017	2.70
30018	2.90
30019	2.27
30022	1.64
30023	2.67
30024	3.42
30025	1.66
30027	1.62
30030	2.79
30033	2.36
30034	1.24
30035	2.92
30036	2.27

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
30037	3.90
30038	3.06
30040	1.83
30041	1.23
30043	2.41
30044	1.97
30047	1.57
30049	0.75
30054	0.84
30055	2.33
30059	2.44
30060	2.14
30061	1.90
30062	2.33
30064	2.43
30065	2.75
30067	1.56
30068	2.35
30069	2.80
30080	2.53
30083	2.40
30085	2.32
30086	2.18
30087	3.31
30088	2.05
30089	2.52
30092	2.52
30093	1.60
30094	1.96
30095	2.95
33025	1.61
33026	1.81
33028	1.49
34004	1.34
34008	1.57
34009	1.31
34010	1.31
34013	1.33
34015	1.31
34019	1.28
40001	2.26
40002	2.09
40003	1.80
40004	3.63
40005	1.89
40007	3.84
40008	1.26
40010	2.98
40011	1.94
40014	2.54
40015	1.65
40016	1.93
40017	2.35
40018	2.70
40019	2.29
40020	2.73
40021	2.97
40022	2.23
40024	1.68
40025	1.72
40026	2.41
40027	2.93
40028	2.00
40029	3.25
40030	1.26
40032	0.91
40035	1.12
40036	2.94
40037	1.85
40039	2.44
40040	1.27
40041	3.11
40042	2.04
40044	1.28
40045	1.60
40047	1.71

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
40048	2.33
40050	2.67
40051	2.02
40053	1.59
40054	2.96
40055	2.47
40058	2.12
40060	1.33
40062	2.30
40064	1.40
40066	3.24
40067	1.18
40069	2.76
40070	1.70
40071	2.52
40072	2.19
40074	2.70
40075	1.63
40076	1.70
40077	1.63
40078	2.58
40080	1.69
40081	0.93
40082	1.71
40084	2.89
40085	1.83
40088	2.99
40090	1.25
40091	1.63
40093	1.19
40100	2.21
40105	1.22
40106	1.95
40107	1.50
40109	1.91
40114	4.32
40116	2.81
40118	2.62
40119	2.76
40124	2.31
40126	1.82
40132	0.96
43026	1.42
43027	0.87
43028	1.19
43029	1.76
43031	0.82
43032	2.80
43300	1.51
44004	1.29
44005	1.32
44006	1.38
44010	1.52
44011	1.69
44012	1.32
50002	1.89
50006	2.28
50007	2.11
50009	2.75
50013	2.93
50014	2.65
50015	2.21
50016	2.00
50017	4.45
50018	2.36
50021	2.13
50022	2.57
50024	2.06
50025	2.08
50026	2.05
50028	2.32
50029	2.13
50030	1.75
50032	2.91
50033	2.05
50036	2.58

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
50038	1.39
50039	2.62
50042	3.00
50043	2.66
50045	3.04
50046	2.17
50047	2.86
50051	1.45
50054	1.57
50055	1.71
50056	3.32
50057	3.01
50058	2.70
50060	1.93
50061	4.86
50063	2.56
50065	2.34
50066	2.25
50067	1.80
50068	2.45
50069	2.55
50077	2.72
50078	2.45
50079	2.02
50080	1.68
50081	1.10
50082	2.59
50084	2.23
50088	1.30
50089	1.99
50090	2.38
50091	2.33
50092	1.71
50093	3.45
50095	3.59
50096	2.44
50097	3.49
50099	2.11
50100	2.37
50101	2.56
50102	1.86
50103	2.79
50104	2.16
50107	2.48
50108	2.48
50109	2.25
50110	3.14
50111	4.66
50112	2.51
50113	1.26
50114	2.19
50115	1.87
50116	2.62
50117	2.82
50118	2.37
50121	2.97
50122	2.74
50124	2.34
50125	2.92
50126	2.67
50127	1.96
50128	2.19
50129	2.61
50131	2.34
50132	2.44
50133	1.99
50135	1.34
50136	2.46
50144	2.21
50145	2.53
50146	1.30
50148	2.21
50149	2.20
50150	2.29
50152	2.15
50153	2.32

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
50155	2.05
50158	3.24
50159	1.34
50167	1.30
50168	3.18
50169	2.48
50170	2.63
50172	1.71
50173	2.59
50174	3.12
50175	3.10
50177	1.80
50179	2.45
50180	2.09
50183	1.22
50186	1.67
50188	3.47
50189	2.28
50191	2.39
50192	1.45
50193	1.68
50194	2.48
50195	2.14
50196	2.11
50197	2.49
50204	3.00
50205	2.12
50207	3.11
50208	2.02
50211	2.50
50213	1.26
50214	2.16
50215	2.83
50217	2.07
50219	1.77
50222	2.39
50224	2.49
50225	2.08
50226	2.63
50228	1.13
50230	2.69
50231	3.45
50232	2.78
50233	2.70
50234	1.56
50235	2.48
50236	2.04
50238	2.03
50239	2.50
50240	2.55
50241	2.21
50242	2.13
50243	1.94
50245	1.15
50248	1.39
50251	2.10
50253	1.33
50254	2.98
50256	1.36
50257	1.66
50260	1.32
50261	1.98
50262	2.09
50264	2.13
50267	2.56
50270	2.48
50272	1.77
50274	1.44
50276	1.18
50277	2.32
50278	2.44
50279	1.81
50280	2.50
50281	3.59
50282	2.19
50283	1.12

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
50286	0.95
50289	2.46
50290	2.28
50291	1.60
50292	1.37
50293	1.30
50295	2.45
50296	2.25
50298	2.00
50299	2.87
50300	2.80
50301	2.81
50302	2.65
50305	1.97
50307	3.51
50308	2.19
50309	2.76
50310	2.76
50312	2.34
50313	2.89
50315	1.13
50317	1.79
50320	1.18
50324	2.91
50325	1.66
50327	2.26
50328	2.48
50329	1.65
50331	1.93
50333	1.02
50334	3.18
50335	1.25
50336	2.31
50337	1.66
50342	2.71
50343	3.02
50348	1.58
50349	1.14
50350	2.08
50351	3.05
50352	1.73
50353	2.37
50355	1.01
50357	2.29
50359	3.22
50360	3.01
50366	1.90
50367	1.81
50369	2.21
50377	0.87
50378	2.01
50379	1.42
50380	3.09
50382	2.50
50385	2.10
50388	0.92
50390	2.47
50391	1.88
50392	1.28
50393	2.75
50394	3.09
50396	3.93
50397	1.31
50401	2.18
50404	1.43
50406	1.38
50407	2.72
50410	0.95
50414	2.49
50417	2.79
50418	1.26
50419	2.46
50420	1.85
50421	2.33
50423	2.09
50424	2.77

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
50426	2.46
50427	0.76
50430	1.39
50431	3.59
50432	2.32
50433	1.44
50434	1.36
50435	2.34
50436	1.48
50438	2.38
50440	1.46
50441	2.01
50443	1.47
50444	2.14
50446	1.32
50447	1.58
50448	2.94
50449	3.19
50454	1.62
50455	3.08
50456	4.96
50457	2.05
50459	2.34
50464	2.94
50468	1.50
50469	1.60
50470	2.00
50471	2.87
50476	2.46
50477	4.20
50478	1.52
50481	2.61
50482	1.02
50483	3.02
50485	2.90
50486	2.29
50488	2.09
50491	2.30
50492	2.24
50494	3.06
50496	2.35
50497	0.98
50498	2.38
50502	3.39
50503	3.27
50506	2.28
50516	3.02
50517	2.24
50522	2.30
50523	2.05
50526	2.36
50528	2.01
50531	3.13
50534	2.28
50535	2.67
50537	2.62
50539	2.08
50542	1.93
50543	2.53
50545	0.96
50546	0.93
50547	1.07
50548	0.78
50549	2.47
50550	2.23
50551	2.38
50552	1.24
50557	2.14
50559	2.43
50560	1.94
50564	2.41
50565	1.80
50566	1.51
50567	2.22
50568	2.50
50569	2.37

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
50570	3.06
50571	3.05
50573	2.27
50577	4.04
50579	2.31
50580	2.21
50581	2.22
50583	2.97
50584	1.93
50585	2.47
50586	2.74
50588	2.48
50589	2.89
50590	3.11
50591	2.47
50592	2.82
50593	2.00
50594	2.75
50597	2.74
50598	2.46
50599	1.45
50601	2.48
50603	1.64
50607	1.59
50608	1.68
50613	0.69
50615	2.53
50616	2.40
50618	1.29
50624	2.73
50625	2.47
50633	2.48
50636	2.91
50638	1.48
50641	2.02
50644	2.56
50660	1.41
50661	1.30
50662	1.02
50663	2.15
50666	1.06
50667	1.07
50668	1.03
50676	0.87
50678	2.02
50680	1.50
50682	1.18
50684	2.01
50685	2.37
50688	1.62
50689	2.32
50693	2.05
50694	2.01
50695	1.64
50696	3.01
50697	4.28
50699	2.19
50700	2.33
50701	1.92
50702	0.89
50704	1.87
50709	2.69
52031	1.05
53026	1.72
53027	1.00
53028	1.05
53029	1.33
53030	1.05
53031	1.08
53032	0.98
53033	1.30
53034	1.63
53035	1.40
53036	1.24
53037	1.25
53300	1.41

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
53301	1.98
53302	1.59
53304	1.24
53305	0.98
54001	1.31
54003	1.76
54012	1.35
54032	1.31
54053	1.43
54055	1.09
54060	1.31
54064	1.09
54065	1.31
54069	1.31
54074	1.31
54075	1.31
54078	1.65
54087	1.30
54091	1.57
54093	1.51
54095	1.31
54096	1.33
54097	1.34
54098	1.31
54099	1.32
54104	1.50
54105	1.31
54106	1.32
54108	1.22
54110	1.31
54111	1.31
54113	1.31
54116	1.33
54119	1.31
54122	1.16
54123	1.34
54125	1.60
54130	1.31
54131	1.63
54133	0.88
54139	1.20
60001	2.91
60003	2.83
60004	1.55
60006	2.08
60007	1.50
60008	2.08
60009	2.23
60010	2.35
60011	1.26
60012	1.83
60013	1.79
60014	2.41
60015	1.70
60016	2.01
60018	2.17
60020	1.96
60022	1.73
60023	2.50
60024	1.52
60027	2.15
60028	2.48
60029	1.17
60030	2.74
60031	2.20
60032	2.73
60033	1.65
60034	1.97
60036	1.85
60037	1.43
60038	1.39
60041	1.00
60042	1.58
60043	1.34
60044	2.09
60046	2.82

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
60047	0.89
60049	2.70
60050	1.95
60052	1.66
60053	1.68
60054	2.42
60056	1.27
60057	2.07
60058	1.27
60060	1.31
60062	1.48
60063	0.77
60064	3.00
60065	2.24
60068	1.24
60070	1.33
60071	2.09
60073	1.27
60075	2.56
60076	1.84
60085	1.11
60088	1.55
60090	1.55
60096	2.20
60100	2.02
60103	4.08
60104	2.29
62009	0.81
62011	2.20
63027	1.45
63030	1.82
63301	1.57
64007	1.31
64009	1.09
64012	1.26
64016	1.41
70001	2.72
70002	2.47
70003	2.00
70004	2.24
70005	1.71
70006	2.31
70007	2.73
70008	1.95
70009	2.65
70010	2.41
70011	2.06
70012	2.13
70015	2.17
70016	2.03
70017	2.24
70018	2.16
70019	2.80
70020	2.10
70021	2.56
70022	2.37
70024	2.24
70025	2.75
70026	2.05
70027	2.14
70028	2.17
70029	2.29
70030	2.44
70031	2.07
70033	1.93
70035	2.35
70036	1.96
70039	1.06
72003	1.04
72004	0.79
74000	1.25
74007	1.31
74008	1.53
80001	2.94
80002	2.15
80003	2.63

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
80004	2.42
80005	2.70
80006	2.31
80007	2.07
83300	3.40
84002	1.43
90001	3.34
90002	1.80
90003	1.70
90004	2.38
90006	2.41
90007	1.18
90008	2.36
90010	1.96
90011	2.42
90015	0.65
93025	1.03
93300	1.98
94004	1.10
100001	1.48
100002	2.47
100004	1.78
100006	2.29
100007	2.82
100008	3.02
100009	2.29
100010	2.56
100012	2.75
100014	2.53
100015	2.49
100017	2.55
100018	1.83
100019	3.21
100020	2.87
100022	1.37
100023	2.44
100024	2.88
100025	2.21
100026	2.63
100027	1.37
100028	2.73
100029	2.42
100030	2.91
100032	1.98
100034	2.35
100035	2.31
100038	2.22
100039	2.68
100040	2.85
100043	2.28
100044	2.35
100045	2.20
100046	2.21
100047	1.91
100048	1.58
100049	2.46
100050	2.15
100051	2.51
100052	3.58
100053	2.46
100054	2.02
100055	2.20
100056	3.26
100057	2.88
100060	2.36
100061	2.52
100062	2.43
100063	2.19
100067	2.29
100068	2 00
100069	2.45
100070	2.40
100071	2.15
100072	2.29
100073	1.88
100075	2.01

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
100076	2.37
100077	3.09
100078	1.05
100079	1.68
100080	2.30
100081	1.76
100082	2.14
100084	1.98
100085	2.15
100086	2.33
100087	3.40
100083	3.10
100090	2.72
100098	1.47
100099	2.72
100102	2.00
100103	1.20
100105	2.58
100106	2.64
100107	2.48
100108	2.05
100109	2.66
100110	2.13
100112	0.99
100113	2.67
100114	2.37
100117	2.94
100118	1.88
100121	2.58
100122	2.60
100124	1.82
100125	2.35
100126	2.07
100127	2.70
100128	2.41
100129	3.11
100130	2.11
100131	2.89
100132	2.24
100134	1.52
100135	3.73
100137	2.25
100138	1.19
100139	1.41
100140	2.43
100142	1.88
100144	2.72
100145	2.11
100146	1.91
100147	1.77
100150	2.52
100151	3.45
100154	3.18
100156	2.31
100157	3.23
100159	1.44
100160	1.89
100161	2.14
100162	2.11
100165	2.07
100166	2.27
100167	3.78
100168	2.45
100169	2.54
100170	2.65
100172	2.26
100173	2.85
100174	2.00
100175	1.89
100176	1.87
100177	2.79
100179	3.41
100181	4.01
100183	2.58
100187	2.35
100189	2.51

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
100191	2.40
100199	2.93
100200	3.81
100203	2.11
100204	2.40
100206	2.36
100208	2.03
100209	2.53
100210	2.25
100211	1.90
100212	2.25
100213	1.83
100217	3.37
100220	2.88
100221	2.29
100222	1.41
100223	2.22
100224	2.20
100225	2.50
100226	1.62
100228	2.06
100229	1.80
100230	1.78
100231	2.12
100232	2.49
100234	1.92
100235	2.09
100236	2.00
100237	2.69
100238	2.97
100239	2.43
100240	4.60
100241	2.37
100242	2.68
100243	1.87
100244	2.34
100246	2.81
100248	1.80
100249	2.23
100252	2.30
100253	2.46
100254	2.05
100255	2.16
100256	2.07
100258	2.31
100259	2.62
100260	3.34
100262	3.13
100263	2.32
100264	1.95
100265	2.18
100266	2.60
100267	2.57
100268	2.27
100269	2.58
100270	1.01
100271	1.78
100275	2.20
100276	2.85
100277	0.95
100279	1.98
100280	1.80
100281	2.14
100282	1.60
102006	0.97
102008	1.00
102009	0.91
102013	3.31
103026	1.43
103027	1.40
103028	1.43
103030	0.91
103031	1.29
103032	1.78
103034	1.17
103300	8.70

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
103301	2.40
104002	0.57
104008	1.36
104015	1.31
104017	1.31
104018	1.32
104024	1.52
104029	1.31
104034	1.31
104036	1.33
104037	1.31
104038	1.43
104040	1.28
104045	1.43
104046	1.32
104054	1.34
104057	1.30
104060	1.33
110001	2.49
110002	1.69
110003	2.51
110004	2.40
110005	2.24
110006	3.00
110007	2.42
110008	2.22
110009	1.12
110010	2.73
110011	2.22
110013	1.39
110014	1.57
110015	1.62
110016	2.92
110017	1.24
110018	2.17
110020	2.99
110023	2.32
110024	3.45
110025	2.66
110026	1.66
110027	1.50
110028	2.54
110029	1.98
110030	2.84
110031	2.38
110032	2.54
110033	2.76
110034	1.35
110035	2.61
110037	1.54
110038	2.10
110039	2.72
110040	1.90
110041	2.00
110042	2.27
110043	3.05
110044	2.46
110045	2.26
110046	2.07
110048	1.44
110049	1.26
110050	1.62
110051	1.80
110052	1.00
110054	2.03
110056	1.25
110059	2.26
110061	1.19
110062	0.89
110063	1.62
110064	1.87
110065	1.08
110066	2.35
110069	2.46
110070	1.69
110071	1.22

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
110072	1.44
110073	2.05
110074	2.58
110075	2.22
110076	2.61
110078	2.61
110079	1.15
110080	1.91
110082	3.13
110083	2.93
110086	1.89
110087	2.56
110088	0.89
110089	2.16
110091	2.89
110092	1.60
110093	1.40
110094	0.94
110095	2.83
110096	1.35
110097	1.24
110098	1.64
110100	1.23
110101	1.49
110103	1.22
110104	2.04
110105	2.37
110107	1.94
110108	0.79
110109	1.48
110111	1.70
110112	1.38
110113	1.35
110114	1.60
110115	2.37
110118	0.74
110120	1.08
110121	4.41
110122	2.62
110124	2.05
110125	3.01
110127	1.48
110128	2.26
110129	2.64
110130	1.69
110132	1.92
110134	1.16
110135	4.19
110140	2.22
110141	1.13
110142	1.42
110143	2.84
110144	1.82
110146	1.73
110149	1.52
110150	2.35
110152	1.73
110153	1.88
110155	1.29
110156	1.45
110161	3.12
110163	3.02
110164	2.27
110165	2.58
110166	2.36
110168	2.64
110169	6.44
110171	2.04
110172	3.19
110174	1.74
110176	2.56
110177	2.52
110178	7.50
110179	2.12
110181	1.11
110183	2.23

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
110184	2.04
110185	1.36
110186	3.11
110187	2.20
110188	2.72
110189	1.74
110190	1.62
110191	3.24
110192	2.27
110193	2.89
110194	1.37
110195	1.06
110198	2.85
110200	4.09
110201	2.16
110203	1.30
110205	1.62
110207	1.20
110208	1.51
110209	1.32
112000	1.03
112003	1.55
112004	0.80
113026	1.20
113027	1.41
113300	2.09
114000	1.31
114003	1.31
114008	1.31
114010	1.60
114015	1.31
114016	1.31
114017	1.33
114020	1.31
114022	1.31
114023	1.42
114024	1.34
114025	1.35
114030	1.44
114031	1.31
114032	1.32
114033	1.30
114034	1.30
120001	2.73
120002	2.74
120003	1.92
120004	2.04
120005	3.07
120006	2.08
120007	3.04
120009	1.13
120010	2.52
120012	1.30
120014	2.80
120018	0.71
120019	2.43
120022	1.25
120024	0.80
120025	0.78
120026	2.86
120027	1.83
123025	1.46
123300	1.55
124001	1.31
130001	1.53
130002	2.87
130003	2.91
130005	3.26
130006	1.88
130007	3.34
130008	1.84
130009	2.31
130010	0.87
130011	2.35
130012	1.55
130013	2.53

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
130014	3.08
130015	1.13
130016	1.96
130017	1.83
130018	2.96
130019	1.76
130021	1.04
130022	2.25
130024	2.67
130025	1.81
130026	3.37
130027	1.54
130028	2.15
130029	1.95
130030	0.84
130031	2.21
130034	1.50
130035	1.89
130036	3.68
130037	1.67
130043	1.57
130044	1.53
130045	1.51
130048	1.22
130049	2.37
130054	0.60
130056	0.73
130060	2.53
130061	1.44
133025	1.42
134002	1.31
134009	1.36
140001	2.07
140002	2.23
140003	1.57
140005	1.34
140007	2.46
140008	2.40
140010	2.28
140011	1.68
140012	2.14
140013	2.56
140014	2.22
140015	2.68
140016	1.86
140018	1.75
140019	1.56
140024	1.72
140025	1.42
140026	2.32
140027	1.85
140029	1.98
140030	2.68
140031	1.58
140032	2.80
140033	2.48
140034	2.22
140035	1.61
140036	2.46
140037	1.51
140038	1.53
140040	2.19
140041	1.99
140042	1.54
140043	2.63
140045	1.53
140046	2.29
140047	1.34
140048	2.09
140049	1.91
140051	2.45
140052	2.55
140053	2.92
140054	2.35
140055	1.52
140058	2.12

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
140059	2.32
140061	1.59
140062	2.05
140063	2.09
140064	3.62
140065	2.29
140066	2.02
140067	2.43
140068	1.68
140069	1.76
140070	1.87
140074	1.20
140075	2.27
140077	1.56
140079	2.30
140080	2.01
140081	1.61
140082	1.82
140083	1.36
140084	2.86
140086	1.95
140087	2.22
140088	1.53
140089	2.66
140090	2.45
140091	4.81
140093	2.54
140094	2.15
140095	1.75
140097	1.31
140100	2.67
140101	1.88
140102	1.91
140103	1.54
140105	2.53
140107	1.64
140108	2.71
140109	1.61
140110	2.14
140112	1.78
140113	2.28
140114	2.31
140115	1.78
140116	2.45
140117	2.57
140118	2.62
140119	2.46
140120	2.27
140121	2.34
140122	2.29
140125	2.03
140127	4.03
140128	1.69
140129	1.93
140130	2.34
140132	2.79
140133	2.04
140135	2.48
140137	1.68
140138	1.91
140139	1.66
140140	1.68
140141	2.11
140143	2.27
140144	1.53
140145	1.91
140146	1.89
140147	2.23
140148	2.69
140150	1.51
140151	1.28
140152	1.66
140155	2.27
140158	1.63
140160	3.01
140161	2.34

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
140162	2.26
140164	2.67
140165	2.12
140166	1.79
140167	2.44
140168	1.86
140170	1.49
140171	1.29
140172	1.48
140173	1.21
140174	2.00
140176	2.53
140177	1.95
140179	2.43
140180	1.88
140181	1.81
140182	1.74
140184	1.80
140185	2.35
140186	2.04
140187	2.01
140188	1.25
140189	2.04
140190	1.71
140191	1.93
140193	2.35
140197	1.79
140199	1.71
140200	1.91
140202	2.35
140203	2.36
140205	3.84
140206	2.06
140207	2.69
140208	2.26
140209	2.56
140210	2.02
140211	2.32
140212	1.18
140213	2.38
140215	1.27
140217	2.16
140218	1.82
140220	1.84
140223	2.62
140224	2.14
140228	2.13
140230	1.09
140231	2.27
140233	2.45
140234	2.29
140236	1.27
140239	2.53
140240	1.97
140242	2.56
140245	1.73
140246	1.65
140250	1.90
140251	2.78
140252	1.97
140253	3.18
140258	2.20
140271	1.96
140275	2.32
140276	2.23
140280	2.36
140281	2.44
140285	2.00
140286	2.05
140288	1.95
140289	2.20
140290	3.07
140291	2.46
140292	2.27
140294	2.59
140297	1.53

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
140300	1.19
142006	0.92
142009	4.17
143025	1.17
143026	1.24
143027	1.30
144005	1.38
144019	0.89
144026	1.31
144029	1.09
144030	1.37
144031	1.21
144035	1.31
144036	1.31
150001	1.96
150002	2.05
150003	2.20
150004	2.00
150005	2.22
150006	2.64
150007	2.24
150008	2.28
150009	2.61
150011	1.81
150012	2.54
150013	1.99
150014	2.02
150015	2.54
150018	2.76
150019	2.03
150020	2.50
150022	2.46
150023	2.43
150024	1.25
150026	2.55
150027	1.64
150029	3.50
150030	2.38
150031	1.59
150033	2.22
150034	2.56
150036	1.82
150037	2.45
150038	1.62
150039	1.99
150042	2.61
150043	1.77
150044	2.22
150045	1.61
150046	2.49
150047	1.78
150049	1.43
150050	1.64
150051	2.00
150052	2.23
150053	1.90
150054	1.55
150057	2.05
150058	2.74
150059	2.27
150060	1.58
150061	1.85
150062	2.07
150063	1.43
150064	1.90
150065	2.26
150066	1.37
150067	2.01
150069	2.47
150070	1.79
150071	1.48
150072	1.97
150073	1.83
150074	2.23
150075	1.94
150076	1.96

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
150078	1.76
150079	1.62
150084	3.13
150089	2.37
150090	1.74
150091	1.80
150092	1.46
150094	2.06
150095	2.20
150096	2.05
150097	2.00
150098	1.65
150099	2.33
150101	1.89
150102	1.61
150103	1.25
150104	1.91
150105	1.89
150106	1.78
150109	3.04
150110	1.51
150111	1.58
150112	2.38
150114	1.54
150115	2.66
150122	1.98
150123	1.16
150124	1.65
150125	2.13
150126	2.50
150127	1.15
150128	2.44
150129	1.93
150130	1.33
150132	2.49
150133	2.13
150134	1.68
150136	2.41
152007	0.58
152009	0.50
153025	1.67
153027	2.54
153029	1.25
153030	1.65
154009	1.49
154011	1.63
154013	1.41
154014	1.30
154026	1.41
154028	1.21
154031	1.38
154032	1.56
154035	1.35
154036	1.32
154037	1.43
154038	1.47
154042	1.44
160001	3.07
160002	2.01
160003	1.86
160005	2.09
160007	1.11
160008	2.11
160009	1.94
160012	1.52
160013	2.88
160014	1.68
160016	2.75
160018	1.50
160020	1.59
160021	2.33
160023	1.66
160024	2.57
160026	1.81
160027	1.84
160028	2.31

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
160029	3.20
160030	3.22
160031	1.61
160032	2.21
160033	2.76
160034	2.04
160035	0.99
160036	1.97
160037	1.95
160039	1.57
160040	3.33
160041	1.46
160043	1.59
160044	2.22
160045	2.62
160046	2.10
160047	2.24
160048	1.62
160049	1.03
160050	2.38
160051	1.73
160052	1.77
160054	1.83
160055	2.01
160056	1.61
160057	2.60
160058	1.56
160060	1.79
160061	2.05
160062	1.56
160063	1.78
160064	2.89
160065	1.92
160066	2.25
160067	2.30
160069	3.06
160070	1.57
160072	2.16
160073	1.27
160074	1.49
160075	1.74
160076	2.40
160077	1.75
160079	3.18
160080	2.54
160081	1.81
160082	3.05
160083	2.70
160085	1.47
160086	1.29
160088	1.55
160089	2.63
160090	1.56
160091	1.64
160092	1.79
160093	1.35
160094	2.74
160095	1.10
160097	2.05
160098	1.49
160099	1.74
160101	1.12
160102	2.60
160103	1.26
160104	1.96
160106	2.86
160107	1.46
160108	2.22
160109	1.59
160110	2.09
160111	1.60
160112	3.03
160113	1.29
160114	2.53
160115	2.31
160116	1.94

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
160117	2.69
160118	1.74
160120	0.91
160122	2.22
160124	2.12
160126	1.72
160129	2.78
160130	1.44
160131	1.59
160134	1.11
160135	1.71
160138	1.29
160140	1.62
160142	1.33
160143	1.84
160145	1.63
160146	2.66
160147	1.64
160151	1.37
160152	1.42
160153	2.57
164002	2.09
170001	3.10
170004	1.53
170006	1.97
170008	2.10
170009	2.13
170010	2.63
170012	2.93
170013	3.30
170014	1.84
170015	2.32
170016	2.49
170017	2.45
170018	1.60
170019	3.08
170020	3.38
170022	2.37
170023	5.05
170024	2.18
170025	1.96
170026	2.92
170027	3.06
170030	1.50
170031	1.88
170032	1.53
170033	2.49
170034	1.77
170035	1.44
170036	0.97
170037	2.84
170038	0.99
170039	1.58
170040	2.29
170041	1.34
170043	1.11
170044	1.52
170045	1.67
170049	2.82
170051	0.97
170052	1.48
170053	0.98
170054	1.59
170055	1.66
170056	0.98
170057	1.53
170058	4.02
170060	2.32
170061	2.01
170063	1.24
170064	1.47
170066	1.12
170067	2.05
170068	3.20
170070	2.12
170072	1.23

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
170073	1.28
170074	2.04
170075	1.02
170076	1.87
170077	1.94
170079	1.38
170080	1.48
170081	1.30
170082	1.90
170084	1.68
170085	1.61
170086	3.15
170088	1.42
170089	1.21
170090	1.24
170092	1.28
170093	1.47
170094	1.87
170095	2.66
170097	1.78
170098	2.43
170099	2.05
170100	0.74
170101	1.38
170102	1.65
170103	4.11
170104	3.30
170105	1.98
170106	1.13
170109	1.90
170110	1.61
170112	1.38
170113	2.22
170114	2.28
170115	1.73
170116	2.67
170117	0.88
170119	1.35
170120	3.00
170122	2.51
170123	3.32
170124	1.94
170126	1.13
170128	1.84
170131	1.83
170133	3.36
170134	1.67
170137	2.62
170139	0.66
170142	2.84
170143	2.81
170144	2.74
170145	2.12
170146	2.79
170147	1.36
170148	2.40
170150	3.13
170151	1.82
170152	1.35
170160	1.38
170164	1.63
170166	1.34
170168	1.13
170171	1.33
170175	4.10
170176	2.39
170182	3.25
172004	0.74
173025	1.24
173026	1.14
173027	1.93
173028	1.30
174003	1.39
174006	0.83
174012	1.31
174014	1.63

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
174016	1.42
174018	1.32
180001	2.14
180004	1.75
180005	2.13
180006	1.14
180007	2.57
180009	2.62
180010	2.50
180011	2.15
180012	2.43
180013	2.50
180014	2.91
180015	1.71
180016	2.19
180017	2.33
180018	2.49
180019	2.80
180021	1.77
180023	1.79
180024	1.97
180025	2.16
180026	1.90
180027	2.73
180030	1.32
180031	1.47
180032	1.24
180033	1.72
180034	1.83
180035	2.38
180036	2.52
180037	2.40
180038	2.07
180040	3.16
180041	2.19
180042	1.81
180043	1.33
180044	2.31
180045	2.37
180046	2.15
180047	1.57
180048	2.13
180049	2.97
180051	2.73
180054	2.10
180055	1.84
180056	2.22
180058	1.35
180059	1.43
180060	0.79
180063	1.36
180064	2.15
180065	1.29
180066	2.34
180067	2.38
180070	1.70
180072	1.61
180075	1.70
180078	2.06
180079	1.62
180080	3.07
180087	2.76
180088	3.19
180092	2.05
180093	2.56
180094	1.48
180095	1.79
180099	1.62
180101	1.63
180102	2.50
180103	2.74
180104	2.27
180105	1.53
180106	1.44
180108	1.39
180115	1.53

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
180116	2.27
180117	2.17
180118	1.48
180120	1.47
180121	2.30
180122	1.58
180123	2.48
180124	2.94
180126	1.39
180127	2.61
180128	1.87
180129	1.29
180130	2.61
180132	2.46
180133	2.23
180134	1.80
180136	4.00
180137	1.72
180138	1.98
180139	1.43
180140	1.17
183026	0.99
183027	1.09
183028	1.28
184000	1.58
184002	0.78
184007	1.31
184008	2.67
184009	1.35
184015	0.84
190003	1.93
190004	2.30
190007	1.77
190013	1.76
190014	2.37
190015	2.21
190017	2.01
190018	2.04
190019	2.01
190020	2.33
190025	1.90
190026	2.13
190027	1.96
190029	1.89
190033	1.10
190034	1.95
190035	3.11
190036	2.52
190037	0.98
190039	1.93
190040	2.27
190041	2.45
190043	1.08
190044	1.95
190045	2.08
190046	1.76
190048	1.93
190049	2.50
190050	1.87
190053	1.45
190054	2.16
190059	1 65
190060	2.74
190064	3.53
190065	2.15
190071	1.38
190077	0.83
190078	2.94
190079	2.02
190081	1.06
190083	1.40
190086	2.59
190088	2.25
190089	1.67
190090	1.64
190092	1.81

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
190095	1.86
190098	1.45
190099	1.34
190102	2.88
190103	0.93
190106	1.61
190109	1.89
190110	1.41
190111	3.17
190112	2.61
190113	2.92
190114	1.72
190115	4.31
190116	2.10
190118	1.69
190120	1.45
190124	2.27
190125	2.02
190128	1.98
190130	1.69
190131	1.33
190133	1.48
190134	1.13
190135	2.31
190136	0.99
190138	6.32
190140	1.71
190142	1.01
190144	2.45
190145	1.46
190146	1.83
190147	1.72
190148	1.12
190149	1.62
190151	1.77
190155	1.37
190156	0.93
190158	2.29
190160	2.59
190162	1.60
190164	2.97
190167	1.86
190170	0.92
190173	1.95
190175	2.30
190176	1.55
190177	2.38
190178	1.19
190182	2.06
190184	1.21
190185	2.55
190186	1.13
190189	0.88
190190	1.37
190191	2.04
190196	2.35
190197	2.41
190200	2.51
190201	2.07
190202	1.79
190203	2.56
190204	2.25
190205	2.38
190206	1.85
190207	2.90
190208	1.03
190218	2.28
190231	4.22
192004	1.24
192005	1.34
192006	1.68
192008	1.32
192016	3.42
193027	1.59
193028	1.51
193034	1.19

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
193038	1.34
193041	0.77
193044	2.33
193300	1.34
194014	1.31
194019	1.32
194022	1.09
194023	1.26
194024	1.39
194031	1.39
194044	1.30
194058	1.31
200001	2.58
200002	2.11
200003	1.73
200006	1.31
200007	1.58
200008	1.99
200009	2.10
200012	1.59
200013	1.91
200015	2.04
200016	1.77
200017	2.54
200018	1.96
200019	2.07
200020	2.09
200021	2.31
200023	0.98
200024	2.28
200025	2.33
200026	1.72
200027	1.64
200028	1.76
200031	1.76
200032	1.84
200033	2.02
200034	2.48
200037	1.82
200038	2.22
200039	2.30
200040	2.69
200041	2.24
200043	1.20
200050	2.60
200051	2.45
200052	1.70
200055	1.38
200062	1.35
200063	2.32
200066	1.94
204005	1.45
204006	1.30
204007	0.66
213027	.41
213028	3.88
214000	1.30
214003	1.30
214015	1.09
214017	1.35
220001	2.08
220003	2.07
220004	2.17
220006	2.14
220008	2.00
220010	2.51
220011	1.51
220015	2.08
220016	2.06
220017	1.98
220019	2.21
220020	1.72
220021	2.02
220023	1.93
220024	2.16
220025	1.66

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
220028	1.90
220029	2.03
220030	1.43
220031	1.69
220033	2.00
220035	2.24
220038	2.00
220041	2.17
220042	2.00
220046	2.55
220049	2.27
220050	2.08
220051	2.36
220052	1.99
220053	1.93
220055	2.41
220057	2.17
220058	1.95
220060	2.24
220062	1.56
220063	2.06
220064	1.81
220065	1.84
220066	2.41
220067	2.26
220068	1.19
220070	1.90
220071	1.75
220073	1.91
220074	1.97
220075	2.55
220076	1.89
220077	1.97
220079	1.86
220080	1.99
220081	1.87
220082	2.17
220083	1.84
220084	2.44
220086	1.81
220088	1.99
220089	2.00
220090	1.93
220092	2.05
220094	1.85
220095	1.81
220098	2.14
220100	1.87
220101	2.12
220104	1.34
220105	2.03
220106	2.07
220107	2.22
220108	2.01
220111	2.23
220116	1.65
220119	1.83
220123	1.80
220126	2.22
220128	1.87
220135	2.09
220162	1.54
220163	1.49
220171	1.51
222000	1.46
222002	0.96
222006	1.18
222008	0.91
222024	2.77
222026	0.89
222027	0.98
222029	1.19
222035	1.15
222043	0.89
222044	1.63
222045	4.98

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
223026	1.28
223027	1.35
223028	1.60
223029	1.09
223030	1.67
223302	1.88
224007	1.45
224013	1.55
224018	1.40
224021	1.29
224022	2.16
224023	2.45
224029	1.30
224034	1.41
224035	1.37
230001	1.86
230002	2.82
230003	1.83
230004	2.55
230005	2.21
230006	2.01
230007	2.65
230012	1.06
230013	2.04
230015	2.08
230017	2.61
230019	2.88
230020	3.03
230021	2.71
230022	2.48
230024	2.64
230027	1.89
230029	2.40
230030	2.65
230031	2.42
230032	3.13
230034	2.04
230035	2.09
230036	2.40
230037	2.23
230038	2.72
230040	2.46
230041	2.39
230042	1.93
230046	1.88
230047	2.86
230053	1.35
230054	2.40
230055	1.96
230056	1.74
230058	2.52
230059	2.92
230060	2.26
230062	1.67
230063	2.10
230065	2.52
230066	2.45
230068	2.61
230069	1.91
230070	3.08
230071	1.75
230072	2.17
230075	2.53
230076	4.12
230077	3.10
230078	2.03
230080	3.05
230081	2.32
230082	1.93
230085	3.46
230086	1.74
230087	2.10
230089	2.32
230092	2.54
230093	2.75
230095	2.54

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
230096	2.19
230097	2.92
230099	2.08
230100	1.63
230101	2.07
230103	2.02
230104	2.33
230105	3.26
230106	1.92
230107	1.32
230108	2.20
230110	2.43
230111	1.65
230113	1.30
230114	6.78
230115	1.73
230116	1.53
230117	2.37
230118	2.01
230119	2.04
230120	2.55
230121	2.38
230122	3.08
230124	2.14
230125	1.74
230128	3.16
230129	2.41
230130	2.71
230132	2.19
230133	2.34
230134	2.25
230135	2.53
230137	2.29
230141	2.25
230142	2.32
230143	2.41
230144	2.34
230145	2.29
230146	1.96
230147	1.81
230149	1.53
230151	1.96
230153	2.02
230154	1.40
230155	1.56
230156	2.14
230157	2.56
230159	2.60
230162	1.02
230165	2.96
230167	2.68
230169	2.53
230171	1.46
230172	1.73
230174	2.08
230175	1.29
230176	2.75
230178	1.77
230180	1.93
230184	4.93
230186	1.78
230188	2.23
230189	1.32
230190	1.19
230191	1.96
230193	2.13
230194	1.12
230195	2.63
230197	3.23
230199	2.08
230201	2.40
230204	2.62
230205	2.36
230207	2.08
230208	2.25
230211	0.92

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
230212	1.94
230213	1.32
230216	1.91
230217	2.45
230219	2.39
230221	2.12
230222	2.46
230223	2.71
230227	2.45
230230	2.74
230232	1.07
230235	2.06
230236	2.56
230239	2.22
230241	2.32
230244	2.38
230253	2.24
230254	2.45
230257	4.97
230259	2.62
230264	2.86
230269	2.63
230270	3.10
230273	1.84
230275	2.24
230276	1.21
230278	1.76
230279	1.35
230280	2.02
233025	1.25
233026	1.06
233027	1.20
233300	3.11
234006	1.37
234011	1.34
234021	1.09
234030	2.61
240001	3.00
240002	2.77
240004	1.26
240005	1.28
240006	2.65
240007	2.69
240008	2.77
240009	1.46
240010	3.32
240011	2.39
240013	2.37
240014	2.42
240016	2.88
240017	3.49
240018	3.00
240019	2.66
240020	2.02
240021	1.89
240022	2.19
240023	2.28
240025	1.95
240027	2.58
240028	2.10
240029	2.69
240030	2.93
240031	2.12
240036	2.25
240037	1.80
240038	2.90
240040	2.37
240041	2.44
240043	3.09
240044	2.40
240045	1.84
240047	2.92
240048	3.42
240049	1.82
240050	2.90
240051	1.90

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
240052	2.04
240053	2.93
240056	2.93
240057	2.22
240058	1.40
240059	3.22
240061	4.29
240063	2.50
240064	2.83
240065	1.64
240066	3.84
240069	3.35
240071	2.27
240072	2.60
240073	1.57
240075	2.27
240076	2.59
240077	2.36
240078	3.37
240079	1.84
240080	1.91
240082	1.77
240083	2.22
240084	2.68
240085	1.45
240086	2.13
240087	2.13
240088	1.83
240089	1.22
240090	3.11
240093	2.50
240094	1.51
240096	1.45
240097	5.89
240098	2.02
240099	1.71
240100	2.66
240101	2.00
240102	1.58
240103	1.80
240104	2.59
240105	1.27
240106	1.37
240107	1.65
240108	2.35
240109	1.83
240110	2.25
240111	2.24
240112	1.89
240114	1.77
240115	2.91
240116	1.60
240117	1.21
240119	1.18
240121	2.15
240122	1.34
240123	2.15
240124	2.17
240125	1.73
240127	1.60
240128	2.46
240129	2.03
240130	2.83
240132	2.62
240133	3.09
240135	0.79
240137	3.34
240138	1.34
240139	2.00
240141	2.37
240142	1.76
240143	1.48
240144	2.59
240145	1.51
240146	2.00
240148	1.75

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
240150	1.14
240152	2.44
240153	1.78
240154	1.43
240155	2.44
240157	2.23
240160	2.45
240161	1.78
240162	2.04
240163	1.81
240166	3.39
240169	2.32
240170	1.78
240171	2.78
240172	1.84
240173	2.46
240179	1.69
240184	1.73
240187	3.17
240193	2.03
240200	0.89
240207	2.57
240210	2.57
240211	0.95
242004	1.50
243300	1.31
243302	5.75
250001	2.19
250002	1.48
250003	1.01
250004	2.14
250005	0.90
250006	2.02
250007	1.83
250008	1.07
250009	2.75
250010	1.53
250012	1.37
250015	2.17
250017	1.30
250018	0.62
250019	2.13
250020	1.32
250021	0.78
250023	0.67
250024	0.90
250025	1.89
250027	1.65
250029	1.56
250030	1.04
250031	2.41
250032	1.96
250033	1.61
250034	3.37
250035	1.68
250036	1.76
250037	1.43
250038	1.30
250039	1.02
250040	2.33
250042	2.15
250043	1.74
250044	1.82
250045	1.71
250048	2.91
250049	1.35
250050	2.03
250051	1.16
250057	2.24
250058	2.47
250059	1.78
250060	0.97
250061	1.52
250063	1.31
250065	1.35
250066	1.07

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
250067	1.34
250068	1.43
250069	3.24
250071	1.12
250072	2.22
250076	0.66
250077	1.33
250078	2.40
250079	1.17
250081	3.07
250082	2.61
250083	1.25
250084	2.71
250085	1.31
250088	1.89
250089	1.57
250093	1.81
250094	3.47
250095	1.95
250096	1.82
250097	1.96
250098	1.24
250099	2.80
250100	2.62
250101	1.06
250102	2.62
250104	3.07
250105	1.30
250107	1.15
250109	1.19
250112	1.19
250117	1.37
250119	1.59
250120	2.08
250122	2.53
250123	2.87
250124	1.28
250125	2.08
250126	1.19
250128	1.63
250131	1.57
250134	0.91
250136	2.70
250138	3.12
250141	2.85
250145	1.26
250146	1.23
250148	2.11
250149	1.22
253025	1.78
254001	1.32
260001	2.22
260002	2.23
260003	1.52
260004	1.43
260005	2.38
260006	2.06
260007	2.52
260008	1.08
260009	2.43
260011	2.21
260012	1.45
260013	1.95
260014	2.34
260015	2.15
260017	2.67
260018	1.11
260019	1.63
260020	2.17
260021	2.00
260022	2.25
260023	2.29
260024	1.52
260025	3.21
260027	2.35
260029	2.02

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
260030	1.21
260031	2.38
260032	2.31
260034	1.31
260035	1.46
260036	1.79
260039	1.52
260040	2.36
260042	2.08
260044	1.84
260047	2.09
260048	1.87
260050	2.38
260052	2.07
260053	1.65
260054	2.14
260055	1.65
260057	1.64
260059	2.22
260061	2.44
260062	2.33
260063	2.01
260064	2.31
260065	2.34
260066	1.93
260067	1.18
260068	2.74
260070	1.36
260073	1.72
260074	1.67
260077	2.44
260078	2.50
260079	1.54
260080	1.95
260081	2.05
260082	1.49
260085	2.58
260086	1.73
260091	2.81
260094	2.31
260095	2.09
260096	2.94
260097	2.94
260100	1.81
260102	1.05
260103	1.83
260104	2.19
260105	2.45
260107	3.26
260108	2.24
260109	1.90
260110	2.14
260113	2.22
260115	1.63
260116	2.21
260119	2.50
260120	2.07
260122	1.92
260123	1.29
260127	1.79
260128	1.31
260129	2.04
260131	1.92
260134	2.23
260137	2.83
260138	2.22
260141	1.89
260142	2.46
260143	1.27
260147	1.70
260148	1.26
260158	1.63
260159	2.15
260160	1.64
260162	2.65
260163	1.78

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
260164	1.66
260166	2.19
260172	1.86
260173	1.23
260175	2.64
260176	2.50
260177	3.17
260178	3.40
260179	2.25
260180	2.10
260183	2.52
260186	2.55
260188	2.19
260189	0.89
260190	2.45
260191	2.55
260193	2.25
260195	2.05
260197	2.16
260198	2.48
260200	1.87
262001	1.06
262011	0.81
263025	1.40
263026	2.48
263300	2.06
263301	1.47
263302	1.74
264005	1.09
264007	1.07
264008	1.09
264010	0.89
264013	1.32
264016	2.84
264017	1.50
264021	1.31
264024	1.31
264025	1.03
264026	1.33
270002	2.30
270003	2.42
270004	2.99
270006	0.57
270007	1.05
270009	1.55
270011	2.44
270012	3.15
270013	2.49
270014	2.85
270016	1.06
270017	1.94
270019	1.17
270021	1.95
270023	2.70
270024	1.00
270026	1.72
270027	1.31
270028	2.26
270029	1.80
270032	2.54
270033	0.94
270035	1.59
270036	1.21
270039	1.81
270040	1.80
270041	1.49
270044	2.51
270046	1.19
270048	1.93
270049	1.78
270050	1.92
270051	2.52
270052	1.09
270053	0.99
270057	2.21
270058	1.58

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
270059	0.64
270060	0.97
270063	1.11
270068	2.08
270072	0.62
270073	1.13
270079	1.45
270080	1.92
270081	1.03
270082	0.96
270083	1.27
270084	1.53
280001	1.87
280005	2.46
280009	3.31
280010	1.00
280011	1.45
280012	1.98
280013	1.90
280014	1.72
280015	1.98
280017	1.89
280018	1.69
280020	2.20
280021	2.58
280022	1.17
280023	2.68
280024	1.49
280025	1.11
280026	1.45
280028	2.22
280029	1.36
280030	2.09
280031	1.38
280032	2.87
280033	1.58
280034	2.38
280035	1.60
280037	1.27
280038	2.06
280039	2.08
280040	2.88
280041	1.31
280042	1.18
280043	1.85
280045	1.83
280046	1.52
280047	2.11
280048	1.56
280049	1.40
280050	2.04
280051	2.51
280052	2.47
280054	1.88
280055	1.71
280056	1.41
280057	2.35
280058	1.81
280060	2.10
280061	3.34
280062	1.89
280064	2.35
280065	2.32
280066	1.63
280068	1.39
280070	1.93
280073	1.72
280074	1.51
280075	2.66
280076	1.76
280077	2.47
280079	1.13
280080	1.48
280081	2.37
280082	1.49
280083	1.73

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
280084	1.67
280085	2.28
280088	2.91
280089	1.83
280090	1.18
280091	2.26
280092	1.58
280094	1.76
280097	1.48
280098	1.04
280101	1.06
280102	1.49
280104	1.86
280105	2.44
280106	2.10
280107	1.98
280108	3.67
280109	1.21
280110	2.48
280111	1.90
280114	1.42
280115	2.11
280117	2.21
280118	1.72
283301	1.81
284007	2.57
290001	2.08
290002	0.73
290003	2.66
290005	2.98
290006	1.79
290007	1.41
290008	2.63
290009	2.00
290010	2.06
290011	1.05
290012	2.32
290013	0.98
290014	1.98
290015	1.35
290016	2.02
290019	2.27
290020	0.90
290021	2.21
290022	2.62
290027	1.16
290032	2.00
290038	1.59
292002	0.95
293027	1.20
294003	1.33
294004	1.32
294005	1.48
300001	2.49
300003	1.71
300005	2.35
300006	1.52
300007	2.44
300008	2.45
300009	1.98
300010	1.69
300011	2.13
300013	1.55
300014	2.25
300015	2.41
300016	1.86
300017	1.86
300018	2.31
300019	2.10
300021	1.85
300022	2.17
300023	2.01
300024	2.07
300028	1.60
300029	2.69
300033	1.51

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
303026	1.74
303027	1.41
304000	0.79
304001	0.15
304003	1.31
310001	2.12
310002	1.95
310005	2.21
310006	2.54
310008	2.74
310009	2.32
310010	1.94
310011	2.77
310013	2.10
310015	2.12
310016	2.26
310017	2.52
310018	2.00
310019	2.37
310020	2.19
310021	2.07
310022	2.26
310024	2.26
310025	2.20
310026	1.99
310027	2.07
310028	1.95
310029	3.34
310031	2.06
310032	2.11
310034	2.51
310036	1.71
310037	2.22
310039	2.60
310041	2.21
310042	2.41
310043	2.06
310044	2.07
310045	2.46
310047	2.44
310048	2.36
310050	1.75
310051	2.59
310052	1.99
310054	2.18
310056	1.80
310057	2.31
310058	1.19
310060	2.81
310061	2.27
310063	2.25
310064	2.23
310067	2.45
310069	2.50
310070	2.28
310072	2.60
310073	1.84
310074	1.39
310076	2.17
310077	2.45
310078	1.89
310081	2.28
310083	1.46
310084	2.00
310086	2.18
310088	1.73
310090	2.19
310091	2.53
310092	2.22
310093	1.92
310096	2.50
310105	1.36
310111	1.95
310112	2.22
310113	2.25
310115	1.86

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
310116	2.33
310118	2.24
310120	1.58
312014	0.98
313025	1.34
313027	1.42
313029	1.53
313030	1.15
314010	1.42
314011	1.32
314012	1.70
314021	1.45
314022	1.30
320001	1.41
320002	1.71
320003	2.33
320004	2.32
320005	2.82
320006	2.64
320009	2.35
320011	1.66
320012	2.37
320013	2.07
320014	1.76
320016	2.76
320017	1.93
320018	2.60
320019	1.14
320021	1.66
320022	2.97
320023	1.26
320030	1.81
320031	1.20
320032	1.34
320033	2.12
320035	1.12
320037	2.03
320038	2.52
320046	2.05
320048	1.44
320063	2.18
320065	2.14
320067	1.20
320068	2.13
320069	1.80
320074	2.06
320079	2.13
322002	2.00
322003	0.74
323027	1.44
323028	1.66
323029	1.20
324003	1.32
324004	1.31
324007	1.46
324008	1.46
330001	2.00
330002	2.17
330003	2.16
330004	2.21
330005	2.18
330006	2.13
330007	2.13
330008	2.17
330010	2.00
330011	1.61
330012	2.04
330013	2.44
330014	1.85
330016	1.78
330023	2.34
330024	2.20
330025	1.76
330027	0.83
330028	1.77
330029	1.46

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
330030	2.34
330033	1.55
330034	1.02
330036	2.14
330037	2.37
330038	1.73
330039	1.11
330041	2.91
330043	1.81
330044	2.16
330045	2.61
330046	1.89
330047	2.17
330048	2.66
330049	2.29
330053	1.74
330055	2.33
330056	1.81
330057	2.21
330058	1.99
330059	2.00
330061	2.62
330062	1.41
330064	2.24
330065	2.30
330066	1.93
330067	2.38
330072	1.82
330073	1.85
330074	2.73
330075	1.93
330078	2.18
330079	1.95
330084	2.11
330085	1.69
330086	1.82
330088	1.57
330090	2.19
330091	2.13
330092	1.18
330094	1.99
330095	2.31
330096	2.18
330097	1.68
330100	4.58
330101	2.26
330102	2.67
330103	2.51
330104	1.94
330106	2.48
330107	2.31
330108	2.12
330111	1.83
330114	0.86
330115	2.27
330116	1.85
330118	2.36
330119	2.54
330121	1.27
330122	2.60
330125	1.75
330126	2.15
330132	1.38
330133	2.64
330135	2.26
330136	1.16
330140	2.29
330141	2.22
330144	2.28
330148	1.67
330151	1.94
330152	2.34
330153	2.07
330154	2.03
330157	1.84
330158	2.38

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
330159	2.19
330160	1.92
330161	1.25
330162	3.67
330163	2.40
330164	1.79
330166	1.95
330167	3.04
330171	2.39
330175	1.90
330177	1.82
330179	1.18
330180	1.79
330181	2.08
330182	3.55
330183	1.79
330184	2.21
330185	1.65
330186	0.39
330188	2.38
330189	6.34
330191	2.03
330193	2.41
330194	1.88
330197	1.95
330198	2.21
330203	3.62
330205	1.98
330208	2.27
330209	2.09
330211	1.91
330212	2.23
330213	1.64
330214	2.26
330215	2.38
330218	1.68
330219	1.74
330221	1.98
330222	2.46
330223	1.85
330224	2.43
330225	2.13
330226	2.16
330229	1.99
330230	2.20
330232	1.94
330235	2.65
330236	1.88
330238	2.18
330239	2.06
330241	2.01
330242	2.15
330245	2.11
330246	2.37
330249	1.92
330250	2.16
330252	1.09
330254	2.00
330258	1.41
330259	2.14
330261	2.09
330263	2.52
330264	2.19
330265	1.58
330267	2.03
330268	1.43
330270	1.79
330273	2.36
330275	1.82
330276	1.74
330277	2.17
330279	2.54
330285	1.92
330286	2.18
330288	0.97
330290	1.82

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
330293	1.54
330304	2.53
330306	1.70
330307	2.33
330308	2.67
330314	2.43
330316	2.96
330327	1.61
330331	2.10
330332	3.12
330333	2.90
330336	1.88
330338	2.46
330339	1.90
330340	2.38
330350	2.04
330353	2.62
330354	1.65
330357	1.88
330359	0.93
330372	2.66
330381	1.89
330386	1.90
330389	1.66
330390	1.31
330393	2.43
330394	2.31
330395	2.16
330397	1.38
330398	2.74
330399	1.25
332012	1.27
332022	1.06
333025	1.16
333027	1.18
333028	0.83
333300	1.97
334002	1.31
334023	1.63
334027	1.35
334048	1.90
334049	1.27
334055	1.34
340001	1.74
340002	3.11
340003	2.06
340004	2.45
340005	2.06
340006	1.74
340007	1.78
340008	2.04
340010	2.74
340011	1.74
340012	2.11
340013	1.76
340014	1.42
340015	2.74
340016	2.80
340017	2.49
340018	2.19
340019	1.62
340020	1.91
340021	2.46
340022	1.83
340023	1.80
340024	2.03
340025	2.51
340027	2.77
340028	2.20
340030	2.05
340031	1.83
340032	2.25
340035	2.11
340036	1.62
340037	1.65
340038	2.85

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
340039	2.43
340040	2.67
340041	1.79
340042	1.96
340044	1.63
340045	1.18
340047	2.12
340049	6.30
340050	2.19
340051	2.47
340052	1.73
340053	2.81
340054	2.34
340055	1.87
340060	2.11
340061	1.79
340063	1.37
340064	2.00
340065	1.85
340067	2.31
340068	2.28
340069	2.13
340070	2.45
340071	1.89
340072	2.14
340073	2.93
340075	2.03
340080	1.60
340084	1.63
340085	2.13
340087	1.89
340088	2.90
340089	1.50
340090	1.88
340091	2.67
340093	1.77
340094	3.18
340096	2.26
340097	2.48
340098	2.29
340099	1.96
340101	2.33
340104	1.55
340105	3.43
340106	1.67
340107	2.68
340109	3.18
340111	2.00
340112	1.70
340113	2.24
340114	1.84
340115	2.33
340116	2.54
340119	2.20
340120	1.81
340121	2.07
340123	2.04
340124	1.85
340125	3.31
340126	2.36
340127	1.80
340129	2.35
340130	2.31
340131	2.43
340132	1.87
340133	1.45
340141	2.50
340142	1.97
340143	2.56
340144	2.69
340145	2.30
340146	1.82
340147	2.77
340148	3.86
340151	2.31
340153	3.73

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
340155	2.22
340158	2.63
340159	1.46
340160	2.30
340162	1.70
340164	1.88
340166	2.00
340171	2.59
342012	0.80
343025	1.53
344005	1.31
344006	1.31
344010	1.47
344011	1.43
344014	0.71
344015	1.31
344016	1.09
344019	1.31
350001	1.12
350002	3.45
350003	2.22
350004	3.44
350005	1.99
350006	1.93
350007	2.58
350008	1.70
350009	2.96
350010	2.90
350011	2.89
350012	2.14
350013	1.84
350014	1.86
350015	3.03
350016	1.06
350017	2.50
350018	2.51
350019	3.11
350020	1.39
350021	2.41
350023	1.92
350024	1.91
350025	1.12
350027	1.38
350029	1.36
350030	2.63
350033	1.95
350034	1.96
350035	0.81
350038	2.94
350039	1.96
350041	1.45
350042	3.18
350043	2.85
350044	1.65
350047	1.92
350049	2.09
350050	1.45
350051	1.67
350053	1.27
350055	1.18
350056	1.89
350058	1.67
350060	0.77
350061	2.48
360001	2.64
360002	2.29
360003	1.85
360006	2.89
360007	1.80
360008	2.13
360009	2.29
360010	2.65
360011	1.92
360012	2.66
360013	2.14
360014	2.53

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
360016	1.81
360017	3.33
360018	2.33
360019	1.98
360020	2.08
360021	5.43
360024	2.14
360025	1.91
360026	1.75
360027	2.33
360028	3.86
360029	2.40
360030	2.23
360031	1.96
360032	2.43
360034	1.83
360035	1.99
360036	2.27
360037	2.14
360039	2.10
360040	2.00
360041	2.04
360042	2.06
360044	2.15
360045	1.77
360046	2.26
360047	1.50
360048	2.09
360049	2.55
360050	1.48
360051	2.75
360052	2.24
360054	2.54
360055	2.36
360056	2.33
360057	1.64
360058	2.00
360059	1.56
360062	2.57
360063	1.65
360064	2.42
360065	2.08
360066	2.38
360067	1.63
360068	2.26
360069	1.71
360070	1.90
360071	2.19
360072	2.20
360074	2.05
360075	2.04
360076	2.47
360077	2.20
360078	2.40
360079	2.59
360080	2.08
360081	2.19
360082	2.65
360083	2.23
360084	2.31
360085	2.57
360086	2.40
360087	2.16
360088	1.91
360089	2.00
360090	3.18
360091	2.21
360092	1.73
360093	2.81
360094	1.82
360095	2.56
360096	2.20
360098	2.80
360099	2.12
360100	2.42
360101	2.92

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
360102	2.51
360103	1.96
360106	1.58
360107	2.01
360108	1.64
360109	2.24
360112	2.44
360113	2.40
360114	1.97
360115	1.97
360116	1.68
360118	2.05
360121	2.65
360123	2.13
360125	1.64
360126	1.77
360127	2.13
360128	1.63
360129	1.65
360130	1.88
360131	2.14
360132	2.30
360133	2.40
360134	2.32
360136	1.52
360137	2.10
360140	1.69
360141	2.57
360142	1.91
360143	2.16
360144	2.43
360145	2.33
360147	2.16
360148	1.98
360149	2.50
360150	2.91
360151	2.57
360152	2.41
360153	1.78
360154	1.51
360155	2.43
360156	2.12
360159	2.11
360161	2.22
360162	2.00
360163	2.68
360164	1.58
360165	1.72
360166	1.56
360170	1.92
360172	2.63
360174	2.39
360175	2.41
360176	1.68
360177	1.47
360178	2.36
360179	2.17
360180	2.46
360184	1.43
360185	1.74
360186	1.49
360187	2.34
360188	1.73
360189	2.21
360192	2.11
360193	2.29
360194	2.06
360195	2.55
360197	1.83
360200	1.69
360203	2.33
360204	1.85
360210	2.48
360211	2.08
360212	2.15
360213	1.96

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
360218	2.25
360230	2.64
360231	1.39
360234	1.96
360236	2.29
360239	2.44
360241	1.12
360242	1.60
360244	1.31
360245	1.34
362004	2.12
362007	0.46
362014	6.82
362015	1.36
363300	1.79
363303	2.00
363305	1.79
363306	1.23
364003	1.44
364017	1.22
364026	1.35
364029	1.39
364038	1.63
370001	2.91
370002	2.47
370004	2.61
370005	1.38
370006	2.35
370007	1.70
370008	2.57
370011	1.83
370012	1.32
370013	2.58
370014	2.48
370015	1.80
370016	2.30
370017	1.70
370018	2.92
370019	2.26
370020	2.07
370021	1.30
370022	2.66
370023	2.24
370025	2.32
370026	2.80
370028	2.84
370029	2.17
370030	1.94
370032	3.38
370033	2.36
370034	2.42
370035	1.77
370036	0.72
370037	3.59
370038	1.46
370039	1.82
370040	2.84
370041	1.57
370042	1.32
370043	1.07
370045	1.52
370046	1.86
370047	2.19
370048	1.83
370049	2.76
370051	1.23
370054	2.15
370056	2 68
370057	1.86
370059	0.96
370060	2.06
370063	1.47
370064	1.48
370065	2.33
370071	1.48
370072	1.27

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
370076	2.23
370077	1.87
370078	3.26
370079	1.68
370080	1.82
370082	1.22
370083	2.29
370084	1.49
370085	1.70
370086	2.07
370089	2.06
370091	2.79
370092	2.14
370093	3.92
370094	2.86
370095	1.34
370097	1.94
370099	1.98
370100	1.24
370103	1.55
370105	2.79
370106	3.64
370108	1.53
370112	1.50
370113	1.90
370114	2.83
370121	2.39
370122	0.92
370123	2.24
370125	1.87
370126	1.24
370131	1.18
370133	1.80
370138	2.26
370139	1.64
370140	1.76
370141	1.68
370146	1.52
370148	2.10
370149	2.65
370153	2.37
370154	2.41
370156	2.29
370158	1.44
370159	2.14
370163	1.19
370165	1.28
370166	1.79
370169	1.91
370176	1.99
370177	1.48
370178	2.01
370179	1.40
370183	1.38
370186	2.40
370190	2.72
370192	2.64
372004	0.74
373025	1.44
373026	1.05
374003	1.43
374006	1.09
374008	1.62
374012	1.25
374018	1.30
374020	1.38
380001	2.56
380002	3.62
380003	3.00
380004	3.26
380005	4.66
380006	2.69
380007	2.88
380008	1.60
380009	2.04
380010	1.71

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
380011	2.19
380013	1.52
380014	2.51
380017	3.48
380018	2.29
380019	1.71
380020	3.29
380021	2.50
380022	2.52
380023	2.25
380025	2.54
380026	2.19
380027	1.81
380029	2.00
380031	1.56
380033	2.83
380035	2.69
380036	2.23
380037	2.24
380038	2.80
380039	1.87
380040	2.03
380042	1.73
380047	3.41
380048	2.03
380050	2.26
380051	2.84
380052	2.34
380056	1.38
380060	2.26
380061	2.53
380062	0.85
380063	1.64
380064	1.85
380065	1.72
380066	2.76
380068	1.29
380069	1.67
380070	1.83
380071	3.16
380072	1.67
380075	2.82
380078	1.79
380081	0.94
380082	2.43
380083	2.28
380084	1.97
380087	2.29
380088	1.95
380089	2.67
380090	2.69
390001	2.28
390002	2.31
390003	1.68
390004	2.37
390005	2.13
390006	1.56
390007	3.01
390008	1.88
390009	2.27
390010	2.46
390011	2.35
390012	2.52
390013	2.64
390015	1.83
390016	2.19
390017	2.05
390018	2.64
390019	2.13
390022	2.62
390023	1.66
390024	2.86
390025	1.01
390026	1.87
390028	2.81
390029	2.48

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
390030	2.03
390031	2.04
390032	2.24
390035	2.44
390036	2.41
390037	2.41
390039	2.16
390040	1.67
390041	2.43
390042	2.15
390043	2.81
390044	2.47
390045	2.07
390046	1.82
390047	2.37
390048	2.18
390049	2.55
390051	2.39
390052	2.37
390054	1.88
390055	2.50
390056	1.93
390057	2.26
390058	2.88
390060	1.55
390061	2.09
390062	2.64
390063	3.18
390065	2.18
390066	1.97
390067	2.36
390068	1.71
390069	2.07
390070	2.99
390071	2.38
390072	2.07
390073	2.34
390074	2.49
390075	2.39
390076	2.35
390078	2.72
390079	2.76
390080	2.27
390083	1.70
390084	1.63
390086	2.12
390088	1.82
390090	2.61
390091	2.07
390093	1.88
390095	2.17
390096	2.12
390097	2.24
390100	2.36
390101	1.57
390102	2.62
390103	1.99
390104	1.86
390106	1.90
390107	2.35
390108	2.27
390109	1.45
390110	2.02
390111	1.83
390112	2.15
390113	2.24
390114	2.04
390115	2.23
390116	2.11
390118	2.53
390119	2.35
390121	2.40
390122	2.01
390123	2.78
390125	2.16
390127	2.39

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
390128	2.69
390130	2.00
390131	2.36
390132	1.94
390133	2.42
390135	2.00
390136	3.53
390137	2.30
390138	2.02
390139	2.41
390142	1.82
390145	2.23
390146	2.08
390147	2.32
390150	1.87
390151	2.28
390152	2.31
390153	1.89
390154	2.53
390155	1.33
390156	2.31
390157	2.37
390158	2.27
390160	2.65
390161	2.45
390162	2.22
390163	2.32
390164	2.01
390166	1.65
390167	2.15
390168	2.09
390169	2.95
390173	1.97
390174	2.26
390176	2.00
390178	2.45
390179	2.23
390180	2.28
390181	2.25
390183	2.37
390184	1.62
390185	2.69
390189	2.17
390191	2.94
390192	1.97
390193	2.44
390194	2.11
390195	2.67
390196	2.10
390197	2.87
390198	1.52
390199	1.66
390200	1.45
390201	2.13
390203	2.45
390204	2.30
390205	2.28
390206	1.93
390209	1.92
390211	2.50
390213	1.01
390215	2.33
390217	2.12
390219	1.77
390222	2.63
390224	1.59
390225	2.14
390226	2.14
390228	2.10
390231	2.05
390233	1.89
390235	1.76
390236	2.00
390237	2.10
390238	2.27
390242	2.31

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
390244	0.99
390245	1.98
390246	2.30
390247	1.06
390249	1.03
390256	1.74
390258	2.34
390260	3.40
390262	2.54
390263	2.66
390265	1.46
390266	2.94
390267	2.51
390268	2.47
390270	2.41
390277	1.09
390279	2.19
392024	1.54
392025	1.67
392026	1.05
393025	1.10
393026	1.57
393027	1.76
393031	1.45
393032	1.06
393035	0.85
393037	1.35
393038	1.63
393039	1.00
393040	3.14
393042	1.68
393043	0.88
393301	1.76
393302	1.48
394006	1.31
394007	1.38
394008	2.75
394020	1.14
394023	1.34
394034	1.22
394041	1.09
400001	1.56
400002	3.46
400003	1.44
400004	1.88
400005	1.64
400006	2.37
400007	1.13
400009	1.77
400011	2.23
400012	1.03
400013	1.35
400014	4.33
400016	2.08
400017	1.95
400018	1.33
400019	3.06
400021	1.89
400022	1.78
400027	0.85
400028	1.51
400029	1.06
400032	1.10
400094	1.07
400098	1.33
400102	1.90
400106	1.48
400109	1.91
400111	1.29
400113	1.98
400114	1.37
400115	1.11
400117	2.09
400118	1.61
400120	2.23
400122	0.93

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
400123	3.45
400124	8.61
404002	2.33
410001	2.10
410004	1.90
410005	2.63
410006	2.14
410007	2.36
410008	2.45
410009	2.76
410010	1.74
410011	2.21
410012	2.51
410013	2.44
413025	1.43
414000	1.92
420002	2.45
420004	1.85
420005	2.31
420006	1.21
420007	2.47
420009	2.69
420010	2.32
420011	1.69
420014	1.38
420015	2.30
420016	1.68
420018	1.86
420019	2.11
420020	2.41
420023	2.81
420026	3.52
420027	2.14
420030	2.06
420031	1.34
420033	1.82
420036	2.49
420037	1.69
420038	1.69
420039	1.85
420042	1.78
420043	2.04
420048	2.19
420049	2.64
420051	2.34
420053	2.21
420054	1.65
420055	1.77
420056	2.63
420057	1.70
420059	1.53
420061	1.79
420062	2.16
420064	1.55
420065	2.64
420066	1.91
420067	3.06
420068	2.80
420069	1.57
420070	2.37
420071	2.47
420072	1.30
420073	2.50
420074	1.11
420075	1.79
420078	2.50
420079	1.75
420080	2.41
420081	0.87
420082	2.27
420083	3.31
420085	2.03
420086	2.36
420087	2.53
420088	2.47
420089	2.60

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
420091	2.75
423025	2.50
423026	1.63
424006	1.31
424007	1.20
424009	1.29
424010	1.40
430004	1.89
430005	2.74
430007	2.48
430008	2.62
430010	2.27
430011	3.02
430012	3.46
430013	2.95
430014	2.66
430015	2.99
430016	2.57
430018	1.57
430022	1.16
430023	1.43
430024	1.04
430026	1.20
430027	3.75
430028	2.35
430029	1.91
430031	1.67
430033	1.68
430034	1.40
430036	1.94
430037	2.47
430038	2.48
430040	2.01
430041	1.67
430043	2.11
430044	1.45
430047	1.89
430048	2.07
430049	1.31
430051	1.01
430054	1.79
430056	1.30
430057	1.62
430060	0.98
430062	1.70
430064	1.93
430065	1.32
430066	1.16
430073	1.57
430076	1.02
430077	2.99
430079	1.01
430087	1.14
434004	1.52
440001	2.05
440002	3.46
440003	2.67
440006	2.96
440007	1.14
440008	2.07
440009	2.91
440010	1.65
440011	2.26
440012	1.81
440014	1.62
440015	2.82
440016	1.92
440017	2.44
440018	1.54
440019	2.38
440020	1.95
440022	1.48
440023	1.54
440024	2.81
440025	2.13
440026	0.99

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
440029	2.89
440030	2.65
440031	2.25
440032	1.48
440033	1.82
440034	2.53
440035	2.40
440039	2.02
440040	1.54
440041	1.67
440046	2.35
440047	1.66
440048	2.88
440049	2.45
440050	2.22
440051	1.56
440052	1.54
440053	2.74
440054	1.97
440056	1.73
440057	1.88
440058	2.80
440059	2.36
440060	1.53
440061	1.87
440063	2.54
440064	1.66
440065	2.27
440067	2.61
440068	2.32
440070	1.68
440071	2.37
440072	2.63
440073	2.55
440078	1.59
440081	1.92
440082	2.63
440083	1.62
440084	1.41
440090	1.47
440091	2.83
440100	1.70
440102	1.92
440103	2.37
440104	2.39
440105	5.91
440109	1.94
440110	1.93
440111	1.26
440114	1.86
440115	1.85
440120	3.10
440125	2.59
440130	2.76
440131	2.59
440132	2.11
440133	2.76
440135	2.10
440137	2.03
440141	1.08
440142	1.41
440143	1.54
440144	3.51
440145	1.31
440147	6.45
440148	2.30
440149	1.44
440150	3.11
440151	1.85
440152	1.54
440153	1.95
440156	2.88
440157	1.64
440159	2.22
440161	3.36
440162	1.30

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
440166	2.53
440168	2.06
440173	3.78
440174	1.91
440175	2.45
440176	2.77
440178	2.12
440180	1.62
440181	1.87
440182	2.10
440183	3.04
440184	2.78
440185	2.30
440186	2.08
440187	1.86
440189	3.14
440192	1.68
440193	2.95
440194	1.92
440197	2.70
440200	1.92
440203	1.79
440205	1.34
440206	1.91
442007	0.98
443025	1 66
443026	1.44
443029	2.87
444003	1.07
444004	1.32
444006	1.27
444010	1.20
444017	1.31
450002	2.26
450004	1.66
450005	1.97
450007	2.83
450008	1.73
450010	2.35
450011	2.73
450014	1.64
450015	1.21
450016	2.92
450018	1.48
450020	2.07
450021	1.73
450023	2.65
450024	1.46
450025	2.71
450028	2.11
450029	1.95
450031	2.08
450032	1.52
450033	1.92
450034	2.15
450035	2.37
450037	2.25
450039	1.07
450040	1.90
450042	2.14
450044	2.21
450046	2.65
450047	2.20
450050	1.26
450051	1.77
450052	1.46
450053	2.23
450054	3.01
450055	1.70
450056	3.09
450058	3.08
450059	2.53
450063	0.92
450064	2.79
450065	1.59
450068	1.97

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
450072	2.22
450073	1.42
450076	1.67
450078	1.11
450079	2.56
450080	2.84
450081	1.87
450082	1.57
450083	3.18
450085	1.71
450087	1.84
450090	2.26
450092	1.78
450094	2.42
450096	1.75
450097	2.99
450098	1.12
450099	1.97
450101	2.43
450102	3.08
450104	2.70
450107	1.99
450108	1.31
450109	1.54
450111	2.41
450112	2.57
450113	2.56
450118	3.04
450119	2.38
450121	2.47
450123	1.71
450124	2.02
450126	1.69
450128	1.91
450130	3.22
450131	1.77
450132	2.15
450133	2.21
450135	2.15
450137	2.08
450140	1.34
450142	1.99
450143	1.70
450144	1.63
450145	1.26
450146	0.98
450147	1.84
450148	2 15
450149	1.90
450150	1.58
450151	1.52
450152	2.19
450153	2.25
450154	1.66
450155	1.57
450157	1.30
450160	1.78
450162	1.98
450163	1.61
450164	1.25
450165	1.71
450166	0.89
450169	1.16
450170	1.46
450176	2.20
450177	2.12
450178	1.40
450181	1.33
450184	2.79
450185	1.43
450187	2.03
450188	1.72
450190	2.71
450191	2.51
450192	1.65
450193	3.61

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
450194	2.17
450196	2.52
450200	2.33
450201	2.06
450203	1.84
450209	1.76
450210	1.63
450211	2.19
450214	2.43
450217	1.05
450219	2.22
450221	1.20
450222	2.22
450224	1.90
450229	2.52
450231	2.65
450234	1.39
450235	1.93
450236	2.48
450237	1.78
450239	1.35
450241	1.31
450243	1.41
450246	1.43
450249	1.22
450250	1.22
450253	2.38
450258	1.08
450259	2.05
450264	0.91
450269	1.24
450270	1.46
450271	1.30
450272	2.76
450276	1.36
450278	1.34
450280	1.76
450283	1.29
450286	1.18
450288	1.59
450289	1.04
450292	1.74
450293	1.60
450296	2.13
450299	2.26
450303	1.03
450306	3.30
450307	1.00
450309	1.49
450315	2.47
450320	1.79
450321	1.16
450322	1.06
450324	2.35
450327	0.95
450330	1.67
450334	1.07
450337	1.39
450340	2.47
450341	1.87
450346	1.98
450347	2.27
450348	1.14
450351	3.89
450352	2.17
450353	1.66
450355	1.15
450358	2.48
450362	2.40
450369	1.44
450370	4.40
450371	2.02
450372	2.61
450373	1.32
450374	0.99
450376	2.22

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
450378	1.66
450379	2.29
450381	1.67
450388	2.66
450389	2.00
450393	1.84
450395	1.50
450399	1.00
450400	1.73
450403	1.71
450411	1.61
450417	1.75
450418	1.83
450419	1.49
450423	2.32
450424	2.41
450429	0.88
450431	2.86
450438	2.68
450446	1.32
450447	2.77
450451	2.08
450457	2.85
450460	1.72
450462	2.03
450464	1.46
450465	3.04
450467	1.47
450469	2.64
450473	1.17
450475	2.22
450484	2.18
450488	1.84
450489	1.13
450497	1.79
450498	2.12
450508	1.87
450514	2.09
450517	1.31
450518	2.10
450523	2.59
450530	2.37
450534	1.17
450535	2.21
450537	1.87
450538	1.64
450539	2.33
450544	1.93
450545	3.48
450547	1.52
450550	1.97
450551	2.22
450558	1.97
450559	1.22
450561	2.18
450563	2.44
450565	2.10
450570	1.46
450571	2.45
450573	1.52
450574	0.84
450575	1.17
450578	1.02
450580	2.14
450583	1.10
450584	1.71
450586	1.56
450587	1.86
450591	2.51
450596	2.29
450597	1.60
450603	1.05
450604	2.39
450605	1.92
450609	1.06
450610	2.47

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
450614	1.50
450615	1.98
450617	2.12
450620	1.38
450623	1.81
450626	1.13
450628	1.17
450630	2.17
450631	2.20
450632	0.78
450633	2.27
450634	2.37
450638	2.97
450639	2.27
450641	1.70
450643	2.16
450644	2.47
450646	2.32
450647	2.94
450648	1.75
450649	1.37
450651	2.04
450652	1.21
450653	2.35
450654	1.19
450656	2.51
450658	1.93
450659	2.36
450661	2.98
450662	1.63
450665	1.61
450666	1.81
450668	2.66
450669	2.18
450670	2.34
450672	2.64
450673	1.22
450674	2.94
450675	2.10
450677	2.23
450678	2.58
450683	2.18
450684	1.93
450686	2.16
450688	1.96
450690	1.50
450691	1.76
450694	2.35
450696	9.87
450697	1.90
450698	0.94
450700	1.36
450702	2.25
450703	1.20
450704	2.16
450705	1.61
450706	2.12
450709	2.77
450711	2.40
450712	1.34
450713	2.35
450715	1.59
450716	2.51
450717	1.98
450718	2.23
450723	1.80
450724	3.48
450725	1.70
450727	1.85
450728	1.09
450730	2.03
450733	2.29
450735	0.59
450742	2.15
450743	2.75
450746	1.34

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
450747	2.56
450749	1.11
450750	1.40
450751	2.18
450754	1.69
450755	1.71
450757	1.08
450758	2.03
450760	2.45
450761	1.18
450763	1.70
450766	5.27
450769	1.08
450770	1.35
450774	4.58
450775	2.11
450776	1.34
450777	1.52
450779	1.89
450780	5.46
450788	1.72
450795	0.93
450797	8.56
450801	2.42
450802	2.75
450803	1.22
450804	5.75
450809	2.15
452013	0.93
452019	1.81
452022	1.41
452033	0.93
452036	0.74
452038	1.26
452039	0.96
452043	1.02
453025	1.17
453028	0.84
453029	1.13
453031	1.57
453033	0.88
453034	1.09
453035	1.98
453036	2.77
453037	1.31
453038	1.26
453040	1.19
453041	1.14
453042	1.06
453044	1.79
453047	1.21
453048	1.06
453052	1.51
453053	1.38
453054	1.51
453056	1.47
453057	1.33
453059	0.80
453065	3.10
453300	1.21
453302	1.60
453304	1.53
453305	1.02
454012	1.31
454018	1.31
454026	1.47
454028	1.31
454029	1.95
454030	1.31
454032	1.18
454037	1.32
454038	1.31
454042	1.30
454043	1.31
454045	1.34
454050	1.31

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
454056	1.63
454057	1.36
454063	1.20
454064	1.32
454065	1.36
454066	1.32
454069	1.70
454072	1.31
454073	1.57
454089	1.35
460001	2.75
460003	2.99
460004	2.40
460005	2.35
460006	3.47
460007	2.73
460008	2.45
460009	2.52
460010	2.34
460011	2.11
460013	2.58
460014	1.33
460015	2.71
460016	1.42
460017	3.03
460018	1.58
460019	2.12
460020	1.83
460021	2.11
460022	1.27
460023	2.88
460024	1.09
460025	0.83
460026	1.91
460027	1.49
460029	1.75
460030	1.87
460032	1.72
460033	1.59
460035	1.17
460036	2.03
460037	1.91
460039	1.53
460041	2.64
460042	2.59
460044	2.05
460046	9.51
460047	1.74
460049	0.11
460050	2.03
463025	1.64
463301	2.17
464003	1.31
464010	1.25
470001	1.93
470003	2.50
470004	1.49
470005	2.09
470006	2.45
470008	1.83
470010	1.87
470011	2.21
470012	2.75
470015	1.83
470018	2.05
470020	1.15
470023	2.39
470024	2.06
474001	0.86
480001	1.58
480002	2.11
490001	1.56
490002	1.62
490004	2.19
490005	2.42
490006	2.01

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
490007	2.39
490009	1.81
490011	2.62
490012	1.52
490013	2.55
490014	1.79
490015	2.92
490017	2.63
490018	2.78
490019	2.15
490020	2.57
490022	2.29
490023	2.27
490024	2.28
490027	1.89
490030	2.58
490031	1.86
490032	1.67
490033	1.73
490035	2.10
490037	2.37
490038	2.27
490040	2.89
490041	2.95
490042	2.46
490043	1.96
490044	2.22
490045	2.14
490046	2.85
490047	1.45
490048	2.34
490050	2.65
490052	2.31
490053	2.76
490054	1.45
490057	2.40
490059	3.04
490060	2.36
490063	3.55
490066	2.47
490067	2.62
490069	1.40
490071	2.92
490073	3.67
490074	3.72
490075	2.54
490077	2.50
490079	2.06
490084	2.18
490085	1.89
490088	2.53
490089	1.56
490090	2.33
490091	2.37
490092	2.19
490093	2.28
490094	1.60
490095	2.11
490097	1.97
490098	2.04
490099	1.12
490100	3.24
490101	2.39
490107	2.90
490110	3.18
490111	2.23
490112	2.39
490113	2.42
490114	1.63
490115	2.12
490116	1.97
490117	1.31
490118	2.42
490119	2.43
490120	2.37
490122	2.68

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
490123	2.23
490124	1.89
490126	2.27
490127	1.57
490130	2.03
490131	1.68
492001	0.79
493025	1.24
493026	0.92
493027	2.34
493028	1.39
493301	1.94
494001	1.31
494011	1.09
494018	1.34
494020	1.31
494022	1.30
494023	1.28
494025	1.17
494026	1.32
494028	1.31
500001	2.51
500002	2.10
500003	2.36
500005	2.14
500007	3.03
500008	1.60
500011	2.13
500012	2.76
500014	2.57
500015	2.03
500019	2.49
500021	2.22
500023	2.13
500024	3.90
500025	3.10
500026	2.20
500027	2.86
500029	1.05
500030	2.59
500031	2.08
500033	2.66
500036	2.56
500037	1.71
500039	2.90
500041	2.29
500042	3.14
500043	1.85
500044	2.56
500045	2.36
500048	1.65
500049	3.17
500050	2.47
500051	2.62
500053	2.42
500054	2.27
500055	1.86
500057	2.65
500058	2.50
500059	2.45
500060	2.25
500061	1.15
500062	0.99
500064	1.29
500065	2.66
500068	1.09
500069	1.25
500071	3.04
500072	2.25
500073	1.39
500074	2.39
500077	2.29
500079	1.61
500080	1.14
500084	2.32
500085	1.66

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
500086	2.05
500088	2.78
500089	1.93
500090	0.71
500092	1.77
500094	0.83
500096	1.79
500097	1.33
500098	1.45
500101	1.17
500102	1.74
500104	2.07
500106	0.71
500107	1.77
500108	2.64
500110	2.79
500118	2.52
500119	1.78
500122	2.31
500123	0.86
500124	2.21
500125	1.40
500129	2.04
500132	1.48
500138	1.08
500139	2.56
500141	3.07
500146	2.18
502002	3.69
503300	2.70
504002	1.43
510001	2.11
510002	2.26
510004	1.10
510005	1.47
510006	2.66
510007	2.10
510008	2.40
510012	1.99
510013	1.57
510015	1.15
510016	1.15
510018	1.65
510020	1.23
510022	2.33
510023	1.92
510024	3.05
510026	1.48
510027	1.61
510028	1.46
510029	2.51
510030	2.23
510031	3.05
510033	2.05
510038	1.64
510039	2.31
510043	0.96
510046	2.03
510047	2.56
510048	1.45
510050	2.19
510053	1.54
510055	2.17
510058	2.37
510059	8.02
510060	1.66
510063	1.20
510065	1.24
510066	2.03
510067	2.36
510068	2.25
510070	3.03
510071	2.10
510072	1.56
510077	2.09
510081	1.31

Note: The national average service mix discounted for multiple procedures is 2.05.

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
510082	1.70
510084	1.44
510085	1.78
510086	1.15
513026	1.19
513027	1.33
513028	1.63
513030	1.49
514001	1.44
514007	5.99
514008	1.86
520002	2.56
520003	2.35
520004	2.57
520006	2.22
520007	1.57
520008	2.29
520009	2.07
520010	2.33
520011	2.95
520013	1.97
520014	2.25
520015	2.51
520016	1.83
520017	2.02
520018	2.11
520019	2.23
520021	2.57
520024	1.96
520025	1.95
520026	2.28
520028	3.23
520029	1.34
520030	3.15
520031	3.82
520032	1.84
520033	2.11
520034	2.43
520035	2.87
520037	2.62
520038	3.13
520039	1.77
520040	2.01
520041	1.95
520042	1.95
520044	3.00
520045	2.24
520047	2.03
520048	2.34
520049	2.90
520053	1.70
520054	1.58
520057	2.90
520058	2.71
520059	2.73
520060	1.66

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
520062	2.38
520063	2.99
520064	1.79
520066	2.95
520068	1.68
520069	1.98
520070	2.35
520071	2.40
520074	1.57
520075	2.44
520076	2.50
520077	1.14
520078	1.91
520082	2.79
520083	1.70
520087	1.22
520088	2.40
520089	3.23
520090	1.99
520091	3.56
520092	1.99
520094	1.92
520095	2.55
520096	2.31
520097	2.23
520098	1.46
520100	2.48
520101	1.53
520102	2.46
520103	2.51
520107	1.83
520109	1.99
520110	1.71
520111	2.05
520112	3.22
520113	2.58
520114	2.06
520115	1.98
520116	2.48
520117	1.79
520118	1.11
520120	1.08
520121	1.72
520122	1.44
520123	1.81
520124	1.88
520130	2.49
520131	2.06
520132	2.46
520134	1.58
520135	1.84
520136	2.30
520138	2.32
520139	2.50
520140	2.42
520141	2.11

ADDENDUM I.—SERVICE MIX INDICES BY HOSPITAL—Continued

Hospital	SMI
520142	1.24
520144	2.14
520145	1.48
520146	2.23
520148	1.82
520149	1.13
520151	2.45
520152	2.03
520153	1.50
520154	2.23
520156	3.09
520157	1.54
520160	2.62
520161	2.22
520170	2.85
520171	1.82
520173	2.67
520177	2.29
520178	2.28
523025	1.44
523300	2.56
524000	1.41
524003	1.23
524017	0.45
524034	1.27
524035	1.26
524038	1.57
530002	2.18
530003	1.37
530004	1.80
530005	1.67
530006	2.14
530008	2.36
530009	1.94
530010	2.28
530011	2.08
530012	2.20
530014	2.54
530015	2.19
530016	1.93
530017	1.93
530018	2.15
530019	1.56
530022	2.04
530023	1.51
530025	2.00
530026	1.48
530027	1.60
530029	0.99
530031	0.96
530032	2.14

Note: The national average service mix discounted for multiple procedures is 2.05.

52. On pages 48030 through 48035, Addendum J is corrected to read as follows:

ADDENDUM J.—WAGE INDEX FOR URBAN AREAS

Urban code/Urban area (constituent counties)	Wage index
0040 Abilene, TX	0.8287
Taylor, TX	
0060 Aguadilla, PR[2]	0.4188
Aguada, PR	
Aguadilla, PR	
Moca, PR	
0080 Akron, OH	0.9728
Portage, OH	
Summit, OH	
0120 Albany, GA	0.7914

ADDENDUM J.—WAGE INDEX FOR URBAN AREAS—Continued

Urban code/Urban area (constituent counties)	Wage index
Dougherty, GA	
Lee, GA	
0160 Albany-Schenectady-Troy, NY	0.8480
Albany, NY	
Montgomery, NY	
Rensselaer, NY	
Saratoga, NY	
Schenectady, NY	
Scholarie, NY	
0200 Albuquerque, NM	0.9329

ADDENDUM J.—WAGE INDEX FOR URBAN AREAS—Continued

Urban code/Urban area (constituent counties)	Wage index
Bernalillo, NM	
Sandoval, NM	
Valencia, NM	
0220 Alexandria, LA	0.8269
Rapides, LA	
0240 Allentown-Bethlehem-Easton, PA	1.0086
Carbon, PA	
Lehigh, PA	
Northampton, PA	
0280 Altoona, PA	0.9137

[1] Large Urban Area

[2] Hospitals geographically located in the area are assigned the statewide rural wage index for FY 1998.

ADDENDUM J.—WAGE INDEX FOR URBAN AREAS—Continued

Urban code/Urban area (constituent counties)	Wage index
Blair, PA	
0320 Amarillo, TX	0.9425
Potter, TX	
Randall, TX	
0380 Anchorage, AK	1.2998
Anchorage, AK	
0440 Ann Arbor, MI	1.1785
Lenawee, MI	
Livingston, MI	
Washtenaw, MI	
0450 Anniston, AL	0.8266
Calhoun, AL	
0460 Appleton-Oshkosh-Neenah, WI	0.8996
Calumet, WI	
Outagamie, WI	
Winnebago, WI	
0470 Arecibo, PR [2]	0.4218
Arecibo, PR	
Camuy, PR	
Hatillo, PR	
0480 Asheville, NC	0.9072
Buncombe, NC	
Madison, NC	
0500 Athens, GA	0.9087
Clarke, GA	
Madison, GA	
Oconee, GA	
0520 Atlanta, GA [1]	0.9823
Barrow, GA	
Bartow, GA	
Carroll, GA	
Cherokee, GA	
Clayton, GA	
Cobb, GA	
Coweta, GA	
DeKalb, GA	
Douglas, GA	
Fayette, GA	
Forsyth, GA	
Fulton, GA	
Gwinnett, GA	
Henry, GA	
Newton, GA	
Paulding, GA	
Pickens, GA	
Rockdale, GA	
Spalding, GA	
Walton, GA	
0560 Atlantic-Cape May, NJ	1.0724
Atlantic, NJ	
Cape May, NJ	
0600 Augusta-Aiken, GA-SC	0.9333
Columbia, GA	
McDuffie, GA	
Richmond, GA	
Aiken, SC	
Edgefield, SC	
0640 Austin-San Marcos, TX [1]	0.9133
Bastrop, TX	
Caldwell, TX	
Hays, TX	
Travis, TX	
Williamson, TX	
0680 Bakersfield, CA	1.0014
Kern, CA	
0720 Baltimore, MD [1]	0.9689
Anne Arundel, MD	
Baltimore, MD	
BaltimoreCity, MD	
Carroll, MD	
Harford, MD	
Howard, MD	
Queen Anne's, MD	
0733 Bangor, ME	0.9478
Penobscot, ME	
0743 Barnstable-Yarmouth, MA	1.4291
Barnstable, MA	
0760 Baton Rouge, LA	0.8382
Ascension, LA	
East Baton Rouge, LA	
Livingston, LA	
West Baton Rouge, LA	
0840 Beaumont-Port Arthur, TX	0.8593
Hardin, TX	
Jefferson, TX	
Orange, TX	
0860 Bellingham, WA	1.1221
Whatcom, WA	
0870 Benton Harbor, MI [2]	0.8923
Berrien, MI	
0875 Bergen-Passaic, NJ [1]	1.1570
Bergen, NJ	
Passaic, NJ	
0880 Billings, MT	0.9783
Yellowstone, MT	
0920 Biloxi-Gulfport-Pascagoula, MS	0.8415
Hancock, MS	
Harrison, MS	
Jackson, MS	
0960 Binghamton, NY	0.8914
Broome, NY	
Tioga, NY	
1000 Birmingham, AL	0.9005
Blount, AL	
Jefferson, AL	
St. Clair, AL	
Shelby, AL	
1010 Bismarck, ND	0.7859
Burleigh, ND	
Morton, ND	
1020 Bloomington, IN	0.9128
Monroe, IN	
1040 Bloomington-Normal, IL	0.8733
McLean, IL	
1080 Boise City, ID	0.8887
Ada, ID	
Canyon, ID	
1123 Boston-Worcester-Lawrence-Lowell-Brockton, MA-NH [1]	1.1498
Bristol, MA	
Essex, MA	
Middlesex, MA	
Norfolk, MA	
Plymouth, MA	
Suffolk, MA	
Worcester, MA	
Hillsborough, NH	
Merrimack, NH	
Rockingham, NH	
Strafford, NH	
1125 Boulder-Longmont, CO	1.0015
Boulder, CO	
1145 Brazoria, TX	0.9129
Brazoria, TX	
1150 Bremerton, WA	1.0999
Kitsap, WA	
1240 Brownsville-Harlingen-San Benito, TX	0.8740
Cameron, TX	
1260 Bryan-College Station, TX	0.8571
Brazos, TX	
1280 Buffalo-Niagara Falls, NY [1]	0.9272
Erie, NY	
Niagara, NY	
1303 Burlington, VT	1.0142
Chittenden, VT	
Franklin, VT	
Grandlsle, VT	
1310 Caguas, PR	0.4508
Caguas, PR	
Cayey, PR	
Cidra, PR	
Gurabo, PR	
San Lorenzo, PR	
1320 Canton-Massillon, OH	0.8961
Carroll, OH	
Stark, OH	
1350 Casper, WY	0.9013
Natrona, WY	
1360 Cedar Rapids, IA	0.8529
Linn, IA	
1400 Champaign-Urbana, IL	0.8824
Champaign, IL	
1440 Charleston-North Charleston, SC	0.8807
Berkeley, SC	
Charleston, SC	
Dorchester, SC	
1480 Charleston, WV	0.9142
Kanawha, WV	
Putnam, WV	
1520 Charlotte-Gastonia-Rock Hill, NC-SC [1]	0.9710
Cabarrus, NC	
Gaston, NC	
Lincoln, NC	
Mecklenburg, NC	
Rowan, NC	
Stanly, NC	
Union, NC	
York, SC	
1540 Charlottesville, VA	0.9051
Albemarle, VA	
Charlottesville City, VA	
Fluvanna, VA	
Greene, VA	
1560 Chattanooga, TN-GA	0.8658
Catoosa, GA	
Dade, GA	
Walker, GA	
Hamilton, TN	
Marion, TN	
1580 Cheyenne, WY [2]	0.8247
Laramie, WY	
1600 Chicago, IL [1]	1.0860
Cook, IL	
DeKalb, IL	
DuPage, IL	
Grundy, IL	
Kane, IL	
Kendall, IL	
Lake, IL	
McHenry, IL	
Will, IL	
1620 Chico-Paradise, CA	1.0429
Butte, CA	
1640 Cincinnati, OH-KY-IN [1]	0.9521
Dearborn, IN	
Ohio, IN	
Boone, KY	
Campbell, KY	
Gallatin, KY	
Grant, KY	
Kenton, KY	
Pendleton, KY	
Brown, OH	
Clermont, OH	
Hamilton, OH	
Warren, OH	
1660 Clarksville-Hopkinsville, TN-KY	0.7852
Christian, KY	
Montgomery, TN	
1680 Cleveland-Lorain-Elyria, OH [1]	0.9804
Ashtabula, OH	
Cuyahoga, OH	
Geauga, OH	

[1] Large Urban Area

[2] Hospitals geographically located in the area are assigned the statewide rural wage index for FY 1998.

ADDENDUM J.—WAGE INDEX FOR URBAN AREAS—Continued

Urban code/Urban area (constituent counties)	Wage index
Lake, OH	
Lorain, OH	
Medina, OH	
1720 Colorado Springs, CO	0.9316
ElPaso, CO	
1740 Columbia, MO	0.9001
Boone, MO	
1760 Columbia, SC	0.9192
Lexington, SC	
Richland, SC	
1800 Columbus, GA-AL	0.8288
Russell, AL	
Chattahoochee, GA	
Harris, GA	
Muscogee, GA	
1840 Columbus, OH[1]	0.9793
Delaware, OH	
Fairfield, OH	
Franklin, OH	
Licking, OH	
Madison, OH	
Pickaway, OH	
1880 Corpus Christi, TX	0.8945
Nueces, TX	
San Patricio, TX	
1900 Cumberland, MD-WV	0.8822
Allegany, MD	
Mineral, WV	
1920 Dallas, TX[1]	0.9674
Collin, TX	
Dallas, TX	
Denton, TX	
Ellis, TX	
Henderson, TX	
Hunt, TX	
Kaufman, TX	
Rockwall, TX	
1950 Danville, VA	0.8146
Danville City, VA	
Pittsylvania, VA	
1960 Davenport-Moline-Rock Island, IA-IL	0.8405
Scott, IA	
Henry, IL	
Rock Island, IL	
2000 Dayton-Springfield, OH	0.9279
Clark, OH	
Greene, OH	
Miami, OH	
Montgomery, OH	
2020 Daytona Beach, FL[2]	0.8838
Flagler, FL	
Volusia, FL	
2030 Decatur, AL	0.8286
Lawrence, AL	
Morgan, AL	
2040 Decatur, IL	0.7915
Macon, IL	
2080 Denver, CO[1]	1.0386
Adams, CO	
Arapahoe, CO	
Denver, CO	
Douglas, CO	
Jefferson, CO	
2120 Des Moines, IA	0.8837
Dallas, IA	
Polk, IA	
Warren, IA	
2160 Detroit, MI[1]	1.0840
Lapeer, MI	
Macomb, MI	
Monroe, MI	
Oakland, MI	
St. Clair, MI	
Wayne, MI	

ADDENDUM J.—WAGE INDEX FOR URBAN AREAS—Continued

Urban code/Urban area (constituent counties)	Wage index
2180 Dothan, AL	0.8070
Dale, AL	
Houston, AL	
2190 Dover, DE	0.9303
Kent, DE	
2200 Dubuque, IA	0.8088
Dubuque, IA	
2240 Duluth-Superior, MN-WI	0.9779
St. Louis, MN	
Douglas, WI	
2281 Dutchess County, NY	1.0632
Dutchess, NY	
2290 Eau Claire, WI	0.8764
Chippewa, WI	
Eau Claire, WI	
2320 El Paso, TX	1.0123
El Paso, TX	
2330 Elkhart-Goshen, IN	0.9081
Elkhart, IN	
2335 Elmira, NY[2]	0.8401
Chemung, NY	
2340 Enid, OK	0.7962
Garfield, OK	
2360 Erie, PA	0.8862
Erie, PA	
2400 Eugene-Springfield, OR	1.1659
Lane, OR	
2440 Evansville-Henderson, IN-KY	0.8641
Posey, IN	
Vanderburgh, IN	
Warrick, IN	
Henderson, KY	
2520 Fargo-Moorhead, ND-MN	0.8837
Clay, MN	
Cass, ND	
2560 Fayetteville, NC	0.8734
Cumberland, NC	
2580 Fayetteville-Springdale-Rogers, AR	0.7461
Benton, AR	
Washington, AR	
2620 Flagstaff, AZ-UT	0.9115
Coconino, AZ	
Kane, UT	
2640 Flint, MI	1.1171
Genesee, MI	
2650 Florence, AL	0.7716
Colbert, AL	
Lauderdale, AL	
2655 Florence, SC	0.8711
Florence, SC	
2670 Fort Collins-Loveland, CO	1.0248
Larimer, CO	
2680 Ft. Lauderdale, FL[1]	1.0487
Broward, FL	
2700 Fort Myers-Cape Coral, FL[2]	0.8838
Lee, FL	
2710 Fort Pierce-Port St. Lucie, FL	1.0257
Martin, FL	
St. Lucie, FL	
2720 Fort Smith, AR-OK	0.7769
Crawford, AR	
Sebastian, AR	
Sequoyah, OK	
2750 Fort Walton Beach, FL[2]	0.8838
Okaloosa, FL	
2760 Fort Wayne, IN	0.8901
Adams, IN	
Allen, IN	
DeKalb, IN	
Huntington, IN	
Wells, IN	
Whitley, IN	
2800 Forth Worth-Arlington, TX[1]	0.9997
Hood, TX	

ADDENDUM J.—WAGE INDEX FOR URBAN AREAS—Continued

Urban code/Urban area (constituent counties)	Wage index
Johnson, TX	
Parker, TX	
Tarrant, TX	
2840 Fresno, CA	1.0607
Fresno, CA	
Madera, CA	
2880 Gadsden, AL	0.8815
Etowah, AL	
2900 Gainesville, FL	0.9616
Alachua, FL	
2920 Galveston-Texas City, TX	1.0564
Galveston, TX	
2960 Gary, IN	0.9270
Lake, IN	
Porter, IN	
2975 Glens Falls, NY[2]	0.8401
Warren, NY	
Washington, NY	
2980 Goldsboro, NC	0.8443
Wayne, NC	
2985 Grand Forks, ND-MN	0.8815
Polk, MN	
Grand Forks, ND	
2995 Grand Junction, CO	0.9491
Mesa, CO	
3000 Grand Rapids-Muskegon-Holland, MI[1]	1.0147
Allegan, MI	
Kent, MI	
Muskegon, MI	
Ottawa, MI	
3040 Great Falls, MT	0.9306
Cascade, MT	
3060 Greeley, CO	1.0097
Weld, CO	
3080 Green Bay, WI	0.9585
Brown, WI	
3120 Greensboro-Winston-Salem-High Point, NC[1]	0.9351
Alamance, NC	
Davidson, NC	
Davie, NC	
Forsyth, NC	
Guilford, NC	
Randolph, NC	
Stokes, NC	
Yadkin, NC	
3150 Greenville, NC	0.9064
Pitt, NC	
3160 Greenville-Spartanburg-Anderson, SC	0.9059
Anderson, SC	
Cherokee, SC	
Greenville, SC	
Pickens, SC	
Spartanburg, SC	
3180 Hagerstown, MD	0.9681
Washington, MD	
3200 Hamilton-Middletown, OH	0.8767
Butler, OH	
3240 Harrisburg-Lebanon-Carlisle, PA	1.0187
Cumberland, PA	
Dauphin, PA	
Lebanon, PA	
Perry, PA	
3283 Hartford, CT[1 2]	1.2617
Hartford, CT	
Litchfield, CT	
Middlesex, CT	
Tolland, CT	
3285 Hattiesburg, MS	0.7192
Forrest, MS	
Lamar, MS	
3290 Hickory-Morganton-Lenoir, NC	0.8285
Alexander, NC	

[1] Large Urban Area

[2] Hospitals geographically located in the area are assigned the statewide rural wage index for FY 1998.

ADDENDUM J.—WAGE INDEX FOR URBAN AREAS—Continued

Urban code/Urban area (constituent counties)	Wage index
Burke, NC	
Caldwell, NC	
Catawba, NC	
3320 Honolulu, HI	1.1817
Honolulu, HI	
3350 Houma, LA	0.7854
Lafourche, LA	
Terrebonne, LA	
3360 Houston, TX [1]	0.9855
Chambers, TX	
FortBend, TX	
Harris, TX	
Liberty, TX	
Montgomery, TX	
Waller, TX	
3400 Huntington-Ashland, WV-KY-OH	0.9160
Boyd, KY	
Carter, KY	
Greenup, KY	
Lawrence, OH	
Cabell, WV	
Wayne, WV	
3440 Huntsville, AL	0.8485
Limestone, AL	
Madison, AL	
3480 Indianapolis, IN [1]	0.9848
Boone, IN	
Hamilton, IN	
Hancock, IN	
Hendricks, IN	
Johnson, IN	
Madison, IN	
Marion, IN	
Morgan, IN	
Shelby, IN	
3500 Iowa City, IA	0.9413
Johnson, IA	
3520 Jackson, MI	0.9052
Jackson, MI	
3560 Jackson, MS	0.7790
Hinds, MS	
Madison, MS	
Rankin, MS	
3580 Jackson, TN	0.8522
Madison, TN	
Chester, TN	
3600 Jacksonville, FL [1]	0.8969
Clay, FL	
Duval, FL	
Nassau, FL	
St. Johns, FL	
3605 Jacksonville, NC [2]	0.7939
Onslow, NC	
3610 Jamestown, NY [2]	0.8401
Chautauqua, NY	
3620 Janesville-Beloit, WI	0.8824
Rock, WI	
3640 Jersey City, NJ	1.1412
Hudson, NJ	
3660 Johnson City-Kingsport-Bristol, TN-VA	0.9114
Carter, TN	
Hawkins, TN	
Sullivan, TN	
Unicoi, TN	
Washington, TN	
Bristol City, VA	
Scott, VA	
Washington, VA	
3680 Johnstown, PA [2]	0.8421
Cambria, PA	
Somerset, PA	
3700 Jonesboro, AR	0.7443
Craighead, AR	
3710 Joplin, MO	0.7541
Jasper, MO	
Newton, MO	
3720 Kalamazoo-Battlecreek, MI	1.0668
Calhoun, MI	
Kalamazoo, MI	
Van Buren, MI	
3740 Kankakee, IL	0.8653
Kankakee, IL	
3760 Kansas City, KS-MO [1]	0.9564
Johnson, KS	
Leavenworth, KS	
Miami, KS	
Wyandotte, KS	
Cass, MO	
Clay, MO	
Clinton, MO	
Jackson, MO	
Lafayette, MO	
Platte, MO	
Ray, MO	
3800 Kenosha, WI	0.9196
Kenosha, WI	
3810 Killeen-Temple, TX	1.0252
Bell, TX	
Coryell, TX	
3840 Knoxville, TN	0.8831
Anderson, TN	
Blount, TN	
Knox, TN	
Loudon, TN	
Sevier, TN	
Union, TN	
3850 Kokomo, IN	0.8416
Howard, IN	
Tipton, IN	
3870 LaCrosse, WI-MN	0.8749
Houston, MN	
LaCrosse, WI	
3880 Lafayette, LA	0.8227
Acadia, LA	
Lafayette, LA	
St. Landry, LA	
St. Martin, LA	
3920 Lafayette, IN	0.9174
Clinton, IN	
Tippecanoe, IN	
3960 Lake Charles, LA	0.7776
Calcasieu, LA	
3980 Lakeland-Winter Haven, FL [2]	0.8838
Polk, FL	
4000 Lancaster, PA	0.9481
Lancaster, PA	
4040 Lansing-East Lansing, MI	1.0088
Clinton, MI	
Eaton, MI	
Ingham, MI	
4080 Laredo, TX [2]	0.7404
Webb, TX	
4100 Las Cruces, NM	0.8658
Dona Ana, NM	
4120 Las Vegas, NV-AZ [1]	1.0592
Mohave, AZ	
Clark, NV	
Nye, NV	
4150 Lawrence, KS	0.8608
Douglas, KS	
4200 Lawton, OK	0.9045
Comanche, OK	
4243 Lewiston-Aubum, ME	0.9536
Androscoggin, ME	
4280 Lexington, KY	0.8416
Bourbon, KY	
Clark, KY	
Fayette, KY	
Jessamine, KY	
Madison, KY	
Scott, KY	
Woodford, KY	
4320 Lima, OH	0.9185
Allen, OH	
Auglaize, OH	
4360 Lincoln, NE	0.9231
Lancaster, NE	
4400 Little Rock-North Little Rock, AR	0.8490
Faulkner, AR	
Lonoke, AR	
Pulaski, AR	
Saline, AR	
4420 Longview-Marshall, TX	0.8613
Gregg, TX	
Harrison, TX	
Upshur, TX	
4480 Los Angeles-Long Beach, CA [1]	1.2268
Los Angeles, CA	
4520 Louisville, KY-IN	0.9507
Clark, IN	
Floyd, IN	
Harrison, IN	
Scott, IN	
Bullitt, KY	
Jefferson, KY	
Oldham, KY	
4600 Lubbock, TX	0.8400
Lubbock, TX	
4640 Lynchburg, VA	0.8228
Amherst, VA	
Bedford, VA	
Bedford City, VA	
Campbell, VA	
Lynchburg City, VA	
4680 Macon, GA	0.9227
Bibb, GA	
Houston, GA	
Jones, GA	
Peach, GA	
Twiggs, GA	
4720 Madison, WI	1.0055
Dane, WI	
4800 Mansfield, OH	0.8639
Crawford, OH	
Richland, OH	
4840 Mayaguez, PR	0.4475
Anasco, PR	
Cabo Rojo, PR	
Hormigueros, PR	
Mayaguez, PR	
Sabana Grande, PR	
San German, PR	
4880 McAllen-Edinburg-Mission, TX	0.8371
Hidalgo, TX	
4890 Medford-Ashland, OR	1.0354
Jackson, OR	
4900 Melbourne-Titusville-Palm Bay, FL [2]	0.8838
Brevard, Fl	
4920 Memphis, TN-AR-MS [1]	0.8589
Crittenden, AR	
DeSoto, MS	
Fayette, TN	
Shelby, TN	
Tipton, TN	
4940 Merced, CA	1.0947
Merced, CA	
5000 Miami, FL [1]	0.9859
Dade, FL	
5015 Middlesex-Somerset-Hunterdon, NJ [1]	1.0875
Hunterdon, NJ	
Middlesex, NJ	
Somerset, NJ	

[1] Large Urban Area

[2] Hospitals geographically located in the area are assigned the statewide rural wage index for FY 1998.

ADDENDUM J.—WAGE INDEX FOR URBAN AREAS—Continued

Urban code/Urban area (constituent counties)	Wage index
5080 Milwaukee-Waukesha, WI[1]	0.9819
Milwaukee, WI	
Ozaukee, WI	
Washington, WI	
Waukesha, WI	
5120 Minneapolis-St. Paul, MN-WI[1]	1.0733
Anoka, MN	
Carver, MN	
Chisago, MN	
Dakota, MN	
Hennepin, MN	
Isanti, MN	
Ramsey, MN	
Scott, MN	
Sherburne, MN	
Washington, MN	
Wright, MN	
Pierce, WI	
St. Croix, WI	
5160 Mobile, AL	0.8455
Baldwin, AL	
Mobile, AL	
5170 Modesto, CA	1.0377
Stanislaus, CA	
5190 Monmouth-Ocean, NJ[1]	1.0934
Monmouth, NJ	
Ocean, NJ	
5200 Monroe, LA	0.8414
Ouachita, LA	
5240 Montgomery, AL	0.7813
Autauga, AL	
Elmore, AL	
Montgomery, AL	
5280 Muncie, IN	0.9173
Delaware, IN	
5330 Myrtle Beach, SC	0.8072
Horry, SC	
5345 Naples, FL	1.0109
Collier, FL	
5360 Nashville, TN[1]	0.9182
Cheatham, TN	
Davidson, TN	
Dickson, TN	
Robertson, TN	
RutherfordTN	
Sumner, TN	
Williamson, TN	
Wilson, TN	
5380 Nassau-Suffolk, NY[1]	1.3807
Nassau, NY	
Suffolk, NY	
5483 New Haven-Bridgeport-Stamford-Waterbury-Danbury, CT[1]	1.2619
Fairfield, CT	
New Haven, CT	
5523 New London-Norwich, CT[2]	1.2617
New London, CT	
5560 New Orleans, LA[1]	0.9566
Jefferson, LA	
Orleans, LA	
Plaquemines, LA	
St. Bernard, LA	
St. Charles, LA	
St. James, LA	
St. John The Baptist, LA	
St. Tammany, LA	
5600 New York, NY[1]	1.4449
Bronx, NY	
Kings, NY	
New York, NY	
Putnam, NY	
Queens, NY	
Richmond, NY	
Rockland, NY	
Westchester, NY	

ADDENDUM J.—WAGE INDEX FOR URBAN AREAS—Continued

Urban code/Urban area (constituent counties)	Wage index
5640 Newark, NJ[1]	1.1111
Essex, NJ	
Morris, NJ	
Sussex, NJ	
Union, NJ	
Warren, NJ	
5660 Newburgh, NY-PA	1.1283
Orange, NY	
Pike, PA	
5720 Norfolk-Virginia Beach-Newport News, VA-NC[1]	0.8316
Currituck, NC	
Chesapeake City, VA	
Gloucester, VA	
Hampton City, VA	
Isle of Wight, VA	
James City, VA	
Mathews, VA	
Newport News City, VA	
Norfolk City, VA	
Poquoson City, VA	
Portsmouth City, VA	
Suffolk City, VA	
Virginia Beach City, VA	
Williamsburg City, VA	
York, VA	
5775 Oakland, CA[1]	1.5158
Alameda, CA	
Contra Costa, CA	
5790 Ocala, FL	0.9032
Marion, FL	
5800 Odessa-Midland, TX	0.8660
Ector, TX	
Midland, TX	
5880 Oklahoma City, OK[1]	0.8481
Canadian, OK	
Cleveland, OK	
Logan, OK	
McClain, OK	
Oklahoma, OK	
Pottawatomie, OK	
5910 Olympia, WA	1.0901
Thurston, WA	
5920 Omaha, NE-IA	0.9421
Pottawattamie, IA	
Cass, NE	
Douglas, NE	
Sarpy, NE	
Washington, NE	
5945 Orange County, CA[1]	1.1532
Orange, CA	
5960 Orlando, FL[1]	0.9397
Lake, FL	
Orange, FL	
Osceola, FL	
Seminole, FL	
5990 Owensboro, KY[2]	0.7772
Daviess, KY	
6015 Panama City, FL[2]	0.8838
Bay, FL	
6020 Parkersburg-Marietta, WV-OH (West Virginia Hospitals)[2]	0.8046
Washington, OH	
Wood, WV	
6020 Parkersburg-Marietta, WV-OH (Ohio Hospitals)[2]	0.8434
Washington, OH	
Wood, WV	
6080 Pensacola, FL[2]	0.8838
Escambia, FL	
Santa Rosa, FL	
6120 Peoria-Pekin, IL	0.8571
Peoria, IL	
Tazewell, IL	
Woodford, IL	

ADDENDUM J.—WAGE INDEX FOR URBAN AREAS—Continued

Urban code/Urban area (constituent counties)	Wage index
6160 Philadelphia, PA-NJ[1]	1.1398
Burlington, NJ	
Camden, NJ	
Gloucester, NJ	
Salem, NJ	
Bucks, PA	
Chester, PA	
Delaware, PA	
Montgomery, PA	
Philadelphia, PA	
6200 Phoenix-Mesa, AZ[1]	0.9606
Maricopa, AZ	
Pinal, AZ	
6240 Pine Bluff, AR	0.7826
Jefferson, AR	
6280 Pittsburgh, PA[1]	0.9725
Allegheny, PA	
Beaver, PA	
Butler, PA	
Fayette, PA	
Washington, PA	
Westmoreland, PA	
6323 Pittsfield, MA	1.0960
Berkshire, MA	
6340 Pocatello, ID	0.9586
Bannock, ID	
6360 Ponce, PR	0.4589
Guayanilla, PR	
Juana Diaz, PR	
Penuelas, PR	
Ponce, PR	
Villalba, PR	
Yauco, PR	
6403 Portland, ME	0.9627
Cumberland, ME	
Sagadahoc, ME	
York, ME	
6440 Portland-Vancouver, OR-WA[1]	1.1344
Clackamas, OR	
Columbia, OR	
Multnomah, OR	
Washington, OR	
Yamhill, OR	
Clark, WA	
6483 Providence-Warwick-Pawtucket, RI[1]	1.1049
Bristol, RI	
Kent, RI	
Newport, RI	
Providence, RI	
Washington, RI	
6520 Provo-Orem, UT	1.0073
Utah, UT	
6560 Pueblo, CO	0.8450
Pueblo, CO	
6580 Punta Gorda, FL[2]	0.8838
Charlotte, FL	
6600 Racine, WI	0.8934
Racine, WI	
6640 Raleigh-Durham-Chapel Hill, NC[2]	0.9818
Chatham, NC	
Durham, NC	
Franklin, NC	
Johnston, NC	
Orange, NC	
Wake. NC	
6660 Rapid City, SD	0.8345
Pennington, SD	
6680 Reading, PA	0.9516
Berks, PA	
6690 Redding, CA	1.1790
Shasta. CA	
6720 Reno, NV	1.0768
Washoe, NV	
6740 Richland-Kennewick-Pasco, WA[2]	1.0221

[1] Large Urban Area

[2] Hospitals geographically located in the area are assigned the statewide rural wage index for FY 1998.

ADDENDUM J.—WAGE INDEX FOR URBAN AREAS—Continued

Urban code/Urban area (constituent counties)	Wage index
Benton, WA	
Franklin, WA	
6760 Richmond-Petersburg, VA	0.9152
Charles City County, VA	
Chesterfield, VA	
Colonial Heights City, VA	
Dinwiddie, VA	
Goochland, VA	
Hanover, VA	
Henrico, VA	
Hopewell City, VA	
NewKent, VA	
Petersburg City, VA	
Powhatan, VA	
Prince George, VA	
Richmond City, VA	
6780 Riverside-San Bernardino, CA[1]	1.1145
Riverside, CA	
San Bernardino, CA	
6800 Roanoke, VA	0.8402
Botetourt, VA	
Roanoke, VA	
Roanoke City, VA	
Salem City, VA	
6820 Rochester, MN	1.0502
Olmsted, MN	
6840 Rochester, NY[1]	0.9524
Genesee, NY	
Livingston, NY	
Monroe, NY	
Ontario, NY	
Orleans, NY	
Wayne, NY	
6880 Rockford, IL	0.9081
Boone, IL	
Ogle, IL	
Winnebago, IL	
6895 Rocky Mount, NC	0.9029
Edgecombe, NC	
Nash, NC	
6920 Sacramento, CA[1]	1.2202
El Dorado, CA	
Placer, CA	
Sacramento, CA	
6960 Saginaw-Bay City-Midland, MI	0.9564
Bay, MI	
Midland, MI	
Saginaw, MI	
6980 St. Cloud, MN	0.9544
Benton, MN	
Stearns, MN	
7000 St. Joseph, MO	0.8366
Andrew, MO	
Buchanan, MO	
7040 St. Louis, MO-IL[1]	0.9130
Clinton, IL	
Jersey, IL	
Madison, IL	
Monroe, IL	
St. Clair, IL	
Franklin, MO	
Jefferson, MO	
Lincoln, MO	
St. Charles, MO	
St. Louis, MO	
St. Louis City, MO	
Warren, MO	
7080 Salem, OR[2]	0.9976
Marion, OR	
Polk, OR	
7120 Salinas, CA	1.4513
Monterey, CA	
7160 Salt Lake City-Ogden, UT[1]	0.9862
Davis, UT	
Salt Lake, UT	
Weber, UT	
7200 San Angelo, TX	0.7780
Tom Green, TX	
7240 San Antonio, TX[1]	0.8499
Bexar, TX	
Comal, TX	
Guadalupe, TX	
Wilson, TX	
7320 San Diego, CA[1]	1.2225
San Diego, CA	
7360 San Francisco, CA[1]	1.4091
Marin, CA	
San Francisco, CA	
San Mateo, CA	
7400 San Jose, CA[1]	1.4332
Santa Clara, CA	
7440 San Juan-Bayamon, PR[1]	0.4625
Aguas Buenas, PR	
Barceloneta, PR	
Bayamon, PR	
Canovanas, PR	
Carolina, PR	
Catano, PR	
Ceiba, PR	
Comerio, PR	
Corozal, PR	
Dorado, PR	
Fajardo, PR	
Florida, PR	
Guaynabo, PR	
Humacao, PR	
Juncos, PR	
Los Piedras, PR	
Loiza, PR	
Luguillo, PR	
Manati, PR	
Morovis, PR	
Naguabo, PR	
Naranjito, PR	
Rio Grande, PR	
San Juan, PR	
Toa Alta, PR	
Toa Baja, PR	
Trujillo Alto, PR	
Vega Alta, PR	
Vega Baja, PR	
Yabucoa, PR	
7460 San Luis Obispo-Atascadero-Paso Robles, CA	1.1374
San Luis Obispo, CA	
7480 Santa Barbara-Santa Maria-Lompoc, CA	1.0688
Santa Barbara, CA	
7485 Santa Cruz-Watsonville, CA	1.4187
Santa Cruz, CA	
7490 Santa Fe, NM	1.0332
Los Alamos, NM	
Santa Fe, NM	
7500 Santa Rosa, CA	1.2267
Sonoma, CA	
7510 Sarasota-Bradenton, FL	0.9757
Manatee, FL	
Sarasota, FL	
7520 Savannah, GA	0.8638
Bryan, GA	
Chatham, GA	
Effingham, GA	
7560 Scranton—Wilkes-Barre—Hazleton, PA	0.8539
Columbia, PA	
Lackawanna, PA	
Luzerne, PA	
Wyoming, PA	
7600 Seattle-Bellevue-Everett, WA[1]	1.1375
Island, WA	
King, WA	
Snohomish, WA	
7610 Sharon, PA	0.8783
Mercer, PA	
7620 Sheboygan, WI[2]	0.8471
Sheboygan, WI	
7640 Sherman-Denison, TX	0.8499
Grayson, TX	
7680 Shreveport-Bossier City, LA	0.9381
Bossier, LA	
Caddo, LA	
Webster, LA	
7720 Sioux City, IA-NE	0.8031
Woodbury, IA	
Dakota, NE	
7760 Sioux Falls, SD	0.8712
Lincoln, SD	
Minnehaha, SD	
7800 South Bend, IN	0.9880
St. Joseph, IN	
7840 Spokane, WA	1.0486
Spokane, WA	
7880 Springfield, IL	0.8713
Menard, IL	
Sangamon, IL	
7920 Springfield, MO	0.8036
Christian, MO	
Greene, MO	
Webster, MO	
8003 Springfield, MA[2]	1.0718
Hampden, MA	
Hampshire, MA	
8050 State College, PA	0.9635
Centre, PA	
8080 Steubenville-Weirton, OH-WV	0.8645
Jefferson, OH	
Brooke, WV	
Hancock, WV	
8120 Stockton-Lodi, CA	1.1518
San Joaquin, CA	
8140 Sumter, SC[2]	0.7921
Sumter, SC	
8160 Syracuse, NY	0.9480
Cayuga, NY	
Madison, NY	
Onondaga, NY	
Oswego, NY	
8200 Tacoma, WA	1.1016
Pierce, WA	
8240 Tallahassee, FL[2]	0.8838
Gadsden, FL	
Leon, FL	
8280 Tampa-St. Petersburg-Clearwater, FL[1]	0.9196
Hernando, FL	
Hillsborough, FL	
Pasco, FL	
Pinellas, FL	
8320 Terre Haute, IN	0.8614
Clay, IN	
Vermillion, IN	
Vigo, IN	
8360 Texarkana, AR-Texarkana, TX	0.8699
Miller, AR	
Bowie, TX	
8400 Toledo, OH	1.0140
Fulton, OH	
Lucas, OH	
Wood, OH	
8440 Topeka, KS	0.9438
Shawnee, KS	
8480 Trenton, NJ	1.0380
Mercer, NJ	
8520 Tucson, AZ	0.9180
Pima, AZ	

[1] Large Urban Area

[2] Hospitals geographically located in the area are assigned the statewide rural wage index for FY 1998.

ADDENDUM J.—WAGE INDEX FOR URBAN AREAS—Continued

Urban code/Urban area (constituent counties)	Wage index
8560 Tulsa, OK	0.8074
Creek, OK	
Osage, OK	
Rogers, OK	
Tulsa, OK	
Wagoner, OK	
8600 Tuscaloosa, AL	0.8187
Tuscaloosa, AL	
8640 Tyler, TX	0.9567
Smith, TX	
8680 Utica-Rome, NY[2]	0.8401
Herkimer, NY	
Oneida, NY	
8720 Vallejo-Fairfield-Napa, CA	1.3528
Napa, CA	
Solano, CA	
8735 Ventura, CA	1.0544
Ventura, CA	
8750 Victoria, TX	0.8474
Victoria, TX	
8760 Vineland-Millville-Bridgeton, NJ	1.0110
Cumberland, NJ	
8780 Visalia-Tulare-Porterville, CA[2]	0.9977
Tulare, CA	
8800 Waco, TX	0.7696
McLennan, TX	
8840 Washington, DC-MD-VA-WV[1]	1.0911
District of Columbia, DC	
Calvert, MD	
Charles, MD	
Frederick, MD	
Montgomery, MD	
Prince Georges, MD	
Alexandria City, VA	
Arlington, VA	
Clarke, VA	
Culpeper, VA	
Fairfax, VA	
Fairfax City, VA	
Falls Church City, VA	
Fauquier, VA	
Fredericksburg City, VA	
King George, VA	
Loudoun, VA	
Manassas City, VA	
Manassas Park City, VA	
Prince William, VA	
Spotsylvania, VA	
Stafford, VA	
Warren, VA	
Berkeley, WV	
Jefferson, WV	
8920 Waterloo-Cedar Falls, IA	0.8643
Black Hawk, IA	
8940 Wausau, WI	1.0545
Marathon, WI	
8960 West Palm Beach-Boca Raton, FL	1.0309
Palm Beach, FL	
9000 Wheeling, WV-OH (West Virginia Hospitals)[1]	0.7966
Belmont, OH	
Marshall, WV	
Ohio, WV	
9000 Wheeling, WV-OH (Ohio Hospitals)[2]	0.8434
Belmont, OH	
Marshall, WV	
Ohio, WV	
9040 Wichita, KS	0.9403
Butler, KS	
Harvey, KS	
Sedgwick, KS	
9080 Wichita Falls, TX	0.7646
Archer, TX	
Wichita, TX	
9140 Williamsport, PA	0.8548
Lycoming, PA	
9160 Wilmington-Newark, DE-MD	1.1538
New Castle, DE	
Cecil, MD	
9200 Wilmington, NC	0.9322
New Hanover, NC	
Brunswick, NC	
9260 Yakima, WA[2]	1.0221
Yakima, WA	
9270 Yolo, CA	1.1431
Yolo, CA	
9280 York, PA	0.9415
York, PA	
9320 Youngstown-Warren, OH	0.9937
Columbiana, OH	
Mahoning, OH	
Trumbull, OH	
9340 Yuba City, CA	1.0324
Sutter, CA	
Yuba, CA	
9360 Yuma, AZ	0.9732
Yuma, AZ	

[1] Large Urban Area

[2] Hospitals geographically located in the area are assigned the statewide rural wage index for FY 1998.

53. On pages 48035 through 48036, Addendum K is corrected to read as follows:

ADDENDUM K.—WAGE INDEX FOR RURAL AREAS

Nonurban area	Wage index
Alabama	0.7260
Alaska	1.2302
Arizona	0.7989
Arkansas	0.6995
California	0.9977
Colorado	0.8129
Connecticut	1.2617
Delaware	0.8925
Florida	0.8838
Georgia	0.7761
Hawaii	1.0229
Idaho	0.8221
Illinois	0.7644
Indiana	0.8161
Iowa	0.7391
Kansas	0.7203
Kentucky	0.7772
Louisiana	0.7383
Maine	0.8468
Maryland	0.8617
Massachusetts	1.0718
Michigan	0.8923
Minnesota	0.8180
Mississippi	0.6911
Missouri	0.7207
Montana	0.8302
Nebraska	0.7401
Nevada	0.8914
New Hampshire	0.9724
New Jersey[1]	
New Mexico	0.8110
New York	0.8401
North Carolina	0.7939
North Dakota	0.7360
Ohio	0.8434
Oklahoma	0.7072
Oregon	0.9976
Pennsylvania	0.8421
Puerto Rico	0.3939
Rhode Island[1]	
South Carolina	0.7921
South Dakota	0.6983
Tennessee	0.7353
Texas	0.7404
Utah	0.8926
Vermont	0.9314
Virginia	0.7782
Washington	1.0221
West Virginia	0.7966
Wisconsin	0.8471
Wyoming	0.8247

[1] All counties within state are classified as urban.

54. On page 48036, Addendum L is corrected to read as follows:

ADDENDUM L.—WAGE INDEX FOR HOSPITALS THAT ARE RECLASSIFIED

Area	Wage index
Abilene, TX	0.8287
Albuquerque, NM	0.9329
Alexandria, LA	0.8269
Amarillo, TX	0.9277
Anchorage, AK	1.2998
Asheville, NC	0.9072
Athens, GA	0.9087
Atlanta, GA	0.9823
Austin-San Marcos, TX	0.9133
Bangor, ME	0.9478
Barnstable-Yarmouth, MA	1.3827
Baton Rouge, LA	0.8382
Benton Harbor, MI	0.8923
Bergen-Passaic, NJ	1.1570
Billings, MT	0.9609
Birmingham, AL	0.9005
Bismarck, ND	0.7859
Boise City, ID	0.8887
Boston-Worcester-Lawrence-Lowell-Brockton, MA-NH	1.1498
Caguas, PR	0.4508
Casper, WY	0.9013
Champaign-Urbana, IL	0.8706
Charlotte-Gastonia-Rock Hill, NC-SC	0.9710
Charlottesville, VA	0.8885
Chattanooga, TN-GA	0.8658
Chicago, IL	1.0759
Cincinnati, OH-KY-IN	0.9521
Cleveland-Lorain-Elyria, OH	0.9804
Columbia, MO	0.8759
Columbus, OH	0.9793

ADDENDUM L.—WAGE INDEX FOR HOSPITALS THAT ARE RECLASSIFIED—Continued

Area	Wage index
Dallas, TX	0.9674
Davenport-Moline-Rock Island, IA-IL	0.8405
Denver, CO	1.0386
Des Moines, IA	0.8837
Detroit, MI	1.0840
Duluth-Superior, MN-WI	0.9779
Dutchess County, NY	1.0364
Eugene-Springfield, OR	1.1659
Fargo-Moorhead, ND-MN	0.8729
Fayetteville, NC	0.8491
Flint, MI	1.1171
Florence, AL	0.7716
Florence, SC	0.8711
Ft. Lauderdale, FL	1.0487
Fort Pierce-Port St. Lucie, FL	1.0008
Fort Walton Beach, FL	0.8653
Forth Worth-Arlington, TX	0.9997
Gadsden, AL	0.8815
Gainesville, FL	0.9616
Gary, IN	0.9114
Grand Forks, ND-MN	0.8815
Grand Junction, CO	0.9491
Great Falls, MT	0.9306
Greeley, CO	0.9791
Green Bay, WI	0.9585
Greensboro-Winston-Salem-High Point, NC	0.9351
Harrisburg-Lebanon-Carlisle, PA	1.0076
Hartford, CT	1.2373
Honolulu, HI	1.1817
Houma, LA	0.7854
Houston, TX	0.9855
Huntington-Ashland, WV-KY-OH	0.9160
Huntsville, AL	0.8485
Indianapolis, IN	0.9848
Iowa City, IA	0.9208
Jackson, MS	0.7790
Johnson City-Kingsport-Bristol, TN-VA	0.9114
Jonesboro, AR	0.7443
Joplin, MO	0.7541
Kalamazoo-Battlecreek, MI	1.0668
Kansas City, KS-MO	0.9564
Knoxville, TN	0.8831
Lafayette, LA	0.8227
Lafayette, IN	0.9174
Lansing-East Lansing, MI	1.0088
Las Cruces, NM	0.8658
Las Vegas, NV-AZ	1.0592
Lexington, KY	0.8416
Lima, OH	0.9185
Lincoln, NE	0.9035
Little Rock-North Little Rock, AR	0.8490
Longview-Marshall, TX	0.8509
Los Angeles-Long Beach, CA	1.2268
Louisville, KY-IN	0.9507
Macon, GA	0.9227
Madison, WI	1.0055
Mansfield, OH	0.8639
Medford-Ashland, OR	1.0354
Memphis, TN-AR-MS	0.8589
Milwaukee-Waukesha, WI	0.9819
Minneapolis-St. Paul, MN-WI	1.0733
Monroe, LA	0.8414
Montgomery, AL	0.7813
Nashville, TN	0.9182
New Haven-Bridgeport-Stamford-Waterbury-Danbury, CT	1.2619
New London-Norwich, CT	1.2258
New Orleans, LA	0.9566
New York, NY	1.4449
Newark, NJ	1.1111
Newburgh, NY-PA	1.1283
Oakland, CA	1.5158
Odessa-Midland, TX	0.8516
Oklahoma City, OK	0.8481
Omaha, NE-IA	0.9421
Orange County, CA	1.1532
Peoria-Pekin, IL	0.8571
Philadelphia, PA-NJ	1.1398
Pittsburgh, PA	0.9583
Pocatello, ID	0.9000
Portland, ME	0.9627
Portland-Vancouver, OR-WA	1.1344
Provo-Orem, UT	1.0073
Raleigh-Durham-Chapel Hill, NC	0.9818
Rapid City, SD	0.8345
Rochester, MN	1.0502
Rockford, IL	0.9081
Sacramento, CA	1.2202
Saginaw-Bay City-Midland, MI	0.9564
St. Cloud, MN	0.9544
St. Louis, MO-IL	0.9130
Salinas, CA	1.4299
Salt Lake City-Ogden, UT	0.9862
San Diego, CA	1.2225
San Francisco, CA	1.4091
Santa Fe, NM	1.0007
Santa Rosa, CA	1.2146
Seattle-Bellevue-Everett, WA	1.1375
Sherman-Denison, TX	0.8324
Sioux City, IA-NE	0.8031
Sioux Falls, SD	0.8607
South Bend, IN	0.9880
Spokane, WA	1.0311
Springfield, IL	0.8610
Springfield, MO	0.8036
Stockton-Lodi, CA	1.1518
Syracuse, NY	0.9480
Tampa-St. Petersburg-Clearwater, FL	0.9196
Texarkana, AR-Texarkana, TX	0.8699
Topeka, KS	0.9310
Tucson, AZ	0.9180
Tulsa, OK	0.8074
Tyler, TX	0.9421
Vallejo-Fairfield-Napa, CA	1.3528
Washington, DC-MD-VA-WV	1.0911
Waterloo-Cedar Falls, IA	0.8643
Wausau, WI	0.9845
Wichita, KS	0.9157
Wichita Falls, TX	0.7646
Rural Florida	0.8838
Rural Louisiana	0.7383
Rural Minnesota	0.8180
Rural Missouri	0.7207
Rural New Hampshire	0.9724
Rural New Mexico	0.8110
Rural North Carolina	0.7939
Rural Oregon	0.9976
Rural Washington	1.0221
Rural West Virginia	0.7966
Rural Wyoming	0.8247

(Catalog of Federal Domestic Assistance 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: June 22, 1999.

Kerry Weems,

Acting Deputy Assistant, Secretary for Information Resources Management.

[FR Doc. 99–16550 Filed 6–29–99; 8:45 am]

BILLING CODE 4120–01–P

federal register

Wednesday
June 30, 1999

Part III

Department of the Interior

National Park Service

36 CFR Part 51
Concession Contracts; Proposed Rule

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 51

RIN 1024–AC72

Concession Contracts

AGENCY: National Park Service, Interior.
ACTION: Proposed rule.

SUMMARY: This proposed rule would amend regulations on concession contracts to comply with the requirements of Title IV of the National Parks Omnibus Management Act of 1998 (the "1998 Act"), which provides new legislative authorities, policies and requirements for the solicitation, award and administration of National Park Service concession contracts.

DATES: We will accept written comments, suggestions or objections on or before August 30, 1999.

ADDRESSES: Written comments should be sent to the Concessions Program Manager, National Park Service, 1849 "C" Street, NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Wendelin Mann, Concession Program, National Park Service, 1849 "C" Street, NW, Washington, DC 20240 (202/565–1219).

SUPPLEMENTARY INFORMATION: The 1998 Act has established a new statutory framework for the solicitation, award and administration of National Park Service concession contracts. Concession contracts are the form of governmental authorization used to permit private businesses ("concessioners") to provide visitor services in areas of the national park system. Visitor services include lodging, food service, merchandising, transportation, outfitting and guiding, and similar activities.

The National Park Service has been awarding and administering concession contracts in various forms since its establishment in 1916. In 1965, Congress formally established by the Concession Policies Act of 1965 (the "1965 Act") a number of policies and procedures regarding concession contracts. 36 CFR part 51 as it presently exists implemented the 1965 law. On November 13, 1998, the Congress substantially revised these policies and procedures by passage of the 1998 Act.

General Content

The proposed rule has two major purposes. The first is to set forth procedures as to how concession contracts are to be solicited and awarded by the National Park Service under the 1998 Act. With certain limited exceptions, the 1998 Act requires competitive awards of concession contracts. In some circumstances, an existing satisfactory concessioner may have a right to match the terms of a competing proposal for a new concession contract.

Second, unlike the existing 36 CFR part 51, the proposed rule sets forth in detail the nature of the compensatory interest in capital improvements a concessioner may construct on park lands under the terms of a concession contract. This interest, called a "leasehold surrender interest," is described at length in the 1998 Act. It is our intention to establish appropriate contract terms and conditions for leasehold surrender interests by this rule so as to assure that the requirements of the 1998 Act are strictly followed. Accordingly, the leasehold surrender interest subpart of the proposed rule is lengthy. However, concession contracts will be proportionately shorter as they will refer to the regulations with respect to leasehold surrender terms and conditions.

The proposed rule also contains a number of other provisions implementing the policies and procedures of the 1998 Act.

Subpart Content

Subpart A

Authority and Purpose. Subpart A of the rule describes the authority for the rule, its scope, and the scope of concession contracts in general. It also describes the statutory policies that underlie concession contracts.

Subpart B

General Definitions. Subpart B provides a number of definitions of terms that are used throughout the rule. Readers should refer to these definitions whenever a defined term is used in the text of the rule.

Subpart C

Solicitation, Selection and Award procedures. Subpart C describes general procedures for competitive solicitation, selection and award of concession contracts in compliance with the 1998 Act. Except as described in subpart D, we must award all concession contracts on a competitive basis. As part of the competitive process, however, we will give great emphasis to the responsiveness of concession contract proposals to the objectives of protecting, conserving, and preserving resources of park areas, including, but not limited to, the conduct of environmentally enhancing operational programs.

Among other matters, prospectuses must set forth specific environmentally enhancing operational objectives and challenge offerors to propose means to meet or exceed these objectives. It is our intention to "green" both government and concessioner operations in park areas so as to make them a nationwide model and example. The Secretary, the National Park Service and current concessioners are already actively pursuing the "greening" program, focussing on such activities as recycling, waste minimization, environmentally preferable procurement ("green procurement"), and hazardous waste response capabilities.

The following chart summarizes the process set forth in Subpart C for evaluating proposals in compliance with the 1998 Act to select the best proposal.

SUMMARY OF PROCESS FOR EVALUATING PROPOSALS

Evaluate the proposals for:	Select the one proposal that:	If two or more are substantially equal:
1. Responsiveness to the prospectus (§ 51.14).	Is responsive to the prospectus	Continue with all responsive proposals. (Reject any that are not responsive) (§ 51.14).
2. The four principal factors (§ 51.20(a)–(d)).	Is assessed as the best overall proposal	Continue with all substantially equal proposals. (Reject any that are unacceptable under any of these factors) (§ 51.24).
3. Program for environmental enhancement (§ 51.20(a) subfactor).	Provides the "most substantial, comprehensive and effective program for environmental enhancement". Unless Another proposal provides, through higher than minimum franchise fees, substantively greater benefits for the preservation of the resource	Continue with all substantially equal proposals.

SUMMARY OF PROCESS FOR EVALUATING PROPOSALS—Continued

Evaluate the proposals for:	Select the one proposal that:	If two or more are substantially equal:
	Then Select that other proposal	
4. The fifth principal factor (§ 51.20(e)).	Is assessed as the best proposal with respect to this factor.	Continue with all substantially equal proposals.
5. Secondary factors (§ 51.22)	Is assessed as best proposal with respect to the secondary factor.	Continue with all substantially equal proposals.
6. Additional selection factors described in the prospectus (if any)(§ 51.23b).	Meets the selection factors better than any other remaining proposal.	Request "best and final" proposals from all remaining offerors. Repeat evaluation for all "best and final" proposals (§ 51.23a).

Subpart D

Non-Competitive Award of Concession Contracts. Subpart D describes the three limited situations in which we may make non-competitive awards of concession contracts. In certain circumstances we may extend a concession contract for up to three years on a non-competitive basis, we may award a temporary contract for a term of no more than three years on a non-competitive basis, and, we may award a concession contract on a non-competitive basis in extraordinary circumstances if certain findings are made and special procedures followed.

Subpart E

Right of Preference. Subpart E describes the right of preference to a new concession contract that may be obtained by certain existing satisfactory concessioners. Only satisfactory outfitter and guide concessioners or satisfactory concessioners annually grossing under $500,000 are eligible for the preference. If a concessioner is eligible for the preference, it must submit a responsive offer pursuant to the prospectus issued for the new contract. If the concessioner does so, it is entitled under specified conditions to match the terms of a better proposal for the concession contract.

Subpart F

Leasehold Surrender Interest. Subpart F first defines a number of terms necessary to understand the leasehold surrender provisions of the rule. You should refer to these definitions whenever the defined terms are used in the text of the rule. Subpart F then sets forth the terms and conditions of leasehold surrender interests which you may obtain under a concession contract. Generally, a leasehold surrender interest constitutes a right of a concessioner to receive payment for capital improvements a concessioner makes on park area lands. As stated above, the terms and conditions of leasehold surrender interests are very detailed as we intend that these terms and conditions will be incorporated by reference into concession contracts, making concession contracts proportionately shorter.

Subpart G

Possessory Interest. Subpart G sets forth transition procedures with respect to the form of compensatory interest ("possessory interest") obtained by concessioners under certain concession contracts entered into under the 1965 Act and concession contracts to be entered into under the 1998 Act. In general terms, a 1965 Act concessioner may either receive full compensation for existing possessory interest as described in the applicable contract or convert the possessory interest to a leasehold surrender interest if it seeks and is awarded a new concession contract.

Subpart H

Concession Contract Provisions. Subpart H describes in general the terms of certain concession contract provisions that reflect the policies and procedures of the 1998 Act.

Subpart I

Assignment or Encumbrance of Concession Contracts. Subpart I sets forth the standards and procedures applicable to our approval of assignments of concession contracts and encumbrance of concessioner assets.

Subpart J

Information and Access to Information. Subpart J describes the types of records a concessioner must retain for the purposes of our concession contract administration, the access rights of the government to the records, and the types of concessioner information that we make available to the public.

Subpart K

The Effect of the 1998 Act's Repeal of the 1965 Act. Subpart K describes the effect of the 1998 Act's repeal of the 1965 Act by the 1998 Act. In this connection, section 415 of the 1998 Act repealed the 1965 Act but states that the repeal does not affect the validity of any concession contract or permit entered into under the 1965 Act. However, Section 415 also states that the 1998 Act will apply to existing contracts or permits to the extent that the provisions of the 1998 Act are not inconsistent with the terms and conditions of the existing concession contract or permit.

Questions have arisen in this regard as to the possible continuation of the right of preference in renewal previously provided to existing satisfactory concessioners by section 5 of the 1965 Act. It is our position, subject to consideration of public comments on this matter, that the 1998 Act repealed this right of preference in renewal as the right was statutory in nature, not contractual. However, the proposed rule also states that we will provide an existing satisfactory concessioner a right of preference as otherwise described in the proposed regulations if a particular concession contract or permit in effect as of November 13, 1998, is determined to have provided a preference in renewal as a matter of contract right. We particularly request public comment on this matter.

Subpart L

Information Collection. Subpart L sets forth information collection requirements of the rule.

Drafting Information

The primary authors of this rule are Lars A. Hanslin, Special Assistant to the Director, National Park Service, and Wendelin M. Mann, Concession Program, National Park Service.

Compliance With Laws, Executive Orders and Departmental Policy

Regulatory Planning and Review (E.O. 12866)

This rule is a significant rule and has been reviewed by the Office of Management and Budget review under Executive Order 12866.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business

Regulatory Enforcement Fairness Act. This rule does not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. The primary effect of the proposed rule is to establish policies and procedures for the solicitation, award and administration of National Park Service concession contracts required by the 1998 Act.

Regulatory Flexibility Act

The purpose of this rule is to describe policies and procedures for the solicitation, award and administration of National Park Service concession contracts in accordance with the 1998 Act. The Department of the Interior is analyzing what, if any, economic effects this rule will have on small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). As of the promulgation of this rule, there are only approximately 630 National Park Service concession contracts and permits. It is likely that upon implementation of this rule and related authorities, this number will decrease, perhaps to as few as 350, as alternative authorities for providing visitor services in areas of the National Park System are now available. Consistent with the Regulatory Flexibility Act, the Department of the Interior will publish in the **Federal Register** its initial regulatory flexibility analysis and invite public comment on this analysis.

Unfunded Mandates Reform Act

The National Park Service has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on local, State, tribal governments or private entities. As stated above, the rule imposes no costs on any entity except for application expenses for businesses that seek to be awarded a National Park Service concession contract. A statement containing the information required by the Unfunded Mandates Reform Act is not required.

Takings. (E.O. 12630)

In accordance with Executive Order 12360, the rule does not have significant takings implications. The rule has no effect on private property. A takings implications assessment is not required.

Federalism

In accordance with Executive Order 12612, the rule does not have sufficient federalism implications to warrant the preparation of a federalism assessment. The rule imposes no requirements on any governmental entity other than the National Park Service.

Civil Justice Reform (E.O. 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and does not meet the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

This rule requires an information collection from ten or more parties so a submission under the Paperwork Reduction Act is required. The information collection for submission of offers in response to concession prospectuses is covered by OMB Approval No. 1024–1025, effective through December 31, 1999. An information collection for proposed sales of concession operations was previously covered by OMB Approval No 1024–0126, which expired January 31, 1996. An OMB form 83–I has been submitted to OMB for approval.

This information is solicited to assist in the administration of National Park Service concession contracts. The general public is not required to provide information by this rule. The public reporting burden relates only to persons or entities applying to become National Park Service concessioners. The National Park Service estimates that approximately 20 large and 80 small authorizations will expire each year. On average, the National Park Service receives approximately 4 offers for each large authorization and 2 for each small authorization. Estimated time to prepare a large offer is 60 working days (480 burden hours), and 30 working days (240 burden hours) for a small offer. The National Park Service estimates the average cost per hour at $40, resulting in an annual cost of $3,072,000. Likewise, the National Park Service receives approximately 20 requests to sell or transfer concession authorizations each year. The National Park Service estimates that approximately 80 hours are required to prepare an application, and only 1 application is submitted per transaction. Based on an average cost of $40 per hour, the annual cost would be $64,000. The total of these estimated annual costs is $3,136,000.

Comments on the information collection aspect of this rule should be directed to the Attention: Desk Officer for the Interior Department, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Comments should also be directed to the Information Collection Officer, National Park Service, 1849 C Street, NW, Washington, DC 20240. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, public comments should be submitted to OMB within 30 days in order to assure their maximum consideration.

National Environmental Policy Act

This rule does not constitute a major federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act is not required. The rule will not increase public use of park areas, introduce noncompatible uses into park areas, conflict with adjacent land ownerships or land uses, or cause a nuisance to property owners or occupants adjacent to park areas. Accordingly, this rule is categorically excluded from the procedural requirements of the National Environmental Policy Act by 516 DM 6, App. 7.4A(10).

Clarity of this Rule

Executive Order 12866 requires federal agencies to write regulations that are easy to understand. Comment is invited on how to make this rule easier to understand, including answers to the following questions: (1) Are the requirements in the rule clearly stated? (2) Does the rule contain undefined technical language or jargon that interferes with its clarity? (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid in or reduce its clarity? (4) Would the rule be easier to understand if it were divided into more but shorter sections? (5) Is the description of the rule in the "Supplementary Information" section of the preamble helpful in understanding the proposed rule?" What else could be done to make the rule easier to understand?

Please send a copy of any comments that concern how this rule could be made easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street NW, Washington, DC 20240.

List of Subjects in 36 CFR Part 51

Concessions, Government contracts, National parks.

In consideration of the forgoing, 36 CFR Part 51 is proposed to be revised to read as follows:

PART 51—CONCESSION CONTRACTS

Subpart A—Authority and Purpose

Sec.

51.1 What does this part cover?
51.2 What is the policy underlying concession contracts?

Subpart B—General Definitions

51.3 How are terms defined in this part?

Subpart C—Solicitation, Selection and Award Procedures

51.4 How will the Director invite the general public to apply for the award of a concession contract?
51.5 What information will the prospectus include?
51.6 Will a concession contract be developed for a particular potential offeror?
51.7 How will information be provided to a potential offeror after the prospectus is issued?
51.8 Where will the Director publish the notice of availability of the prospectus?
51.9 How do I get a copy of the prospectus?
51.10 How long will I have to submit my proposal?
51.11 May the Director amend, extend, or terminate a prospectus or solicitation?
51.12 Do I have any rights if the Director amends, extends or terminates a prospectus or solicitation?
51.13 Are there any other procedures that I must follow or that apply to the solicitation or to the selection of the best proposal?
51.14 When will the Director determine if proposals are responsive?
51.15 What is a "responsive proposal"?
51.16 What happens if no responsive proposals are submitted?
51.17 May I clarify, amend or supplement my responsive proposal after it is submitted?
51.18 How will the Director select an offeror for award of the concession contract?
51.19 How will the Director select the best proposal?
51.20 What are the five principal selection factors?
51.21 How will the Director apply the five selection factors and select the best proposal?
51.22 When will the Director apply secondary factors?
51.23 How will the Director select the best proposal if two or more proposals are assessed as equal after the Director has applied the principal and secondary factors?
51.24 What happens if a proposal is rated "unacceptable" under any of the first four principal selection factors or if the offeror is not a qualified person?
51.25 Must the Director award the concession contract that is set forth in the prospectus?
51.26 Does this part limit the authority of the Director?
51.27 When must the selected offeror execute the concession contract?
51.28 After the selected offeror executes the concession contract, when may the Director execute the concession contract?

Subpart D—Non-Competitive Award of Concession Contracts

51.29 May the Director extend an existing concession contract without a public solicitation?
51.30 May the Director award a temporary concession contract without a public solicitation?
51.31 Are there any other circumstances in which the Director may award a concession contract without public solicitation?

Subpart E—Right of Preference

51.32 Does the existence of a preferred offeror and a possible right of preference limit the authority of the Director to establish the terms of a concession contract?
51.33 What three conditions must be met before the Director determines that a prior concessioner is a preferred offeror?
51.34 How will the Director determine that a concession contract is a qualified concession contract?
51.35 How will the Director determine that a concession contract is an "outfitter and guide concession contract"?
51.36 What are some examples of outfitter and guide concession contracts?
51.37 What facts and circumstances will the Director take into account when determining if a concession contract is an outfitter and guide concession contract?
51.38 What are some circumstances that will indicate that outfitter and guide operations are conducted in the backcountry?
51.39 If the concession contract grants a compensable interest in real property improvements, will the Director find that the concession contract is an outfitter and guide concession contract?
51.40 Are there exceptions to this compensable interest prohibition?
51.41 Who will make the determination that a concession contract is an outfitter and guide contract?
51.42 How will the Director determine if a prior concessioner was satisfactory for purposes of this part?
51.43 Will a prior concessioner that has operated for less than 50% of the term of a concession contract be considered a satisfactory operator?
51.44 May the Director determine that a prior concessioner has not operated satisfactorily after a prospectus is issued?
51.45 What happens to a right of preference in the event of termination of a concession contract for unsatisfactory performance or other breach?
51.46 May the Director grant a right of preference except in accordance with this part?
51.47 How will I know if a preferred offeror exists?
51.48 What solicitation, selection and award procedures apply when a preferred offeror exists?
51.49 What must a preferred offeror do before he or she may exercise a right of preference?
51.50 What happens if the preferred offeror does not submit a responsive proposal?
51.51 What is the process if the Director determines that the best responsive proposal was not submitted by the preferred offeror?
51.52 What if the preferred offeror does not timely amend its proposal to meet the terms and conditions of the best proposal or is not a qualified person to carry out the terms of the amended proposal?
51.53 What will the Director do if a selected preferred offeror does not timely execute the new concession contract?
51.54 What happens to a possible right of preference if the Director receives no responsive proposals?
51.55 How do I appeal a decision of the Director that a prior concessioner is not a preferred offeror?

Subpart F—Leasehold Surrender Interest

51.56 What special terms must I know to understand leasehold surrender interest?
51.57 How do I obtain a leasehold surrender interest?
51.58 If a concessioner does not comply with the requirements of this part or the terms and conditions of a leasehold surrender interest concession contract, what happens?
51.59 Why may the Director authorize the construction or installation of a capital improvement?
51.60 What must a concessioner do before beginning to construct or install a capital improvement in which the concessioner seeks a leasehold surrender interest?
51.61 What must a concessioner do after substantial completion of the capital improvement?
51.62 How will the Director determine the construction cost for purposes of leasehold surrender interest value?
51.63 May the concessioner appeal the Director's determination of construction cost?
51.64 What actions may or must the concessioner take with respect to a leasehold surrender interest?
51.65 Will leasehold surrender interest be extinguished by expiration or termination of a leasehold surrender interest concession contract or may it be taken for public use?
51.66 How will a new concession contract awarded to a prior concessioner treat a leasehold surrender interest obtained under a prior concession contract?
51.67 How is a prior concessioner who is not awarded a new concession contract paid for a leasehold surrender interest?
51.68 When a new concessioner pays a prior concessioner for a leasehold surrender interest, what is the leasehold surrender interest in the related capital improvements for purposes of a new concession contract?

51.69 What is the process to determine the leasehold surrender interest value when a new concessioner is to pay a prior concessioner for a leasehold surrender interest?
51.70 May the concessioner gain additional leasehold surrender interest by adding to a structure in which the concessioner has a leasehold surrender interest?
51.71 May the concessioner gain additional leasehold surrender interest by replacing a fixture in which the concessioner has a leasehold surrender interest?
51.72 Will a concessioner who undertakes a major rehabilitation of an existing structure in which the concessioner has a leasehold surrender interest increase its leasehold surrender interest?
51.73 Under what conditions will the Director authorize a concessioner to obtain a leasehold surrender interest in an existing capital improvement in which no leasehold surrender interest exists?
51.74 Will a concessioner receive new or additional leasehold surrender interest as a result of a rehabilitation that does not qualify as a major rehabilitation?
51.75 Is a concessioner required to maintain capital improvements, and if so, will the concessioner obtain a leasehold surrender interest in such repair and maintenance?

Subpart G—Possessory Interest

51.76 If a prior concessioner is not awarded a new concession contract, how will a prior concessioner that has a possessory interest receive compensation for its possessory interest?
51.77 If a prior concessioner is awarded a new concession contract, what happens to the concessioner's possessory interest?
51.78 What is the process to be followed if there is a dispute between the prior concessioner and the Director as to the value of possessory interest?
51.79 If a new concessioner is awarded the contract, what is the relationship between leasehold surrender interest and possessory interest?
51.80 What happens if there is a dispute between the new concessioner and a prior concessioner as to the value of the possessory interest?

Subpart H—Concession Contract Provisions

51.81 What is the term or length of a concession contract?
51.82 When may a concession contract be terminated by the Director?
51.83 May the Director split or combine concession contracts?
51.84 May the Director include in a concession contract or otherwise grant a concessioner a preferential right to provide new or additional visitor services?
51.85 Will a concession contract provide a concessioner an exclusive right to provide visitor services?
51.86 Is there a special rule for transportation service contracts?
51.87 Where will the Director deposit franchise fees and how will the Director use franchise fees?
51.88 Will franchise fees be subject to renegotiation?
51.89 May the Director waive payment of franchise fee or other payments?
51.90 How will the Director establish franchise fees for multiple outfitter and guide concession contracts in the same park area?
51.91 May the Director include "special account" provisions in concession contracts?
51.92 [Reserved]

Subpart I—Assignment or Encumbrance of Concession Contracts

51.93 What special terms must I know to understand this Part?
51.94 What assignments require the approval of the Director?
51.95 What encumbrances require the approval of the Director?
51.96 Does the concessioner have an unconditional right to receive the Director's approval for an assignment or encumbrance?
51.97 What happens if an assignment or encumbrance is completed without the approval of the Director?
51.98 What happens if there is a default on an encumbrance approved by the Director?
51.99 How does the concessioner get the Director's approval before making an assignment or encumbrance?
51.100 What information will the Director require in the application?
51.101 May the Director waive any of these documentation requirements?
51.102 What are standard proformas?
51.103 If the concessioner submits a non-standard proforma, is the Director less likely to approve the transaction?
51.104 If the transaction includes more than one concession contract, how must required information be provided?

Process To Receive the Director's Approval of Assignments and Encumbrances

51.105 In what circumstances will the Director not approve an assignment or encumbrance?
51.106 What information will the Director consider when deciding to approve a transaction?
51.107 Does the Director's approval of an assignment or encumbrance include any representations of any nature?
51.108 May the Director amend or extend a concession contract for the purpose of facilitating a transaction?
51.109 May the Director open to renegotiation or modify the terms of a concession contract as a condition of the approval of a transaction?
51.110 May the Director charge a fee for the review a proposed transaction?

Subpart J—Information and Access to Information

51.111 What records must the concessioner keep and what access does the Director have to records?
51.112 What access to concessioner records will the Comptroller General have?
51.113 What information will the Director make publicly available about the concessioner and the concession contract?
51.114 When will the Director make proposals and evaluation documents publicly available?

Subpart K—The Effect of the 1998 Act's Repeal of the 1965 Act

51.115 Did the 1998 Act repeal the 1965 Act?
51.116 What is the effect of the 1998 Act's repeal of the 1965 Act's renewal preference?
51.117 What renewal preference exceptions are made for Glacier Bay cruise ships?

Subpart L—Information Collection

51.118 Have information collection procedures been followed?

Authority: The Act of August 25, 1916, as amended and supplemented, 16 U.S.C. 1 *et seq.*, particularly, Title IV of the National Parks Omnibus Management Act of 1998 (Pub. L. 105–391)

Subpart A—Authority and Purpose

§ 51.1 What does this part cover?

(a) This part covers the solicitation, award, and administration of concession contracts. The Director solicits, awards and administers concession contracts on behalf of the Secretary of the Interior under the authority of the Act of August 25, 1916, as amended and supplemented, 16 U.S.C. 1 *et seq.*, and particularly, Title IV of the National Parks Omnibus Management Act of 1998 (Pub. L. 105–391). The purpose of concession contracts is to authorize concessioners to provide visitor services in park areas. All concession contracts are to be consistent with the requirements of this part.

(b) The Director may award concession contracts only under this authority. The Director may not authorize the conduct of visitor services by any means other than a concession contract except as otherwise may be authorized by law. For example, the Director may issue limited commercial use authorizations under section 418 of the 1998 Act. Or, the Director may enter into agreements with non-profit organizations for the sale of interpretive materials and/or the conduct of interpretive programs for a fee or charge to visitors. In addition, the Director may, as part of an interpretive program agreement otherwise authorized by law, authorize the non-profit organization to provide other incidental visitor services

necessary and appropriate for the conduct of the interpretive program.

§ 51.2 What is the policy underlying concessions contracts?

It is the policy of the Congress and the Secretary of the Interior that visitor services in park areas may be provided only under carefully controlled safeguards against unregulated and indiscriminate use so that visitation will not unduly impair park values and resources. Development of visitor services in park areas will be limited to locations that are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the park area. It is also the policy of the Congress and the Secretary of the Interior that development of visitor services in park areas must be limited to those as are necessary and appropriate for public use and enjoyment of the park area in which they are located.

Subpart B—General Definitions

§ 51.3 How are terms defined in this part?

To understand this part, you must refer to these definitions, applicable in the singular or the plural, whenever these terms are used in this part:

The *1965 Act* means Public Law 89–249, commonly known as the National Park Service Concessions Policy Act of 1965.

A *1965 Act concession contract* is a concession contract or permit entered into under the authority of the 1965 Act.

The *1998 Act* means Title IV of Public Law 105–391.

The *award* of a concession contract is the establishment of a legally binding concession contract. It occurs only when the Director and a selected offeror both fully execute a concession contract.

A *concession contract* (or *contract*), unless otherwise indicated in this part, means a binding written agreement between the Director and a concessioner under which the concessioner is authorized and/or required to provide certain visitor services within a park area under specified terms and conditions. Concession contracts are not contracts within the meaning of 41 U.S.C. 602 *et seq.* and are not service or procurement contracts within the meaning of statutes, regulations or policies that apply to federal service contracts or other types of federal procurement actions.

A *concessioner* is an individual, corporation, or other legally recognized form of business organization that holds a concession contract.

Director means the Director of the National Park Service or an authorized representative of the Director, except where a particular official is specifically identified in this part.

A *franchise fee* is the consideration paid to the Director by a concessioner for the privileges granted by a concession contract.

Offeror means an individual, corporation, or other legally recognized form of business organization that submits a proposal for a concession contract.

A *park area* means a unit of the national park system.

Possessory interest means a compensable interest in real property improvements as defined by the 1965 Act obtained by a prior concessioner under a possessory interest concession contract. Possessory interest does not include any interest in personal property even though a prior concession contract may have provided a compensable interest in personal property described as a "possessory interest."

A *possessory interest concession contract* means a 1965 Act concession contract that provided the prior concessioner a possessory interest.

A *preferred offeror* is a prior concessioner that the Director has determined is eligible to exercise a right of preference to the award of a concession contract in accordance with this part if the preferred offeror submits a responsive proposal under a prospectus.

A *prior concession contract* is the concession contract that is or was in effect before the effective date of a new concession contract.

A *prior concessioner* is a concessioner under a prior concession contract.

A *qualified person* is an individual, corporation or other legally recognized form of business organization that the Director determines is qualified to be a concessioner. To be a qualified person, an individual, corporation or other legally recognized form of business organization must have the experience and financial ability to satisfactorily carry out the terms of a concession contract. This experience and ability includes, but is not limited to, the ability to protect and preserve the resources of the park area and the ability to provide satisfactory visitor services at reasonable rates to the public.

A *right of preference* is the right of a preferred offeror, if it submits a responsive proposal, to match in accordance with the requirements of this part the terms and conditions of a competing responsive proposal that the Director has determined to be the best proposal for a concession contract. A right of preference does not provide a preferred offeror any rights of any nature to establish or negotiate the terms and conditions of a concession contract to which a right of preference may apply.

Visitor services means accommodations, facilities and services necessary and appropriate for public use and enjoyment of a park area provided to visitors to the area by a person (other than the Director) for a fee or charge. The fee or charge paid by the visitor may be direct or indirect as part of the provision of comprehensive visitor services. Visitor services may include, but are not limited to, lodging, food service, merchandising, tours, recreational activities, guiding, transportation, and equipment rental. Visitor services may include campgrounds not operated by the Director. Visitor services include the sale of interpretive materials or the conduct of interpretive programs for a fee or charge to visitors.

Subpart C—Solicitation, Selection and Award Procedures

§ 51.4 How will the Director invite the general public to apply for the award of a concession contract?

The Director must award all concession contracts, except as otherwise expressly provided in this part, through a public solicitation process. The public solicitation process begins with the issuance of a prospectus. The prospectus will describe the terms and conditions of a concession contract to be awarded and will invite the general public to submit proposals for the contract.

§ 51.5 What information will the prospectus include?

The prospectus must include the following information:

(a) The minimum requirements of the concession contract. The minimum requirements of the concession contract, include, but are not limited to the following:

(1) The minimum franchise fee or fees, and, other forms of minimum consideration, if any, that the concessioner must pay;

(2) The minimum required visitor services that the concessioner must provide and any other visitor services that the concessioner may be authorized but not required to provide;

(3) The minimum capital investment that the concessioner must make;

(4) The minimum required measures that the concessioner must take to ensure the protection, conservation, and preservation of the resources of the park area. Such minimum requirements will include specific actions and programs

for the protection and enhancement of the environment as appropriate in furtherance of these purposes; and

(5) Any other minimum requirements that the new contract may specify.

(b) The terms and conditions of a prior concession contract, if any, relating to the visitor services to be provided, including all fees and other forms of compensation provided to the Director under a prior contract;

(c) A description of facilities and services, if any, that the Director may provide to the concessioner under the terms of the concession contract, including, but not limited to, public access, utilities and buildings;

(d) An estimate of the amount of any compensation due a prior concessioner from a new concessioner under the terms of a prior concession contract;

(e) A statement identifying each principal selection factor for proposals, including sub-factors, if any, and secondary factors, if any, and the weight and relative importance of the principal and any secondary factors in the selection decision;

(f) Any additional information available to the Director that the Director determines is necessary to allow for the submission of competitive proposals; and

(g) Identification of a preferred offeror for the concession contract, if any, and, if a preferred offeror exists, a description of a right of preference to the award of the concession contract.

§ 51.6 Will a concession contract be developed for a particular potential offeror?

The terms and conditions of a concession contract must represent the requirements of the Director and must not be developed to accommodate the capabilities or limitations of any potential offeror.

§ 51.7 How will information be provided to a potential offeror after the prospectus is issued?

Material information directly related to the prospectus and the concession contract (except that which is otherwise publicly available) that the Director provides to any potential offeror prior to the submission of proposals must be made available to all persons who have requested a copy of the prospectus.

§ 51.8 Where will the Director publish the notice of availability of the prospectus?

The Director will publish a notice of the availability of the prospectus at least once in the Commerce Business Daily or in a similar publication if the Commerce Business Daily ceases to be published. The Director may also publish notices, if determined appropriate by the Director, in local or national newspapers or trade magazines.

§ 51.9 How do I get a copy of the prospectus?

The Director will make the prospectus available upon request to all interested persons. The Director may charge a reasonable fee for a prospectus, not to exceed printing and mailing costs.

§ 51.10 How long will I have to submit my proposal?

The Director will allow an appropriate period of time for submission of proposals that is not less than sixty days unless the Director determines that a shorter time period is appropriate in the circumstances of a particular solicitation.

§ 51.11 May the Director amend, extend, or terminate a prospectus or solicitation?

The Director may amend a prospectus and/or extend the submission date prior to the date of submission of proposals. The Director may terminate a solicitation at any time prior to award of the concession contract.

§ 51.12 Do I have any rights if the Director amends, extends or terminates a prospectus or solicitation?

No offeror or other person will obtain compensable or other legal rights as a result of a canceled or resolicited solicitation for a concession contract.

§ 51.13 Are there any other procedures that I must follow or that apply to the solicitation or to the selection of the best proposal?

The Director may specify, in a prospectus, additional solicitation and/or selection procedures consistent with the requirements of this part in the interests of enhancing competition. Such additional procedures may include, but are not limited to, issuance of a two-phased prospectus—a qualifications phase and a proposal phase, and, use of a lottery system to select proposals where two or more proposals are deemed to be of equal merit. The Director will include simplified solicitation and/or information requirements in a prospectus for a concession contract that the Director considers is likely to be awarded to a sole proprietorship.

§ 51.14 When will the Director determine if proposals are responsive?

After the due date for submission of proposals as stated in a prospectus, the Director may make a preliminary review of the proposals submitted to determine which of them, if any, are responsive to the terms of the prospectus. The Director will not further consider proposals that the Director determines to be non-responsive.

§ 51.15 What is a "responsive proposal"?

A "responsive proposal" means a timely submitted proposal in which the offeror agrees to all of the minimum requirements of the concession contract and the prospectus and provides all mandatory information specified in the prospectus.

§ 51.16 What happens if no responsive proposals are submitted?

If no responsive proposals are submitted, the Director may cancel the prospectus, establish new contract requirements and reissue a modified prospectus, or, cancel the solicitation.

§ 51.17 May I clarify, amend or supplement my responsive proposal after it is submitted?

The Director may request from any offeror who has submitted a responsive proposal written clarification of its proposal. However, an offeror may not substantively amend or supplement a responsive proposal after the submission date unless the Director provides all offerors that submitted responsive proposals a similar opportunity to amend or supplement their proposals.

§ 51.18 How will the Director select an offeror for award of the concession contract?

The Director, subject to applicable conditions of this part, will select for award of the concession contract the offeror that the Director determines submitted the best proposal pursuant to the prospectus. The "best proposal" is the responsive proposal that the Director, through the following procedures, determines will result in the highest level of performance and benefit to the government, including, but not limited to, protection and enhancement of the resources of the park area, under the concession contract of all of the responsive proposals submitted.

§ 51.19 How will the Director select the best proposal?

The Director will apply to responsive proposals the five principal selection factors in § 51.20, taking into account any subfactors and secondary factors described in the prospectus, and select the best proposal in the manner set forth in that section.

§ 51.20 What are the five principal selection factors?

The five principal selection factors are:

(a) The responsiveness of the proposal to the objective, as described in the

prospectus, of protecting, conserving, and preserving resources of the park area. A subfactor under this principal factor shall be how the offeror proposes to conduct its concession operations in an environmentally enhancing manner through, among other programs and activities, energy conservation, waste reduction, and recycling;

(b) The responsiveness of the proposal to the objective, as described in the prospectus, of providing necessary, appropriate and quality visitor services at reasonable rates;

(c) The experience and related background of the offeror, including the past performance and expertise of the offeror in providing the same or similar visitor services as those to be provided under the concession contract;

(d) The financial capability of the offeror to carry out its proposal; and

(e) The amount of the proposed franchise fee and/or other forms of financial consideration to the Director. However, consideration of higher revenue to the United States will be subordinate to the objectives of protecting, conserving, and preserving resources of the park area and of providing necessary and appropriate visitor services to the public at reasonable rates. The Director must establish the minimum franchise fee stated in the prospectus in accordance with these objectives. The Director may consider a proposed franchise fee higher than the established minimum if the Director determines that the proposed higher franchise fee is consistent with these objectives.

§ 51.21 How will the Director apply the five selection factors and select the best proposal?

(a) Except as indicated in paragraph (b) of this section, the first four principal selection factors will have equal weight and relative importance in the selection. The Director will assess proposals under these four principal selection factors as "unacceptable," "fair," "good," or "excellent" on the basis of a narrative explanation, discussing subfactors when applicable. The Director will then determine the best proposal taking into account the assessments under each of the first four selection factors and the narrative explanation as to the reasons for each assessment.

(b) If two or more proposals are assessed as substantially equal with respect to qualifying as the best proposal after the Director applies the first four principal selection factors, the Director will select as the best proposal the proposal that the Director determines credibly offers the most substantial, comprehensive and effective program for environmental enhancement, unless the Director determines that another substantially equal proposal provides, through an offer of a higher than the minimum franchise fee, substantially greater benefits for the preservation of the resources of the park area. In this case, the Director will select as the best proposal that proposal that provides the higher franchise fee and will dedicate the higher portion of the franchise fee for expenditure only on park resource protection programs.

(c) If the Director determines that none of the otherwise substantially equal proposals credibly offers to provide a more substantial, comprehensive and effective program for environmental enhancement, the Director will evaluate the applicable proposals under the fifth principal selection factor to determine the best proposal, subject to the limitations stated in such factor.

§ 51.22 When will the Director apply secondary factors?

If the Director, even after applying the fifth principal selection factor, assesses two or more proposals as substantially equal with respect to qualifying as the best proposal, the Director will apply any secondary selection factors described in the prospectus to select the best proposal. The secondary factors may include, to the extent otherwise permissible by law, the extent to which a proposal calls for the employment of Indians (including Native Alaskans) and involvement of businesses owned by Indians, Indian tribes, or Native Alaskans in operations under the concession contract.

§ 51.23 How will the Director select the best proposal if two or more proposals are assessed as substantially equal after the Director has applied the principal and secondary factors?

(a) If, after the Director has applied the principal and any secondary selection factors, the Director still assesses two or more proposals as substantially equal with respect to qualifying as the best proposal, and if the prospectus does not identify an additional selection procedure, the Director will require the submission of "best and final" proposals from the offerors that submitted the substantially equal assessed proposals. Based on the "best and final" proposals, the Director will select for award of the concession contract the offeror that submitted the best final proposal as determined by the Director. In making this determination, the Director will take into account the principal selection factors, including any subfactors, any secondary factors, and the purposes, policies and objectives of this part.

(b) If, after the Director has applied the principal and any secondary selection factors, the Director still assesses two or more proposals as substantially equal with respect to qualifying as the best proposal, and if the prospectus does identify an additional selection procedure, the Director will follow the specified procedure.

§ 51.24 What happens if a proposal is rated "unacceptable" under any of the first four principal selection factors or if the offeror is not a qualified person?

The Director must reject any proposal received, including a proposal from a preferred offeror and regardless of the franchise fee offered, if the Director determines the proposal to be "unacceptable" under any of the first four principal selection factors. The Director must reject any proposal received, including a proposal from a preferred offeror and regardless of the franchise fee offered, if the Director determines that the offeror is not a qualified person as defined in this part.

§ 51.25 Must the Director award the concession contract that is set forth in the prospectus?

(a) Except for incorporating into the concession contract appropriate elements of the best proposal, the Director must not award a concession contract which materially amends or does not incorporate the terms and conditions of the concession contract as set forth in the prospectus, unless the Director determines that:

(1) The modification is necessary for the protection of visitors or the resources and values of the park area; and

(2) The modification does not provide a financial benefit to the selected offeror.

(b) If the Director wishes to make material modifications that are of financial benefit to the offeror, the Director must cancel and resolicit the concession contract under this part with the modified terms and conditions.

§ 51.26 Does this part limit the authority of the Director?

Nothing in this part may be construed as limiting the authority of the Director at any time to determine whether to solicit or award a concession contract, to terminate a solicitation, or to terminate a concession contract in accordance with its terms.

§ 51.27 When must the selected offeror execute the concession contract?

The selected offeror must execute the concession contract promptly after selection of the best proposal and within the time period established by the Director. If the selected offeror fails to execute the concession contract in this period, the Director may select another responsive proposal or may cancel the selection and resolicit the concession contract.

§ 51.28 After the selected offeror executes the concession contract, when may the Director execute the concession contract?

Before awarding a concession contract with anticipated annual gross receipts in excess of $5,000,000 or of more than 10 years in duration, including, but not limited to, such contracts awarded non-competitively by the Director pursuant to subpart D of this part, the Director must submit the concession contract to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The Director must not award any such concession contract until sixty days after such submission. Award of these contracts may not be made without the Director's written approval. The Director may not delegate this approval except to a Deputy Director or an Associate Director.

Subpart D—Non-Competitive Award of Concession Contracts

§ 51.29 May the Director extend an existing concession contract without a public solicitation?

Notwithstanding the public solicitation requirements of this part, the Director may award non-competitively an extension of an existing concession contract to the existing concessioner for additional terms not to exceed three years in the aggregate. The Director may award such an extension only if the Director determines that the extension is necessary to avoid interruption of visitor services. Before awarding such a contract extension, the Director must take all reasonable and appropriate steps to consider alternatives to avoid an interruption of visitor services.

§ 51.30 May the Director award a temporary concession contract without a public solicitation?

Notwithstanding the public solicitation requirements of this part, the Director may award non-competitively a temporary concession contract for terms not to exceed three years in the aggregate to any qualified person if the Director determines that this award is necessary to avoid interruption of visitor services. Before awarding a temporary contract, the Director must take all reasonable and appropriate steps to consider alternatives to avoid an interruption of visitor services. The holder of a temporary concession contract will not obtain the rights of a preferred offeror as described in this part or otherwise obtain a possible right of preference to a concession contract which replaces a temporary contract unless the Director determines both that relevant circumstances legally require the recognition of a preferred offeror under the terms of the 1998 Act, and, that the holder of the temporary contract otherwise meets the preferred offeror requirements of this part.

¡51.31 Are there any other circumstances in which the Director may award a concession contract without public solicitation?

Notwithstanding the public solicitation requirements of this part, the Director may award a concession contract non-competitively to any qualified person if the Director determines both that such an award is otherwise consistent with the requirements of this part and that extraordinary circumstances exist under which compelling and equitable considerations require the award of the concession contract to a particular qualified person in the public interest. The Director must publish a notice of his intention to award a concession contract under these circumstances and the reasons for the proposed award in the **Federal Register** at least 30 days before the concession contract is awarded. In addition, the Director also must notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives at least 30 days before the contract is awarded. The Director must personally approve of any such notifications or award.

Subpart E—Right of Preference

§ 51.32 Does the existence of a preferred offeror and a possible right of preference limit the authority of the Director to establish the terms of a concession contract?

The existence of a preferred offeror and a possible right of preference does not limit the authority of the Director to establish, in accordance with this part, the terms and conditions of a concession contract, including but not limited to, terms and conditions that modify the terms and conditions of a prior concession contract.

§ 51.33 What three conditions must be met before the Director determines that a prior concessioner is a preferred offeror?

A prior concessioner is a preferred offeror if the Director determines that the following three conditions are met:

(a) The applicable new concession contract provides only for the continuation of the visitor services authorized or required under a prior concession contract. The visitor services to be continued under the new contract may be expanded or diminished in scope but may not materially differ in nature and type from those authorized or required under the prior concession contract;

(b) The applicable prior concession contract is a qualified concession contract, determined under this subpart; and

(c) The applicable prior concessioner was a satisfactory concessioner during the term of its prior concession contract, determined under this subpart.

§ 51.34 How will the Director determine that a concession contract is a qualified concession contract?

A prior concession contract is a qualified concession contract if the Director determines either that:

(a) The new concession contract that is to replace the prior concession contract is estimated to result in, as determined by the Director, gross annual receipts of less than $500,000 in the first calendar year of its term; or

(b) The prior concession contract was an outfitter and guide concession contract and the new concession contract that is to replace the prior contract is an outfitter and guide concession contract.

§ 51.35 How will the Director determine that a concession contract is an "outfitter and guide concession contract"?

The Director will determine that a concession contract is an "outfitter and guide concession contract" if the Director determines both that:

(a) The concession contract solely authorizes or requires (except for park area access purposes) the conduct of specialized outdoor recreation guide services in the backcountry of a park area; and

(b) The conduct of operations under the concession contract requires employment of specially trained and experienced guides to accompany park visitors who otherwise may not have the skills and equipment to engage in the activity and to provide a safe and enjoyable experience for these visitors.

§ 51.36 What are some examples of outfitter and guide concession contracts?

Examples of outfitter and guide concession contracts may include, but are not limited to, concession contracts which solely authorize or require the conduct of guided river running, hunting (where otherwise lawful in a park area), fishing, horseback, camping, and mountaineering activities in the backcountry of a park area.

§ 51.37 What facts and circumstances will the Director take into account when determining if a concession contract is an outfitter and guide concession contract?

In determining whether a concession contract is an outfitter and guide contract, the Director will take into account the terms and related facts and circumstances of the concession contract and the actual operations conducted by the prior concessioner under a prior contract. The Director will also take into account the physical and geographic features of the applicable park area. If a prior concessioner provided visitor services beyond the scope of the outfitter and guide services authorized or required by its prior concession contract, the Director will determine that the concessioner's prior concession contract is not an outfitter and guide concession contract. The only exception to this determination is if the Director concludes that the additional visitor services were negligible in nature.

§ 51.38 What are some circumstances that will indicate that outfitter and guide operations are conducted in the backcountry?

Circumstances which indicate that outfitter and guide operations are conducted in the backcountry of a park area typically include, but are not limited to, the fact that:

(a) The operations occur in areas remote from roads and developed areas;

(b) The operations are conducted within a designated natural area of a park area;

(c) The operations occur in areas which are inaccessible by motorized vehicle;

(d) The operations occur in areas where search and rescue support is not readily available; or

(e) All or a substantial portion of the operations occur in designated or proposed wilderness areas.

§ 51.39 If the concession contract grants a compensable interest in real property improvements, will the Director find that the concession contract is an outfitter and guide concession contract?

The Director will not find that a concession contract is an outfitter and guide contract if the contract grants any compensable interest in real property improvements on lands owned by the United States within a park area.

§ 51.40 Are there exceptions to this compensable interest prohibition?

Two exceptions to this compensable interest prohibition exist:

(a) The prohibition will not apply to real property improvements lawfully constructed by a concessioner with the written approval of the Director in accordance with the express terms of a 1965 Act concession contract; and

(b) The prohibition will not apply to real property improvements constructed and owned in fee simple by a concessioner or owned in fee simple by a concessioner's predecessor before the land on which they were constructed was included within the boundaries of the applicable park area.

§ 51.41 Who will make the determination that a concession contract is an outfitter and guide contract?

Only the Director personally, or a Deputy or Associate Director authorized by the Director, will make the determination that a concession contract is or is not an outfitter and guide contract as described in this section.

§ 51.42 How will the Director determine if a prior concessioner was satisfactory for purposes of this part?

(a) To be a satisfactory concessioner for the purposes of this part, the Director must determine that a prior concessioner operated satisfactorily on an overall basis during the term of a prior concession contract, including extensions of the contract. The Director will base this determination on annual evaluations made by the Director during the term of the applicable prior concession contract and other relevant facts and circumstances,

(b) Among other considerations, the Director will determine that a concessioner did not operate satisfactorily during the term of the prior contract if an annual evaluation of a prior concessioner was less than satisfactory for any year of operation under a prior contract, and, any additional annual evaluation was also less than satisfactory. In addition, the Director will determine that a concessioner did not operate satisfactorily during the term of the prior contract if the prior concessioner's annual evaluation in either of the last two years of the term of the prior contract was less than satisfactory.

§ 51.43 Will a prior concessioner that has operated for less than the entire term of a concession contract be considered a satisfactory operator?

The Director will determine that a prior concessioner has not operated satisfactorily on an overall basis during the term of a prior contract if that concessioner has or will have operated under a prior concession contract for less than two years under a concession contract with a term of ten years or less than four years under a concession contract with a term of more than ten years. For purposes of this section, a new concessioner's first day of operation under an assigned concession contract will be the day the Director approves the assignment pursuant to this part. If the Director determines that the assignment was compelled by circumstances beyond the control of the assigning concessioner, the Director may make an exception to this requirement.

§ 51.44 May the Director determine that a prior concessioner has not operated satisfactorily after a prospectus is issued?

If circumstances warrant, the Director may determine that a prior concessioner has not operated satisfactorily on an overall basis during the term of a prior contract after a prospectus for a new contract has been issued. In this event, the prospectus must be amended or canceled and reissued without recognition of a preferred offeror or a possible right of preference to the concession contract.

§ 51.45 What happens to a right of preference in the event of termination of a concession contract for unsatisfactory performance or other breach?

Nothing in this part will limit the right of the Director to terminate a concession contract pursuant to its terms at any time for unsatisfactory performance or otherwise. If a concession contract is terminated for unsatisfactory performance or other breach, Director will not determine the terminated concessioner, even if otherwise qualified, to be a preferred offeror. The fact that the Director may not have terminated a prior concession contract for unsatisfactory performance or other breach will not limit the authority of the Director to determine that a prior concessioner did not operate satisfactorily during the term of a prior concession contract.

§ 51.46 May the Director grant a right of preference except in accordance with this part?

The Director may not grant a concessioner or any other person a right of preference or any other form of

entitlement of any nature to a new concession contract, except in accordance with this part. The right of preference described by this part is a statutory right. The Director will not include in concession contracts as a matter of contract right a preference or other form of entitlement of any nature to a new concession contract.

§ 51.47 How will I know if a preferred offeror exists?

If the Director has determined that a preferred offeror exists under the requirements of this subpart, the Director will identify the preferred offeror in the applicable prospectus and describe the preferred offeror's possible right of preference.

§ 51.48 What solicitation, selection and award procedures apply when a preferred offeror exists?

The solicitation, selection and award procedures described in this part will apply to the solicitation, selection and award of proposals for concession contracts for which a preferred offeror exists, except as modified by this subpart.

§ 51.49 What must a preferred offeror do before he or she may exercise a right of preference?

A preferred offeror must submit a responsive proposal pursuant to the terms of an applicable prospectus if the preferred offeror wishes to exercise a right of preference.

§ 51.50 What happens if the preferred offeror does not submit a responsive proposal?

If the preferred offeror fails to submit a responsive proposal, the preferred offeror may not exercise a right of preference. The concession contract will be awarded to the offeror submitting the best responsive proposal.

§ 51.51 What is the process if the Director determines that the best responsive proposal was not submitted by the preferred offeror?

If the Director determines that a proposal other than the proposal of a preferred offeror is the best proposal submitted, and if a preferred offeror submitted a responsive proposal, then the Director must permit the preferred offeror to amend its proposal. The amended proposal must meet the better terms and conditions of the best proposal as determined by the Director. If the preferred offeror duly amends its proposal within the time period allowed by the Director, and the Director determines that the amended proposal is at least equal to the best proposal, and the Director determines that the preferred offeror is a qualified person as defined in this part with respect to carrying out the terms and conditions of its amended proposal, then the Director must select the preferred offeror for award of the contract upon the amended terms and conditions.

§ 51.52 What if the preferred offeror does not timely amend its proposal to meet the terms and conditions of the best proposal or is not a qualified person to carry out the terms of the amended proposal?

If a preferred offeror does not amend its proposal to meet the terms and conditions of the best proposal within the time period allowed by the Director, the Director will award the contract to the offeror submitting the best proposal. Additionally, if the Director finds that the preferred offeror is not a qualified person with respect to carrying out the terms and conditions of its amended proposal, the Director will award the contract to the offeror submitting the best proposal.

§ 51.53 What will the Director do if a selected preferred offeror does not timely execute the new concession contract?

If a selected preferred offeror fails to execute the concession contract in the time period specified by the Director, the Director either will select for award of the concession contract the offeror that submitted the best proposal, or will resolicit the concession contract without recognition of a preferred offeror or a possible right of preference.

§ 51.54 What happens to a possible right of preference if the Director receives no responsive proposals?

If the Director receives no responsive proposals to a prospectus for a concession contract for which a preferred offeror exists, the Director may resolicit the concession contract. No preferred offeror will be recognized and no possible right of preference will apply to the resolicited concession contract unless the contract is resolicited upon terms and conditions that are materially more favorable to offerors than those contained in the original contract.

§ 51.55 How do I appeal a decision of the Director that a prior concessioner is not a preferred offeror?

(a) If the Director determines that a prior concessioner is not a preferred offeror, the prior concessioner may appeal this determination to the Director. This appeal must be received by the Director in writing no later than thirty days after the date of the determination. Where applicable, the Director will give notice of this appeal to all potential offerors that requested a prospectus. A prior concessioner that made an appeal must submit a responsive proposal in response to a prospectus if its appeal is pending as of the date of submission for proposals as set forth in the prospectus. If the prior concessioner fails to submit a timely responsive proposal, the Director must consider the appeal moot as no right of preference would apply to the concession contract under this part.

(b) The Director must consider this appeal personally or must authorize a Deputy or Associate Director to consider the appeal. However, the deciding official considering the appeal may not be the official who made the disputed determination. The deciding official must prepare a written decision on the appeal, taking into account the content of the appeal, other written information available, and the requirements of this part. The written decision on the appeal must be issued before the Director selects the best proposal submitted under the prospectus. If the appeal results in a prior concessioner being determined as a preferred offeror, then the prior concessioner will have a possible right of preference to the contract as described in and subject to the conditions of this part including, but not limited to, the obligation to submit a responsive proposal.

(c) A prior concessioner will not have exhausted its administrative remedies with respect to the failure of the Director to determine it to be a preferred offeror until such time as the Director issues a written decision in response to an appeal submitted pursuant to this section.

Subpart F—Leasehold Surrender Interest

§ 51.56 What special terms must I know to understand leasehold surrender interest?

To understand leasehold surrender interest, you must refer to these definitions, applicable in the singular or the plural, whenever these terms are used in this part:

A *capital improvement* is a structure, fixture, or non-removable equipment provided by a concessioner under the terms of a concession contract that is permanently affixed to the land so as to be part of the realty. Except as otherwise may be specified in this part, a capital improvement does not include any interest in land. Additionally, except as otherwise may be specified in this part, a capital improvement does not include any interest in personal property of any kind including, but not limited to, vehicles, boats, trailers, or other objects not permanently affixed to the real estate regardless of the size of such objects. Concession contracts may

further describe, consistent with the limitations of this part and the 1998 Act, the nature and type of specific capital improvements in which a concessioner may obtain a leasehold surrender interest.

Construction cost of a capital improvement means the total of the eligible direct and indirect costs necessary for constructing or installing the capital improvement as determined by the Director, other than ineligible costs, that are included in the concessioner's basis in the capital improvement for federal income tax purposes.

Consumer Price Index means the national "Consumer Price Index—All Urban Consumers" published by the Department of Labor. If this index ceases to be published, the Director will designate another regularly published cost-of-living index approximating the national Consumer Price Index.

Depreciation means the loss of value in a capital improvement from physical deterioration and/or functional obsolescence as evidenced by the condition and prospective serviceability of the capital improvement in comparison with a new unit of like kind.

Eligible direct costs means the sum of all costs (in amounts no higher than those prevailing in the locality of the project), of the construction contractor that both are necessary for the construction or installation of the capital improvement as determined by the Director and are typically elements of a construction contract or fixture installation contract. Eligible direct costs may include, but are not limited to, the costs of material, labor, contractor's (and subcontractors') profit and overhead, and the construction contractor's job supervision. Eligible direct costs also may include performance bonds and insurance for worker's compensation, fire, liability, and unemployment. Additionally, eligible direct costs may include the costs of building permits, equipment used in construction, security during construction, contractor's shack and temporary fencing, material storage facilities, installing power lines and utilities.

Eligible indirect costs means the sum of all other costs (in amounts no higher than those prevailing in locality of the project) necessary for the construction or installation of a capital improvement as determined by the Director. Eligible indirect costs may include, but are not limited to, design services (schematic design, design development, construction documents and cost estimating) and environmental and other studies if required by the Director. Eligible indirect costs may also include the cost of carrying the investment in the capital improvement until its substantial completion (as determined by the Director); the cost of insuring the capital improvement until the date of its substantial completion (as determined by the Director); and direct, on-site construction inspection expenses incurred by the concessioner.

Fixtures and *non-removable equipment* means manufactured items of personal property of independent form and utility necessary for the basic functioning of a capital improvement that are permanently installed in or on land or a capital improvement so as to become part of the real estate (e.g., heating, air conditioning and ventilation equipment, tubs, street lamps, fire protection systems, etc.). Fixtures and non-removable equipment do not include equipment that can be disconnected and relocated without substantial damage to a structure (e.g. computer printers, portable heating units, table lamps, chandeliers, televisions, trade fixtures, trade telephones, vacuum cleaners, etc.). Fixtures and non-removable equipment do not include building materials (e.g., wallboard, flooring, concrete, cinder blocks, steel beams, studs, window frames, windows, rafters, roofing, framing, siding, lumber, insulation, foundations, electric wiring, water and gas piping, wallpaper, paint, etc.). Except as otherwise indicated, the term "fixture" as used elsewhere in this part includes the term "non-removable equipment."

Ineligible costs are direct and indirect costs that may be associated with the construction or installation of a capital improvement but are not approved by the Director. Ineligible costs also include all administrative, overhead and other costs of the concessioner (other than direct, on-site construction inspection expenses). Ineligible costs further include any otherwise eligible costs that are not included in the concessioner's basis in the capital improvements for federal income tax purposes.

Leasehold surrender interest solely means a right to payment in accordance with this part for related capital improvements that a concessioner makes within a park area on lands owned by the United States if the related capital improvements are made both pursuant to this part and under the terms and conditions of an applicable concession contract. The existence of a leasehold surrender interest does not give the concessioner, or any other person, any right to conduct business in a park area, to occupy or utilize the related capital improvements, or to prevent the Director or another person from utilizing the related capital improvements. The existence of a leasehold surrender interest does not include any interest in the land on which the related capital improvements are located.

Leasehold surrender interest concession contract means a concession contract that provides for leasehold surrender interest in capital improvements.

Leasehold surrender interest value means the amount of compensation a concessioner is entitled to be paid for a leasehold surrender interest in accordance with this part. Unless otherwise provided by the terms of a leasehold surrender interest concession contract, leasehold surrender interest value generally is an amount equal to:

(1) The approved initial construction cost of the related capital improvement,

(2) Adjusted by (increased or decreased) the same percentage increase or decrease as the percentage increase or decrease in the Consumer Price Index from the date the Director approves the completion of the construction or installation of the related capital improvement to the date of payment of the leasehold surrender interest value,

(3) Less depreciation of the related capital improvement on the basis of its condition as of the date of termination or expiration of the applicable leasehold surrender interest concession contract.

Major rehabilitation means a planned, comprehensive rehabilitation of an existing structure:

(1) The Director determines is completed within eighteen months from start of the rehabilitation work (unless a longer period of time is approved by the Director in special circumstances); and

(2) The construction cost of which exceeds the pre-rehabilitation value of the structure. Major rehabilitation does not include expenses resulting from routine maintenance and repair.

Pre-rehabilitation value of a structure means the replacement cost of the structure less depreciation.

Real property improvements means real property other than land, including, but not limited to, capital improvements.

Related capital improvement or *related fixture* means a capital improvement in which a concessioner has or seeks to obtain a leasehold surrender interest.

Replacement cost means the estimated cost to reconstruct, at current prices, an existing structure with utility equivalent to the existing structure,

using modern materials and current standards, design and layout.

Structure means a building, dock, or similar edifice, excluding fixtures, permanently affixed to the land so as to be part of the real estate. A structure may include both constructed infrastructure (e.g., water, power and sewer lines) and constructed site improvements (e.g., paved roads, retaining walls, sidewalks, paved driveways, paved parking areas) that are permanently affixed to the land so as to be part of the real estate and that are in direct support of the use of a building, dock, or similar edifice. Landscaping and plantings are not a structure or part of a structure. Interior furnishings not attached to the structure so as to be part of the real estate are not part of the structure.

§ 51.57 How do I obtain a leasehold surrender interest?

Leasehold surrender interest concession contracts will contain appropriate leasehold surrender interest terms and conditions consistent with this part. A concessioner may obtain a leasehold surrender interest in capital improvements only if the concessioner complies both with the requirements of this part and the terms and conditions of an applicable leasehold surrender interest concession contract.

§ 51.58 If a concessioner does not comply with the requirements of this part or the terms and conditions of a leasehold surrender interest concession contract, what happens?

If a concessioner does not comply with the leasehold surrender interest requirements of this part or the applicable terms and conditions of a leasehold surrender interest concession contract, the concessioner will not obtain a leasehold surrender interest or any compensable interest in capital improvements. Any capital improvements so constructed or installed by the concessioner will be the property of the United States without a right of compensation in any person.

§ 51.59 Why may the Director authorize the construction or installation of a capital improvement?

The Director may only authorize or require a concessioner to construct capital improvements on park lands for the conduct by the concessioner of necessary and appropriate visitor services as determined by the Director, including, the construction of capital improvements necessary for support of the concessioner's visitor services.

§ 51.60 What must a concessioner do before beginning to construct or install a capital improvement in which the concessioner seeks a leasehold surrender interest?

Before beginning to construct or to install any capital improvement in which the concessioner seeks to obtain a leasehold surrender interest, the concessioner must obtain written approval from the Director in accordance with the terms of its leasehold surrender interest concession contract. The request for approval must include appropriate plans and specifications for the capital improvement and any other information that the Director may specify. The request must also include an estimate of the total construction cost of the capital improvement. The estimate of the total construction cost must specify all elements of the cost in such detail as is necessary to permit the Director to determine that they are elements of construction cost as defined in this part. Among other matters, the Director must not approve the construction or installation of a capital improvement to the extent that the Director considers that the estimate of total construction cost is unreasonable or if the Director finds that the estimate of total construction cost contains ineligible costs. The requirements of this section also apply to any change orders to a capital improvement project previously approved by the Director and to any proposed addition to the capital improvement made after completion of its initial construction.

§ 51.61 What must a concessioner do after substantial completion of the capital improvement?

Upon substantial completion of the construction or installation of a capital improvement, or an addition to an existing capital improvement, in which the concessioner seeks a leasehold surrender interest, the concessioner must provide the Director a detailed financial report. The detailed financial report must be supported by actual invoices of the capital improvement's construction cost together with, if requested by the Director, a written certification from a certified public accountant. The financial report must document and any requested certification must state:

(a) That all the elements of the construction cost were incurred by the concessioner;

(b) That all such elements are eligible under the definition of construction cost as defined in § 51.56; and

(c) That all such elements are included in the concessioner's basis in the capital improvement for purposes of its federal income tax returns.

§ 51.62 How will the Director determine the construction cost for purposes of leasehold surrender interest value?

After receiving the detailed financial report (and certification, if requested), from the concessioner, the Director will review the report, certification and other information as appropriate. The Director will then determine in writing the construction cost that is to be recognized as the construction cost of the capital improvement for purposes of leasehold surrender interest value, and where applicable, identify any ineligible costs. If the Director's determination differs from the concessioner's report, the Director will state the reasons for the differences.

§ 51.63 May the concessioner appeal the Director's determination of construction cost?

If the concessioner disagrees with the Director's determination of construction cost, the concessioner may appeal the determination to an official designated by the Director. The appeal must be in writing and made within thirty days of receipt of the initial determination. The designated official will review the concessioner's written appeal and the record of the matter and make a final determination as to the proper construction cost in accordance with this part. Such determination will be the final administrative determination of the construction cost of capital improvements for purposes of this part or otherwise. If no timely appeal is made, the Director's initial determination will be the final determination of the construction cost of a capital improvement. The Director may at any time review a construction cost determination if the Director has reason to believe that it was based on false, misleading or incomplete information.

§ 51.64 What actions may or must the concessioner take with respect to a leasehold surrender interest?

The concessioner:

(a) May encumber a leasehold surrender interest in accordance with this part, but only for the purposes specified in this part;

(b) Where applicable, must transfer or relinquish in accordance with this part its leasehold surrender interest in connection with any assignment, termination or expiration of the concession contract; and

(c) May waive, relinquish or agree to an alternative value for a leasehold surrender interest.

§ 51.65 Will leasehold surrender interest be extinguished by expiration or termination of a leasehold surrender interest concession contract or may it be taken for public use?

A leasehold surrender interest may not be extinguished by the expiration or termination of a concession contract and a leasehold surrender interest may not be taken for public use except on payment of just compensation as described in this part or in an applicable leasehold surrender interest concession contract. Payment of leasehold surrender interest value pursuant to this part or the terms of an applicable leasehold surrender interest concession contract will constitute the payment of just compensation for a leasehold surrender interest within the meaning of this part and for all other purposes.

§ 51.66 How will a new concession contract awarded to a prior concessioner treat a leasehold surrender interest obtained under a prior concession contract?

When a prior concessioner under a leasehold surrender interest concession contract seeks and is awarded a new concession contract by the Director, and the new concession contract continues a leasehold surrender interest in related capital improvements, then the concessioner's leasehold surrender interest value (established as of the date of expiration or termination of its prior concession contract) in the related capital improvements will be continued as the initial value (instead of initial construction cost) of the concessioner's leasehold surrender interest under the terms of the new concession contract. No compensation will be due the concessioner for its leasehold surrender interest or otherwise in these circumstances except as provided by the new concession contract.

§ 51.67 How is a prior concessioner who is not awarded a new concession contract paid for a leasehold surrender interest?

When a prior concessioner does not seek or is not awarded a new concession contract after expiration or termination of a leasehold surrender interest concession contract, the prior concessioner will be entitled to be paid its leasehold surrender interest value as defined in this part or in an applicable concession contract. The prior concessioner will not be required to transfer or otherwise relinquish its leasehold surrender interest until such time as the prior concessioner is paid the leasehold surrender interest value. The date for payment of the leasehold surrender interest value will be no later than twelve months after the date of expiration or termination of the leasehold surrender contract if the payment is to be made by a new concessioner and no later than twenty-four months after the date of expiration or termination if the payment is to be made by the Director. In such circumstances, the depreciation of the related capital improvements will be established as of the date of the expiration or termination of the concession contract for leasehold surrender interest value purposes. However, the Consumer Price Index adjustment to the leasehold surrender interest will continue until the date of payment of the leasehold surrender interest value.

§ 51.68 When a new concessioner pays a prior concessioner for a leasehold surrender interest, what is the leasehold surrender interest in the related capital improvements for purposes of a new concession contract?

A new concessioner that pays a prior concessioner for a leasehold surrender interest will have a leasehold surrender interest in the related capital improvements on a unit by unit basis under the terms of a new leasehold surrender interest contract. Instead of initial construction cost, the initial value of such leasehold surrender interest will be the leasehold surrender interest value that the new concessioner was required to pay the prior concessioner.

§ 51.69 What is the process to determine the leasehold surrender interest value when a new concessioner is to pay a prior concessioner for a leasehold surrender interest?

Leasehold surrender interest concession contracts must contain provisions that describe the process by which a prior concessioner and a new concessioner resolve a dispute over the prior concessioner's leasehold surrender interest value and/or provisions that describe a process by which the prior concessioner and the Director determine the prior concessioner's leasehold surrender interest value. For purposes of this part, the Director's prior determinations of construction cost in accordance with this part are final and not subject to arbitration. The deduction for depreciation of the related capital improvements will be subject to arbitration. The arbitration process will be similar to the appraiser panel procedure described in this part for resolving a dispute between the Director and a concessioner as to the valuation of possessory interest. Except for values established as a result of an appraiser panel process, a new concessioner must not agree with a prior concessioner as to the prior concessioner's leasehold surrender interest value in the aggregate or on a unit by unit basis without the prior written approval of the Director. The Director's approval ensures that the leasehold surrender interest value is consistent with the terms and conditions of the prior concession contract. A new concessioner must permit the Director to assist it in the resolution of a dispute over a prior concessioner's leasehold surrender interest value to the extent requested by the Director.

§ 51.70 May the concessioner gain additional leasehold surrender interest by adding to a structure in which the concessioner has a leasehold surrender interest?

A concessioner that adds, with the approval of the Director, a new structure (e.g., a new wing to an existing building or an extension of an existing road or sidewalk, etc.) to an existing structure in which the concessioner has a leasehold surrender interest will increase its leasehold surrender interest in the related structure, effective as of the date of completion of the new structure, by the construction cost of the new structure. The Consumer Price Index adjustment for leasehold surrender interest value purposes will apply to the construction cost of the addition as of the completion of the addition as determined by the Director. Approvals for additions to structures are subject to the same requirements and conditions applicable to new construction as described in this part. If the advance approval required by this section is not obtained by the concessioner, no increase in a concessioner's leasehold surrender interest will be recognized.

§ 51.71 May the concessioner gain additional leasehold surrender interest by replacing a fixture in which the concessioner has a leasehold surrender interest?

A concessioner that replaces an existing fixture in which the concessioner has a leasehold surrender interest with a like kind fixture will not increase its leasehold surrender interest as a result of the replacement. If the replacement fixture is not of like kind but is a substantial upgrade of the replaced fixture with respect to utility and function, and, if the construction cost of this replacement fixture exceeds the initial construction cost of the fixture to be replaced, all as determined by the Director, an increase to the concessioner's leasehold surrender interest will result. This increase will be the amount of the difference between the initial construction cost of the replaced fixture as determined by the Director and the construction cost of the

upgraded replacement fixture as determined by the Director. Approvals for replacement of fixtures are subject to the same requirements and conditions applicable to new construction or installation of a fixture as described in this part. In addition, where applicable, a concessioner must document to the satisfaction of the Director that a replacement fixture is upgraded within the meaning of this section and the initial constriction cost of the fixture to be replaced and the construction cost of the upgraded fixture. If the advance approval for a fixture replacement required by this section is not obtained by the concessioner, no increase in a concessioner's leasehold surrender interest will be recognized.

§ 51.72 Will a concessioner who undertakes a major rehabilitation of an existing structure in which the concessioner has a leasehold surrender interest increase its leasehold surrender interest?

A concessioner who undertakes with the prior written approval of the Director a major rehabilitation of an existing structure in which the concessioner has a leasehold surrender interest will obtain additional leasehold surrender interest in the structure. This additional leasehold surrender interest will be established by adding the construction cost of the major rehabilitation as determined by the Director to the initial construction cost of the related structure, effective as of the date of completion of the major rehabilitation. Approval for a proposed major rehabilitation is subject to the same requirements and conditions as for new construction or installation of capital improvements as described in this part.

§ 51.73 Under what conditions will the Director authorize a concessioner to obtain a leasehold surrender interest in an existing capital improvement in which no leasehold surrender interest exists?

The Director may not authorize a concessioner to obtain a leasehold surrender interest in existing fixtures in which there is no leasehold surrender interest (e.g., fixtures attached to an existing government building assigned by the Director to the concessioner). The Director may not authorize a concessioner to obtain a leasehold surrender interest in an existing structure in which there is no leasehold surrender interest, unless the concessioner undertakes a major rehabilitation of the structure approved in advance by the Director. If such an approved major rehabilitation is completed, the concessioner will have a leasehold surrender interest in the related structure. The initial construction cost of this leasehold surrender interest will be the construction cost of the major rehabilitation as determined by the Director. Depreciation for purposes of leasehold surrender interest value will apply to the entirety of the related structure.

§ 51.74 Will a concessioner receive new or additional leasehold surrender interest as a result of a rehabilitation that does not qualify as a major rehabilitation?

Rehabilitation projects that do not qualify as major rehabilitations are considered as repair and maintenance of existing structures for which no new or additional leasehold surrender interest may be obtained.

§ 51.75 Is a concessioner required to maintain capital improvements, and if so, will the concessioner obtain a leasehold surrender interest in such repair and maintenance?

A concession contract must require the concessioner to maintain in good condition through a comprehensive repair and maintenance program all of the concessioner's personal property used in the performance of the concession contract and all land, real property improvements, including capital improvements, and government personal property assigned to the concessioner by a concession contract. A concessioner will not obtain initial or additional leasehold surrender interest as a result of repair and maintenance. Concession contracts may contain provisions that require specified minimum levels of expenditures for repair and maintenance of personal property and real property improvements utilized by a concessioner. Concession contracts may also contain provisions that require establishment of repair and maintenance reserves by a concessioner dedicated to the repair and maintenance of personal property and real property improvements.

Subpart G—Possessory Interest

§ 51.76 If a prior concessioner is not awarded a new concession contract, how will a prior concessioner that has a possessory interest receive compensation for its possessory interest?

A prior concessioner that has possessory interest in real property improvements pursuant to the terms of a 1965 Act concession contract, will, if the prior concessioner does not seek or is not awarded a new concession contract upon termination or expiration of its possessory interest concession contract, be entitled to receive compensation for its possessory interest in the amount and manner as described by the possessory interest contract and be entitled to receive all other compensation that the possessory interest contract may provide.

§ 51.77 If a prior concessioner is awarded a new concession contract, what happens to the concessioner's possessory interest?

In the event a prior concessioner seeks and is awarded a new concession contract replacing a possessory interest concession contract, the prior concessioner will obtain a leasehold surrender interest in its existing possessory interest real property improvements under the terms of the new concession contract. This prior concessioner will carry over as the initial value of such leasehold surrender interest (instead of initial construction cost) an amount equal to the value of its possessory interest in real property improvements as of the expiration or other termination of its possessory interest contract as determined by the Director on a unit by unit basis. This leasehold surrender interest will apply to the concessioner's possessory interest real property improvements even if the real property improvements are not capital improvements as defined in this part. In the event that a prior concessioner had a possessory interest in only a portion of a related structure, depreciation of the related structure for purposes of leasehold surrender interest value will apply only to the portion of the structure to which the possessory interest applied.

§ 51.78 What is the process to be followed if there is a dispute between the prior concessioner and the Director as to the value of possessory interest?

Unless other procedures are agreed to by the prior concessioner and the Director, in the event that a prior concessioner under a possessory interest concession contract is awarded a new concession contract and there is a dispute between the prior concessioner and the Director as to the value of such possessory interest in the aggregate or on a unit by unit basis, a panel of three licensed appraisers will establish the value or values. One of the appraisers will be selected by the concessioner, one of the appraisers will be selected by the Director, and the third appraiser will be selected by the initial two appraisers. The expenses of the third appraiser and other associated common costs of the proceeding will be borne equally by the concessioner and the Director. The panel may request presentations by the concessioner and the Director as to their positions on possessory interest value. The panel must conduct these

presentations informally without adjudicative procedures. The determination of values made by the panel will be binding on the concessioner and the Director. Judicial review of the panel's decision may be pursued by the concessioner or the Director only in the event of allegations of fraud, misconduct or misrepresentation.

§ 51.79 If a new concessioner is awarded the contract, what is the relationship between leasehold surrender interest and possessory interest?

If a new concessioner is awarded a leasehold surrender interest concession contract and is required to pay a prior concessioner for possessory interest in real property improvements, then the new concessioner will have a leasehold surrender interest in the real property improvements under the terms of its new concession contract. The initial value of the leasehold surrender interest (instead of initial construction cost) will be an amount equal to the lower of the value of the possessory interest as of the termination or expiration of the possessory interest concession contract or the amount of money the new concessioner in fact paid the prior concessioner for its possessory interest in real property improvements. The Director will allocate this initial leasehold surrender interest value on a unit by unit basis for purposes of the new contract. This leasehold surrender interest will apply even if the related possessory interest real property improvements are not capital improvements as defined in this part. In the event the a new concessioner obtains a leasehold surrender interest in only a portion of a related structure as a result of the acquisition of a possessory interest from a prior concessioner depreciation of the related structure for purposes of leasehold surrender interest value will apply only to the portion of the structure to which the possessory interest applied.

§ 51.80 What happens if there is a dispute between the new concessioner and a prior concessioner as to the value of the possessory interest?

In the event of a dispute between a new concessioner and a prior concessioner as to the value of a prior concessioner's possessory interest, the dispute will be resolved under the procedures contained in the possessory interest concession contract. A new concessioner shall not agree in the aggregate or on a unit by unit basis on the value or values of a prior concessioner's possessory interest without the prior written approval of the Director unless the value or values was determined through a binding value determination process required by the possessory interest contract. The Director's written approval is to ensure that the value or values are consistent with the terms and conditions of the possessory interest concession contract. If a new concessioner and a prior concessioner engage in a process to resolve a dispute as to the value of the prior concessioner's possessory interest, the new concessioner must allow the Director to assist the new concessioner in resolving the dispute to the extent requested by the Director.

Subpart H—Concession Contract Provisions

§ 51.81 What is the term or length of a concession contract?

The term of a concession contract must be as short as is prudent taking into account the financial requirements of the concession contract, resource protection and visitor needs, and other factors the Director may deem appropriate. Concession contracts will generally be for a term of ten years or less. In no event will a concession contract have a term of more than twenty years. Except for the non-competitive extensions authorized by this part, the Director may not extend concession contracts.

§ 51.82 When may a concession contract be terminated by the Director?

Concession contracts will contain appropriate provisions for suspension of operations under a concession contract and termination of a concession contract by the Director for default, including, but not limited to unsatisfactory performance, or when necessary to achieve the purposes of this part. The purposes of this part include, but are not limited to, the purposes of protecting, conserving, and preserving park area resources and providing necessary and appropriate visitor services in a park area.

§ 51.83 May the Director split or combine concession contracts?

The Director must not segment or otherwise split visitor services authorized or required under a single concession contract into separate concession contracts if such action would result in a concession contract with anticipated annual gross receipts of less than $500,000. The Director must not segment or otherwise split visitor services authorized or required under a single concession contract into separate concession contracts if such action would result in the establishment of an outfitter and guide concession contract. The Director may combine the visitor services authorized or required by two or more existing concession contracts into a single concession contract and may modify the type, nature and scope of the visitor services provided under a concession contract.

§ 51.84 May the Director include in a concession contract or otherwise grant a concessioner a preferential right to provide new or additional visitor services?

The Director must not include in a concession contract, amend a concession contract to include, or otherwise grant a concessioner a preferential right to provide new or additional visitor services under the terms of a concession contract or otherwise. For the purpose of this section, a "preferential right to new or additional services" means a right of a concessioner to a preference (in the nature of a right of first refusal or otherwise) to provide new or additional visitor services in a park area beyond those already provided by the concessioner under the terms of a concession contract. A concessioner, including, but not limited to, a preferred offeror, that is allocated park area entrance, user days or similar resource use allocations for the purposes of a concession contract will not obtain any contractual or other rights to continuation of a particular allocation level pursuant to the terms of a concession contract or otherwise. Such allocations will be made, withdrawn and adjusted by the Director from time to time in furtherance of the purposes of this part.

§ 51.85 Will a concession contract provide a concessioner an exclusive right to provide visitor services?

Concession contracts will not provide in any manner an exclusive right to provide certain or all types of visitor services in a park area. The Director may limit the number of concession contracts to be awarded for the conduct of visitor services in a particular park area in furtherance of the purposes described in this part.

§ 51.86 Is there a special rule for transportation service contracts?

Notwithstanding any other provision of law, a service contract (not a concession contract) entered into by the Director solely for the provision of park area transportation services will have a term of no more than 10 years. The term of the service contract must include a base term of 5 years and may allow for annual extensions for an additional five-year period if approved by the Director.

§ 51.87 Where will the Director deposit franchise fees and how will the Director use franchise fees?

All franchise fees and other monetary consideration (excluding reimbursements made by a concessioner for services rendered by the Director to the concessioner on a reimbursable basis) required to be paid to the Director pursuant to a concession contract, including, but not limited to, 1965 Act concession contracts, will be deposited in a special account in the Treasury of the United States. Twenty percent of the funds so deposited will be available for use by the Director, without further appropriation, to support authorized activities throughout all park areas. Eighty percent of the funds will be available for expenditure by the Director without further appropriation for use at the park area where the funds were generated to support visitor services, visitor support activities conducted by the Director, and high priority and urgently needed resource management programs and operations.

§ 51.88 Will franchise fees be subject to renegotiation?

Only concession contracts with a term of more than five years will contain a provision that provides for the adjustment of the contract's established franchise fee. This adjustment will only occur if the Director determines that extraordinary, unanticipated changes occurred after the effective date of the contract which have or will significantly effect the probable value of the privileges granted by the contract. The concession contract will provide for binding arbitration if the Director and a concessioner cannot agree upon an appropriate adjustment to the franchise fee.

§ 51.89 May the Director waive payment of franchise fee or other payments?

The Director may not waive the concessioner's payment of a franchise fee or other payments or consideration required by a concession contract.

§ 51.90 How will the Director establish franchise fees for multiple outfitter and guide concession contracts in the same park area?

If the Director awards more than one outfitter and guide concession contract that authorizes or requires the concessioners to provide the same or similar visitor services at the same approximate location or utilizing the same resource within a single park area, the Director will establish franchise fees for these concession contracts that are comparable, but not necessarily the same. In establishing these franchise fees, the Director will take into account, as appropriate, variations in the nature and type of visitor services authorized by particular concession contracts, including, but not limited to, length of the visitor experience, type of equipment utilized, relative expense levels, and other relevant factors. The terms and conditions of an existing concession contract will not be subject to modification or open to renegotiation by the Director because of the award of a new concession contract at the same approximate location or utilizing the same resource.

§ 51.91 May the Director include "special account" provisions in concession contracts?

The Director shall not include in concession contracts "special account" provisions, that is, contract provisions which require or authorize a concessioner to undertake with a specified percentage of the concessioner's gross receipts the construction of capital improvements on park lands. The construction of all such capital improvements by the concessioner shall be undertaken pursuant to the leasehold surrender interest provisions of this part. Concession contracts may contain provisions which require the concessioner to set aside a percentage of gross receipts in a maintenance reserve to be used for the purpose of maintenance and repair of capital improvements in which the concessioner has a leasehold surrender interest. No additional leasehold surrender interest value shall be obtained as a result of the expenditure of funds from a maintenance reserve. Whether or not a concession contract contains maintenance reserve provisions, all concession contracts shall contain provisions which require the concessioner to maintain and repair all capital improvements in the park area in a manner satisfactory to the Director, including, but not limited to, capital improvements in which the concessioner has a leasehold surrender interest, utilized by the concessioner in the conduct of its operations in a manner satisfactory to the Director.

§ 51.92 Handcrafts. [Reserved]

Subpart I—Assignment or Encumbrance of Concession Contracts

§ 51.93 What special terms must I know to understand this Part?

To understand this subpart specifically and this part in general you must refer to these definitions, applicable in the singular or plural, whenever the terms are used in this part.

A *controlling interest* in a concession contract means an interest, beneficial or otherwise, that permits the exercise of managerial authority over a concessioner's performance under the terms of the concession contract and/or decisions regarding the rights and liabilities of the concessioner.

A *controlling interest* in a concessioner means, in the case of corporate concessioners, an interest, beneficial or otherwise, of sufficient outstanding voting securities or capital of the concessioner or related entities that permits either the exercise of managerial authority over the actions and operations of the concessioner. A "controlling interest" in a concessioner also means, in the case of corporate concessioners, an interest, beneficial or otherwise, of sufficient outstanding voting securities or capital of the concessioner or related entities that permits the election of a majority of the Board of Directors of the concessioner. The term "controlling interest" in a concessioner, in the instance of a partnership, limited partnership, joint venture, other business organization or individual entrepreneurship, means ownership or beneficial ownership of the assets of the concessioner that permits the exercise of managerial authority over the actions and operations of the concessioner.

Rights to operate and/or manage under a concession contract means any arrangement where the concessioner of record under a concession contract employs or contracts with a third party to operate and/or manage the performance of a concession contract (or any portion thereof). The payments to the third party, whether a percentage of revenues or otherwise, is not relevant. This does not apply to arrangements with an individual employee.

Subconcessioner means a third party that has been granted by a concessioner, with the approval of the Director, rights to operate and/or manage the performance of a concession contract (or any portion thereof), whether in consideration of a percentage of revenues or otherwise. Concession contracts may prohibit subconcessioners or limit the circumstances in which rights to operate and/or manage may be granted by a concessioner.

§ 51.94 What assignments require the approval of the Director?

The concessioner may not assign, sell, convey, grant, contract for, or otherwise transfer (these transactions are collectively referred to as "assignments" for purposes of this part), without the

prior written approval of the Director, any of the following:

(a) Any concession contract;

(b) Any rights to operate and/or manage the performance of a concession contract;

(c) Any revenues generated by a concession contract;

(d) Any controlling interest in a concessioner;

(e) Any controlling interest in a concession contract; or

(f) Any leasehold surrender interest or possessory interest obtained under a concession contract.

§ 51.95 What encumbrances require the approval of the Director?

The concessioner may not encumber, pledge, mortgage or otherwise provide as a security interest for any purpose (such transactions collectively referred to as "encumbrances" for purposes of this part), without the prior written approval of the Director, any of the following:

(a) Any concession contract;

(b) Any rights to operate and/or manage performance under a concession contract;

(c) Any revenues generated by a concession contract;

(d) Any controlling interest in a concessioner;

(e) Any controlling interest in a concession contract;

(f) Any tangible personal property used in the performance of the concession contract within the park area; or

(g) Any leasehold surrender interest or possessory interest provided by a concession contract.

§ 51.96 Does the concessioner have an unconditional right to receive the Director's approval for an assignment or encumbrance?

Approval of a assignment or encumbrance by the Director is not a matter of right to a concessioner. In addition to the required determinations described in this part, the following limitations apply to approvals of assignments and encumbrances:

(a) The Director may only approve an encumbrance if the sole purpose of the encumbrance is either to finance the construction of capital improvements under the applicable concession contract in the applicable park area or to finance the purchase of the applicable concession contract. An encumbrance may not be made for any other purpose, including, but not limited to, providing collateral for other debt of a concessioner, the parent of a concessioner, or an entity related to a concessioner;

(b) The Director may not approve an encumbrance that purports to provide the creditor or assignee any rights beyond those provided by the applicable concession contract, including, but not limited to, any rights to conduct business in a park area except in strict accordance with the terms and conditions of the applicable concession contract;

(c) The Director may not approve an encumbrance that purports to permit a creditor or assignee of a creditor, in the event of default or otherwise, to begin operations under the applicable concession contract before the Director determines whether the proposed operator is a qualified person as defined in this part; and

(d) The Director will not approve an assignment or encumbrance if the transaction purports to assign or encumber assets that are not owned by the concessioner or park area entrance, user day, or similar use allocations made by the Director.

§ 51.97 What happens if an assignment or encumbrance is completed without the approval of the Director?

Assignments or encumbrances completed without the prior written approval of the Director will be considered as null and void and a material breach of the applicable concession contract which may result in termination of the contract for cause. No person will obtain any valid or enforceable rights in a concessioner, concession contract, rights to operate or manage under a concession contract as a subconcessioner or otherwise, revenues generated by a concession contract, or leasehold surrender interest or possessory interest, if acquired in violation of these requirements.

§ 51.98 What happens if there is a default on an encumbrance approved by the Director?

In the event of default on an encumbrance approved by the Director in accordance with this part, the creditor, or an assignee of the creditor, may succeed to the interests of the concessioner only to the extent provided by the approved encumbrance.

§ 51.99 How does the concessioner get the Director's approval before making an assignment or encumbrance?

Before completing any assignment or encumbrance which may be considered to be the type of transaction described in this part, including, but not limited to, the assignment or encumbrance of what may possibly be a controlling interest in a concessioner or a concession contract, the concessioner must request in writing approval of the transaction by the Director. The Director will provide an application form for this purpose.

§ 51.100 What information will the Director require in the application?

The application for the Director's approval of an assignment or encumbrance will require that the following information be provided in such detail as the Director may specify:

(a) All instruments proposed to implement the transaction;

(b) An opinion of counsel to the effect that the proposed transaction is lawful under all applicable federal and state laws;

(c) A narrative description of the proposed transaction, and, where applicable, the transferee's plans for conducting the operation;

(d) A statement as to the existence and nature of any litigation relating to the proposed transaction;

(e) A description of the management qualifications, financial background, and financing and operational plans of any proposed transferee;

(f) A descriptive statement as to whether and in what manner the proposed transaction constitutes the assignment or encumbrance of a controlling interest as described in this subpart;

(g) A detailed description of all financial aspects of the proposed transaction;

(h) Prospective financial statements (proformas) that have been examined by an independent accounting firm;

(i) A schedule that allocates in detail the purchase price (or, in the case of a transaction other than an asset purchase, the valuation) of all assets assigned or encumbered. This includes capital improvements on a unit by unit basis, tangible personal property individually or aggregated into groups of like items, and intangible assets individually itemized. In addition the applicant must provide a description of the basis for all allocations and ownership of all assets;

(j) A statement from the transferee that if the assigning concessioner does not submit to the Director its final financial statement within sixty days after the closing date of the assignment, the transferee will do so within one hundred and twenty days after the closing date of the assignment;

(k) A statement and narrative explanation as to why the proposed assignment or encumbrance is not prohibited under the limitations contained in this part; and

(l) Such other information as the Director may require.

§ 51.101 May the Director waive any of these documentation requirements?

The Director may waive portions of these documentation requirements in circumstances where particular documents are considered unnecessary.

§ 51.102 What are standard proformas?

Concessioners are encouraged to submit standard prospective financial statements (proformas) pursuant to this part. A "standard proforma" is one that:

(a) Provides projections, including revenues and expenses, that are consistent with the concessioner's past operating history. If projections that are not consistent with the concessioner's past history are used, the proforma must be accompanied by a narrative that describes why differing expectations are achievable and realistic;

(b) Assumes that any loan related to an assignment or encumbrance will be paid in full by the expiration of the concession contract. If the proforma assumes that a loan related to an assignment or encumbrance will not be paid in full by the expiration of the concession contract, a narrative description as to why the loan extends beyond the term of the contract must be provided. The description must include, but is not limited to, identification of the loan's collateral after expiration of the concession contract;

(c) Assumes amortization of any intangible assets assigned or encumbered as a result of the transaction over the remaining term of the concession contract. If a proforma that assumes otherwise is submitted, a narrative description as to why such extended amortization period is consistent with a reasonable opportunity for profit over the remaining term of the concession contract must be provided; and

(d) Shows, for the remaining term of the concession contract, Internal Rates of Return (IRR), and, where applicable, Returns on Gross, Returns on Equity, and Returns on Assets, consistent with common industry median expectations as reflected, where applicable, in guidelines developed by the Director. If a proforma not showing such returns is submitted, it must be accompanied by a narrative description that describes in detail how the returns shown are consistent with a reasonable opportunity for profit over the remaining term of the concession contract.

§ 51.103 If the concessioner submits a non-standard proforma, is the Director more likely to disapprove the transaction?

The submission of a non-standard proforma or proformas is more likely to result in disapproval of a transaction by the Director as demonstrating that the transaction is inconsistent with the criteria for approval of assignments and encumbrances as described in this part.

§ 51.104 If the transaction includes more that one concession contract, how must required information be provided?

In circumstances of an assignment or encumbrance that includes more than one concession contract, the concessioner must provide the information described in this subpart on a contract by contract basis.

Process To Receive the Director's Approval of Assignments and Encumbrances

§ 51.105 In what circumstances will the Director not approve an assignment or encumbrance?

The Director will not approve an assignment or encumbrance described in this part if the Director determines that it is prohibited by any of the limitations set forth in this part. The Director also will not approve an assignment or encumbrance described in this part if the Director determines that:

(a) The transaction would result in the acquisition (directly, or indirectly in the event of foreclosure under an encumbrance) by a person the Director determines is not a qualified person or otherwise may not be able to satisfactorily perform the terms and conditions of the applicable concession contract;

(b) The transaction would have an adverse impact on the protection, conservation or preservation of park resources;

(c) The transaction would have an adverse impact on the provision of necessary and appropriate facilities and services to visitors at reasonable rates and charges; or

(d) The terms of the transaction are likely, directly or indirectly, to reduce an existing or a new concessioner's opportunity to earn a reasonable profit over the remaining term of the applicable concession contract, to adversely affect the quality of facilities and services pursuant to the contract, or to result in a need for increased rates and charges to the public to maintain the quality of concession facilities and services.

§ 51.106 What information will the Director consider when deciding to approve a transaction?

In deciding whether to approve an assignment or encumbrance, the Director will consider the proformas and all other information submitted by the concessioner as required by this part.

§ 51.107 Does the Director's approval of a assignment or encumbrance include any representations of any nature?

In approving an assignment or encumbrance, the Director has no duty to inform a transferee of any information the Director may have relating to the concession contract, the park area, or other matters relevant to the concession contract. In addition, in approving an assignment or encumbrance, the Director makes no representations of any nature to any person about any matter, including, but not limited to, the value or potential profitability of any concession contract or assets of a concessioner.

§ 51.108 May the Director amend or extend a concession contract for the purpose of facilitating a transaction?

The Director may not amend or extend a concession contract for the purpose of facilitating an assignment or encumbrance. The Director may not make commitments regarding rates to the public, contract extensions, concession contract terms and conditions, or any other matter, for the purpose of facilitating an assignment or encumbrance.

§ 51.109 May the Director open to renegotiation or modify the terms of a concession contract as a condition of the approval of a transaction?

The Director may not open to renegotiation or modify the terms and conditions of a concession contract as a condition of the approval of an assignment or encumbrance. The exception is if the Director determines that renegotiation or modification is required to avoid an adverse impact on the protection, conservation or preservation of the resources of a park area or an adverse impact on the provision of necessary and appropriate visitor services at reasonable rates and charges.

§ 51.110 May the Director charge a fee for the review a proposed transaction?

The Director may charge a reasonable fee for the review of a proposed assignment or encumbrance. The fee may not exceed the actual cost to the Director of reviewing the proposed transaction.

Subpart J—Information and Access to Information

§ 51.111 What records must the concessioner keep and what access does the Director have to records?

A concessioner (and any subconcessioners) must keep any

records that the Director may require for the term of the concession contract and for five years after the termination or expiration of the concession contract to enable the Director to determine that all terms of the concession contract are or were faithfully performed. The Director and any duly authorized representative of the Director must, for the purpose of audit and examination, have access to all pertinent records, books, documents, and papers, of the concessioner and any parent or affiliate of the concessioner.

§ 51.112 What access to concessioner records will the Comptroller General have?

The Comptroller General or any duly authorized representative of the Comptroller General must, until the expiration of five calendar years after the close of the business year of each concessioner (or subconcessioner), have access to and the right to examine all pertinent books, papers, documents and records of the concessioner and subconcessioner (and parents and affiliates).

§ 51.113 What information will the Director make publicly available about the concessioner and the concession contract?

The Director will make publicly available the following information contained in annual financial statements submitted to the Director by the concessioner: Gross receipts broken out by department; net income or loss before taxes; franchise fees and building use fees; merchandise inventories; and depreciable fixed assets and net depreciable fixed assets, broken out by leasehold surrender interest or possessory interest, as applicable, and personal property. The Director will also make publicly available other information provided by a concessioner to the Director to the extent permitted by law. Notwithstanding this section, the Director will not make publicly available any information relating to a particular concession contract in effect as of [the effective date of the final rule] if the Director determines that such exercise would constitute a material breach of the concession contract.

§ 51.114 When will the Director make proposals and evaluation documents publicly available?

The Director will not make publicly available proposals submitted in response to a prospectus, information contained in such proposals and documents generated by the Director evaluating such proposals, until the date that the new concession contract solicited by the prospectus is awarded. At that time, the Director will make such information and documents available to the extent required by law.

Subpart K—The Effect of the 1998 Act's Repeal of the 1965 Act

§ 51.115 Did the 1998 Act repeal the 1965 Act?

Section 415 of the 1998 Act repealed the 1965 Act and related laws as of November 13, 1998. This repeal did not affect the validity of any 1965 Act concession contract. The provisions of the 1998 Act, however, apply to all 1965 Act concession contracts except to the extent that such provisions are inconsistent with the terms and conditions of a 1965 Act concession contract.

§ 51.116 What is the effect of the 1998 Act's repeal of the 1965 Act's renewal preference?

(a) Section 5 of the 1965 Act granted all existing satisfactory concessioners a preference in the renewal (termed a "renewal preference" for purposes of this section) of its concession contract or permit as a statutory right. The repeal of the 1965 Act by the 1998 Act repealed this statutory renewal preference as of November 13, 1998. Standard 1965 Act concession contracts awarded by the Director did not provide a renewal preference as a matter of a contract right. However, if a concessioner holds a 1965 Act concession contract in effect as of November 13, 1998, and the concessioner considers that the particular terms and conditions of its 1965 Act concession contract grant the concessioner, as a matter of contract right, a renewal preference, the concessioner may appeal this position to the Director. Such appeal must be in writing and be received by the Director no later than thirty days after the issuance of a prospectus for a concession contract under this part for which the concessioner asserts a renewal preference. The concessioner submitting such an appeal, if its appeal is still pending as of the date for submission for proposals pursuant to an applicable prospectus, must submit a responsive proposal pursuant to the prospectus. If the concessioner fails to submit a responsive proposal, the Director must consider the concessioner's appeal moot and no renewal preference will apply to the new concession contract. Where applicable, the Director will give notice of this appeal to all potential offerors that requested a prospectus.

(b) The Director may delegate consideration of such appeals only to a Deputy or Associate Director. The deciding official must prepare a written decision on the appeal, taking into account the content of the appeal and other available information. The written decision on the appeal must be issued before the Director selects the best proposal received pursuant to the applicable prospectus. If the appeal results in the appealing concessioner being determined as having a renewal preference under a 1965 Act contract, and the appealing concessioner does or did submit a responsive proposal, the concessioner will be entitled to exercise a right of preference to the concession contract as otherwise described in and subject to the otherwise applicable conditions of this part, including, but not limited to, the requirement to submit a responsive offer under an applicable prospectus. No person will be considered as having exhausted administrative remedies with respect to assertion of the existence of a renewal preference under a 1965 Act concession contract until the Director makes an appeal decision in accordance with this section. Any renewal preference the Director may determine to exist pursuant to this section will apply only to the award of the first concession contract that replaces a 1965 Act concession contract.

§ 51.117 What renewal preference exceptions are made for Glacier Bay cruise ships?

Notwithstanding the provisions of the 1998 Act which repealed the statutory renewal preference provided by the 1965 Act, the Director, in awarding future Glacier Bay cruise ship concession contracts covering cruise ship entries for which a renewal preference existed prior to the passage of the 1998 Act, must provide for such cruise ship entries a right of preference as described in this part even though such cruise ship concession contracts are not outfitter and guide contracts and may result in annual gross receipts in excess of $500,000. The final date of expiration of any Glacier Bay cruise ship concession contract awarded under this special authority will be December 31, 2009.

Subpart L—Information Collection

§ 51.118 Have information collection procedures been followed?

(a) The information collection for submission of offers in response to concession prospectuses contained in this part have been approved by the Office of Management and Budget as required by 44 U.S.C. 3501 *et seq.* and assigned clearance number 1024–0125, effective through December 31, 1999. An information collection for proposed sales of concession operations was previously covered by OMB Approval

No. 1024–0126, which expired January 31, 1996. An OMB form 83–I has been prepared but has not yet been approved by OMB. Response is required to obtain a concession contract in accordance with the 1998 Act.

(1) As required by 5 CFR 1320.8(d)(1), the National Park Service is soliciting public comments as to:

(i) Whether the collection of information is necessary for the proper performance of the functions of the bureau, including whether the information will have practical utility;

(ii) The accuracy of the bureau's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(iii) The quality, utility, and clarity of the information to be collected; and

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated electronic, mechanical, or other forms of information technology.

(2) A Federal 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.

(b) The public reporting burden for the collection of information for the purpose of preparing a proposal in response to a contract solicitation is estimated to average 480 hours per proposal for large authorizations and 240 hours per proposal for small authorizations. The public reporting burden for the collection of information for the purpose of requesting approval of a sale or transfer of a concession operation is estimated to be 80 hours. Please send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Information Collection Officer, National Park Service, 1849 C Street, Washington, DC 20240; and to the Attention: Desk Officer for the Interior Department, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Dated: June 23, 1999.

Donald J. Barry,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 99–16490 Filed 6–29–99; 8:45 am]

BILLING CODE 4310–70–P

federal register

Wednesday
June 30, 1999

Part IV

Department of Agriculture

Cooperative State Research, Education, and Extension Service

Request for Proposals (RFP): Special Research Grants Program, Citrus Tristeza Research; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Request for Proposals (RFP): Special Research Grants Program, Citrus Tristeza Research

AGENCY: Cooperative State Research, Education, and Extension Service, Department of Agriculture.

ACTION: Notice of request for proposals and request for input.

SUMMARY: The Cooperative State Research, Education, and Extension Service (CSREES) announces the availability of grant funds and requests proposals for the Special Research Grants Program, Citrus Tristeza Research for fiscal year (FY) 1999. The purpose of this program is to support research that focuses on problems caused by Citrus Tristeza Virus (CTV) and the Brown Citrus Aphid. National research priority areas include: (1) Characterization and detection of CTV strains; (2) biology and control of the brown citrus aphid; (3) host plant resistance; (4) epidemiology and crop loss assessment; and (5) development of cross-protecting CTV strains. The amount available for support of this program in FY 1999 is approximately $467,800.

This Request for Proposals (RFP) sets out the objectives for these projects, the eligibility criteria for projects and applicants, the application procedures, and the set of instructions needed to apply for a Citrus Tristeza Research grant.

By this notice, CSREES additionally solicits stakeholder input from any interested party regarding the FY 1999 Special Research Grants Program, Citrus Tristeza Research, for use in the development of the next request for proposals for this program.

DATES: PROPOSALS MUST BE RECEIVED ON OR BEFORE July 30, 1999. (See PART IV—SUBMISSION OF A PROPOSAL below for information on where to submit an application.) Proposals received after July 30, 1999 will not be considered for funding. Comments regarding this request for proposals are requested within 6 months from the issuance of this notice. Comments received after that date will be considered to the extent practicable.

ADDRESSES: To obtain a copy of this RFP and application materials, please contact the Proposal Services Unit; Office of Extramural Programs; USDA/CSREES; STOP 2245; 1400 Independence Avenue, SW; Washington, DC 20250–2245; telephone: (202) 401–5048. In your request, please indicate that you are requesting forms for the Special Research Grants Program, Citrus Tristeza Research.

Written stakeholder comments should be submitted by first-class mail to: Policy and Program Liaison Staff; Office of Extramural Programs; Competitive Research Grants and Awards Management; USDA–CSREES; STOP 2299; 1400 Independence Avenue, SW; Washington, DC 20250–2299; or via e-mail to RFP–OEP@reeusda.gov. In your comments, please indicate that you are commenting on the FY 1999 Special Research Grants Program, Citrus Tristeza Research.

FOR FURTHER INFORMATION CONTACT: Dr. Robin Huettel, Cooperative State Research, Education, and Extension Service; US Department of Agriculture; STOP 2220; 1400 Independence Avenue, SW; Washington, DC 20250–2220; telephone (202) 401–5804; Internet: rhuettel@reeusda.gov.

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Stakeholder Input

CSREES is soliciting comments regarding this request for proposals from any interested party. These comments will be considered in the development of the next request for proposals for the program. Such comments will be forwarded to the Secretary or his designee for use in meeting the requirements of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998, 7 U.S.C. 7613(c)(2). This section requires the Secretary to solicit and consider input on a current request for proposals from persons who conduct or use agricultural research, education, or extension for use in formulating the next request for proposals for an agricultural research program funded on a competitive basis.

In your comments, please include the name of the program and the fiscal year request for proposals to which you are responding. Comments are requested within six months from the issuance of the request for proposals. Comments received after that date will be considered to the extent practicable.

Part I—General Information

A. Legislative Authority

The authority for this program is contained in section (c)(1)(A) of the Competitive, Special, and Facilities Research Grant Act, section 2 of Pub. L. 89–106, as amended (7 U.S.C. 450i(c)(1)(A)).

In accordance with the statutory authority, the Secretary may make grants for the purpose of conducting research to facilitate or expand promising breakthroughs in areas of the food and agricultural sciences of importance to the United States.

B. Definitions

For the purpose of awarding grants under this program, the following definitions are applicable:

(1) *Administrator* means the Administrator of the Cooperative State Research, Education, and Extension Service and any other officer or employee of the Department to whom the authority involved may be delegated.

(2) *Authorized departmental officer* means the Secretary or any employee of the Department who has the authority to issue or modify grant instruments on behalf of the Secretary.

(3) *Authorized organizational representative* means the president, director, or chief executive officer of the applicant organization or the official, designated by the president or chief executive officer of the applicant organization, who has the authority to commit the resources of the organization.

(4) *Budget period* means the interval of time (usually 12 months) into which the project period is divided for budgetary and reporting purposes.

(5) *Department* or *USDA* means the United States Department of Agriculture.

(6) *Grantee* means the organization designated in the grant award document as the responsible legal entity to which a grant is awarded.

(7) *Peer review panel* means a group of experts qualified by training and

experience in particular fields to give expert advice on the scientific and technical merit of grant applications in such fields, and who evaluate eligible proposals submitted to this program in their personal and professional area(s) of expertise.

(8) *Prior approval* means written approval evidencing prior consent by an authorized departmental officer as defined in (2) above.

(9) *Project* means the particular activity within the scope of the program supported by a grant award.

(10) *Principal Investigator* means the single individual designated by the grantee in the grant application and approved by the Secretary who is responsible for the direction and management of the project.

(11) *Project period* means the period, as stated in the award document and modifications thereto, if any, during which Federal sponsorship begins and ends.

(12) *Secretary* means the Secretary of Agriculture and any other officer or employee of the Department to whom the authority involved may be delegated.

C. Eligibility

Proposals may be submitted by State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals. Although an applicant may be eligible based on its status as one of these entities, other factors may exclude an applicant from receiving Federal assistance under this program (e.g., debarment or suspension, a determination of non-responsibility based on submitted organizational management information).

Part II—Program Description

A. Purpose and Scope of the Program

Proposals are invited for competitive grant awards under the Special Research Grants Program, Citrus Tristeza Research for fiscal year (FY) 1999. The purpose of this grant program is to support research that focuses on problems caused by Citrus Tristeza Virus and the brown citrus aphid. This research should aim to facilitate promising breakthroughs in this important area of the food and agricultural sciences.

Citrus Tristeza Virus (CTV) is a pathogen of citrus vectored by several aphid species. This disease has been found in all the citrus producing regions of the United States and is of world-wide importance. The virus strain complex can cause a variety of symptoms, from mild to severe, depending upon the host and its environment. Recently, in Florida, a new aphid vector, the Brown Citrus Aphid was introduced. This vector is capable of transmitting a severe stem-pitting form of the virus. The Brown Citrus Aphid also occurs in Central America and the Caribbean Basin and thus poses a threat to citrus in other citrus producing areas in the United States (e.g., Louisiana, Texas, Arizona, and California).

The research priority areas that have been identified include (1) characterization and detection of CTV strains; (2) biology and control of the Brown Citrus Aphid; (3) host plant resistance; (4) epidemiology and crop loss assessment; and (5) development of cross-protecting CTV strains.

B. Available Funds and Award Limitations

Funds will be awarded on a competitive basis to support research projects that focus on solving problems caused by the CTV and brown citrus aphids. The total amount of funds available in FY 1999 for support of this program is approximately $467,800. Each proposal submitted in FY 1999 shall request funding for a period not to exceed one year. Funding for additional years will depend upon the availability of funds and progress toward objectives. FY 1999 awardees would need to recompete in future years for additional funding.

Part III—Preparation of a Proposal

A. Program Application Materials

Program application materials will be made available to interested entities upon request. These materials include information about the purpose of the program, how the program will be conducted, and the required contents of a proposal, as well as the forms needed to prepare and submit grant applications under the program. To obtain program application materials, please contact the Proposal Services Unit; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW; Washington, DC 20250–2245; Telephone: (202) 401–5048. When contacting the Proposal Services Unit, please indicate that you are requesting application materials for the Special Research Grants Program, Citrus Tristeza Research. Application materials may also be requested via Internet by sending a message with your name, mailing address (not e-mail) and telephone number to psb@reeusda.gov that states that you wish to receive a copy of the application materials for the FY 1999 Special Research Grants Program, Citrus Tristeza Research. The materials will then be mailed to you (not e-mailed) as quickly as possible.

B. Content of a Proposal

(1) General

The proposal should follow these guidelines, enabling reviewers to more easily evaluate the merits of each proposal in a systematic, consistent fashion:

(a) The proposal should be prepared on only one side of the page using standard size (8½" x 11") white paper, one inch margins, typed or word processed using no type smaller than 12 point font regardless of whether it is single or double spaced. Use an easily readable font face (e.g., Geneva, Helvetica, CG Times). Once accepted for review, your proposal will be read by at least three expert reviewers. Thus it is to your advantage to ensure that your proposal is not difficult to read.

(b) Each page of the proposal, including the Project Summary, budget pages, required forms, and appendices, should be numbered sequentially in the upper right-hand corner.

(c) The proposal should be stapled in the upper left-hand corner. Do not bind. An original and 9 copies (10 total) must be submitted in one package, along with 20 copies of the Project Summary as a separate attachment.

(2) Cover Page

Complete Form CSREES–661, Application for Funding, in its entirety. This form is to be utilized as the Cover Page. Form CSREES–661 serves as a source document for the CSREES grant database; it is therefore important that it be completed accurately.

(a) In Block 6, complete the title of the project. The project title must be brief (80-character maximum), yet represent the major thrust of the effort being proposed. Project titles are read by a variety of nonscientific people; therefore, highly technical words or phraseology should be avoided where possible. In addition, introductory phrases such as "investigation of" or "research on" should not be used.

(b) Blocks 7 and 8 should be completed to read "Special Research Grants Program, Citrus Tristeza Research."

(c) In Block 13, the Type of Award Request is "new."

(d) In Block 14., note the total amount of Federal dollars being requested.

(e) In Block 15, designate Principal Investigators (PIs). Be advised that the

designation of excessive numbers of co-PIs creates problems during final review and award processing. Listing multiple co-PIs beyond those required for genuine collaboration is therefore discouraged. Note that providing a Social Security Number is voluntary, but is an integral part of the CSREES information system and will assist in the processing of the proposal.

(f) Type of Performing Organization (Block 18). A check should be placed in the box beside the type of organization which actually will carry out the effort. For example, if the proposal is being submitted by an 1862 Land-Grant institution but the work will be performed in a department, laboratory, or other organizational unit of an agricultural experiment station, box "03" should be checked. If portions of the effort are to be performed in several departments, check the box that applies to the individual listed as PI#1 in Block 15.a.

(g) In Block 22 list the names or acronyms of all other public or private sponsors including other agencies within USDA and other programs funded by CSREES to whom your application has been or might be sent. In the event you decide to send your application to another organization or agency at a later date, you must inform the identified CSREES program manager as soon as practicable. Submitting your proposal to other potential sponsors will not prejudice its review by CSREES; however, duplicate support for the same project will not be provided.

(h) The original copy of the Application for Funding form must contain the pen-and-ink signatures of the PI(s) and authorized organizational representative for the applicant organization. Note that by signing the Application for Funding form, the applicant is providing the required certifications set forth in 7 CFR Part 3017, regarding Debarment and Suspension and Drug-Free Workplace, and 7 CFR Part 3018, regarding Lobbying. The three certification forms are included in this application package for informational purposes only. It is not necessary to sign and submit the forms to USDA as part of the proposal.

(3) Table of Contents

For consistency and ease in locating information, each proposal must contain a detailed Table of Contents just after the Cover Page. The Table of Contents should include page numbers for each component of the proposal. Page numbers, shown in the upper right-hand corner, should begin with the first page of the Project Summary.

(4) Project Summary

The proposal must contain a Project Summary of 250 words or less on a separate page. The summary must be self-contained and describe the overall goals and relevance of the project. The summary should also contain a listing of the major organizations participating in the project. The Project Summary should immediately follow the Table of Contents. In addition to the summary, this page must include the title of the project, the name of the applicant organization, the authorized organizational representative, and the PI(s), followed by the summary.

(5) Project Narrative

Note: The Project Narrative shall not exceed 10 pages. This maximum has been established to ensure fair and equitable competition. Reviewers are instructed that they need to read only the first 10 pages of the Project Narrative and to ignore information on additional pages. The Project Narrative should contain the following items:

(a) Objectives—Clear, concise, complete, and logically arranged statement(s) of the specific aims of the proposed effort must be included in all proposals.

(b) Procedures—The procedures or methodology to be applied to the proposed effort should be explicitly stated. This section should include but not necessarily be limited to a description of the proposed investigations and/or experiments in the sequence in which it is planned to carry them out; techniques to be employed, including their feasibility; kinds of results expected; means by which data will be analyzed or interpreted; pitfalls which might be encountered; and limitations to proposed procedures.

(c) Justification—This section should include in-depth information on the magnitude of the problem and its relevance to ongoing food and agricultural research programs: the importance of starting the work during the current fiscal year, and reasons for having the work performed by the proposing institution.

(d) Cooperation and Institutional Units Involved—Cooperative and multi-State applications are encouraged. Identify each institutional unit contributing to the project. Identify each State in a multiple-State proposal and designate the lead State. When appropriate, the project should be coordinated with the efforts of other State and/or national programs. Clearly define the roles and responsibilities of each institutional unit of the project team, if applicable.

If it will be necessary to enter into formal consulting or collaborative arrangements with other individuals or organizations, such arrangements should be fully explained and justified. For purposes of proposal development, informal day-to-day contacts between key project personnel and outside experts are not considered to be collaborative arrangements and thus do not need to be detailed.

All anticipated subcontractual arrangements also should be explained and justified in this section. A proposed statement of work, budget, and budget narrative for each arrangement involving the transfer of substantive programmatic work or the providing of financial assistance to a third party must be provided. Agreements between departments or other units of your own institution and minor arrangements with entities outside of your institution (e.g., requests for outside laboratory analyses) are excluded from this requirement. If you expect to enter into subcontractual arrangements, please note that the provisions contained in 7 CFR part 3019, USDA Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, and the general provisions contained in 7 CFR 3015.205, USDA Uniform Federal Assistance Regulations, flow down to subrecipients. In addition, when applicable, required clauses from 7 CFR 3019.40 through 3019.48 ("Procurement Standards") and Appendix A ("Contract Provisions") should be included in final contractual documents, and it is necessary for the subawardee to make a certification relating to debarment/suspension.

(e) Literature Review—A summary of pertinent publications with emphasis on their relationship to the effort being proposed should be provided and should include all important and recent publications from other institutions, as well as those from the applicant institution. The citations themselves should be accurate, complete, and written in an acceptable journal format.

(f) Current Work—Current unpublished institutional activities to date in the program area under which the proposal is being submitted should be described.

(g) Facilities and Equipment—All facilities which are available for use or assignment to the project during the requested period of support should be reported and described briefly. Any potentially hazardous materials, procedures, situations, or activities, whether or not directly related to a particular phase of the effort, must be explained fully, along with an outline of precautions to be exercised. Examples

include work with toxic chemicals and experiments that may put human subjects or animals at risk.

All items of major instrumentation available for use or assignment to the proposed project should be itemized. In addition, items of nonexpendable equipment needed to conduct and bring the project to a successful conclusion should be listed, including dollar amounts and, if funds are requested for their acquisition, justified.

(h) Project Timetable—The proposal should outline all important phases as a function of time, year by year, for the entire project, including periods beyond the grant funding period.

(6) Key Personnel

All senior personnel who are expected to be involved in the effort must be clearly identified. For each person, the following should be included:

(a) An estimate of the time commitment involved; and

(b) vitae of all key persons who are expected to work on the project, whether or not CSREES funds are sought for their support. The vitae should be limited to two (2) pages each in length, excluding publications listings. A chronological list of the most representative publications during the past five (5) years must be provided for each professional project member for whom a vitae appears. Authors should be listed in the same order as they appear on each paper cited, along with the title and complete reference as these usually appear in journals.

(7) Conflict-of-Interest List

A separate Conflict-of Interest List form (Form CSREES-1233) must be submitted for each investigator for whom a curriculum vitae is required. This form is necessary to assist program staff in excluding from proposal review those individuals who have conflicts-of-interest with the project personnel in the grant proposal. The Program Manager must be informed of additional conflicts-of-interest that arise after the proposal has been submitted.

(8) Budget

Each proposal must contain a detailed budget for up to 12 months. The budget form may be reproduced as needed by applicants. Funds may be requested under any of the categories listed on the form, provided that the item or service for which support is requested is allowable under the authorizing legislation, the applicable Federal cost principles, and these program guidelines, and can be justified as necessary for the successful conduct of the proposed project. Applicants must also include a budget narrative to explain and justify their budgets. The following guidelines should be used in developing the proposal budget(s):

(1) Salaries and Wages—Salaries and wages are allowable charges and may be requested for personnel who will be working on the project in proportion to the time such personnel will devote to the project. If salary funds are requested, the number of Senior and Other Personnel and the number of CSREES Funded Work Months must be shown in the spaces provided. Grant funds may not be used to augment the total salary or rate of salary of project personnel or to reimburse them for time in addition to a regular full-time salary covering the same general period of employment. Salary funds requested must be consistent with the normal policies of the institution and with the applicable OMB Cost Principles. Administrative and clerical salaries are normally classified as indirect costs. (See Item 9. below.) However, if requested under A.2.e., they must be fully justified.

(2) Fringe Benefits—Funds may be requested for fringe benefit costs if the usual accounting practices of your institution provide that institutional contributions to employee benefits (social security, retirement, etc.) be treated as direct costs. Fringe benefit costs may be included only for those personnel whose salaries are charged as a direct cost to the project. See, e.g., OMB Circular No. A–21, Cost Principles for Educational Institutions, for further guidance in this area.

(3) Nonexpendable Equipment—Nonexpendable equipment means tangible nonexpendable personal property including exempt property charged directly to the award having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. (However, institutions may establish lower limits.) As such, items of necessary instrumentation or other nonexpendable equipment should be listed individually by description and estimated cost in the budget narrative. This applies to revised budgets as well, as the equipment item(s) and amount(s) may change.

Note: For projects awarded under the authority of subsection (c)(1)(A) of the Competitive, Special, and Facilities Research Grant Act, no funds will be awarded for the renovation or refurbishment of research spaces; the purchase or installation of fixed equipment in such spaces; or for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

(4) Materials and Supplies—The types of expendable materials and supplies which are required to carry out the project should be indicated in general terms with estimated costs in the budget narrative.

(5) Travel—The type and extent of travel and its relationship to project objectives should be described briefly and justified. If travel is proposed, provide the purpose, the destination, method of travel, number of persons traveling, number of days, and estimated cost for each trip. If details of a trip are not known at the time of proposal submission, provide a basis for determining the amount requested. Airfare allowances normally will not exceed round-trip jet economy air accommodations. U.S. flag carriers must be used when available. See 7 CFR 3015.205(b)(4) for further guidance.

(6) Publication Costs/Page Charges—Anticipated costs of preparing and publishing results of the research being proposed (including page charges, necessary illustrations, and the cost of a reasonable number of coverless reprints) may be estimated and charged against the grant.

(7) Computer (ADPE) Costs—Reimbursement for the costs of using specialized facilities (such as a university or department-controlled computer mainframe or data processing center) may be requested if such services are required for completion of the work.

(8) All Other Direct Costs—Anticipated direct project charges not included in other budget categories must be itemized with estimated costs and justified in the budget narrative. This applies to revised budgets as well, as the item(s) and dollar amount(s) may change. Examples may include space rental at remote locations, subcontractual costs, charges for consulting services, telephone, facsimile, e-mail, shipping costs, and fees for necessary laboratory analyses. You are encouraged to consult the "Instructions for Completing Form CSREES–55, Budget," of the Application Kit for detailed guidance relating to this budget category.

(9) Indirect Costs—The recovery of indirect costs under this program may not exceed the lesser of the grantee institution's official negotiated indirect cost rate or the equivalent of 14 percent of total Federal funds awarded. This limitation also applies to any sub-awardee or subcontractor, and should be reflected in the sub-recipient budget.

(10) Cost-sharing—Cost-sharing is encouraged; however, cost-sharing is not required nor will it be a direct factor in the awarding of any grant.

(9) Current and Pending Support

All proposals must list any other current public or private support (including in-house support) to which key personnel identified in the proposal have committed portions of their time, whether or not salary support for person(s) involved is included in the budget. Analogous information must be provided for any pending proposals that are being considered by, or that will be submitted in the near future to, other possible sponsors, including other USDA programs or agencies. Concurrent submission of identical or similar proposals to other possible sponsors will not prejudice proposal review or evaluation by the Administrator for this purpose. However, a proposal that duplicates or overlaps substantially with a proposal already reviewed and funded (or that will be funded) by another organization or agency will not be funded under this program. The application material includes Form CSREES–663, Current and Pending Support, which should be used for listing current and pending support. Note that the project being proposed should be included in the pending section of the form.

(10) Assurance Statement(s) (Form CSREES–662)

A number of situations encountered in the conduct of projects require special assurance, supporting documentation, etc., before funding can be approved for the project. In addition to any other situation that may exist with regard to a particular project, it is expected that some applications submitted in response to these guidelines will include the following:

(a) Recombinant DNA or RNA Research. As stated in 7 CFR 3015.205(b)(3), all key personnel identified in the proposal and all endorsing officials of the proposing organization are required to comply with the guidelines established by the National Institutes of Health entitled, "Guidelines for Research Involving Recombinant DNA Molecules," as revised. If your project proposes to use recombinant DNA or RNA techniques, the application must so indicate by checking the "yes" box in Block 19 of Form CSREES–661 and by completing Section A of Form CSREES–662. For applicable proposals recommended for funding, Institutional Biosafety Committee approval is required before CSREES funds will be released.

(b) Animal Care. Responsibility for the humane care and treatment of live vertebrate animals used in any grant project supported with funds provided by CSREES rests with the performing organization. Where a project involves the use of living vertebrate animals for experimental purposes, all key project personnel and all endorsing officials of the proposing organization are required to comply with the applicable provisions of the Animal Welfare Act of 1996, as amended (7 U.S.C. 2131 *et seq.*) and the regulations promulgated thereunder by the Secretary in 9 CFR parts 1, 2, 3, and 4 pertaining to the care, handling, and treatment of these animals. If your project will involve these animals or activities, you must check the "yes" box in Block 20 of Form CSREES–661 and complete Section B of Form CSREES–662. In the event a project involving the use of live vertebrate animals results in a grant award, funds will be released only after the Institutional Animal Care and Use Committee has approved the project.

(c) Protection of Human Subjects. Responsibility for safeguarding the rights and welfare of human subjects used in any grant project supported with funds provided by CSREES rests with the performing organization. Guidance on this issue is contained in the National Research Act, Pub. L. 93–348, as amended, and implementing regulations established by the Department under 7 CFR part 1c. If you propose to use human subjects for experimental purposes in your project, you should check the "yes" box in Block 21 of Form CSREES–661 and complete Section C of Form CSREES–662. In the event a project involving human subjects results in a grant award, funds will be released only after the appropriate Institutional Review Board has approved the project.

(11) Compliance With the National Environmental Policy Act (NEPA)

As outlined in 7 CFR part 3407 (the Cooperative State Research, Education, and Extension Service regulations implementing NEPA), the environmental data for any proposed project is to be provided to CSREES so that CSREES may determine whether any further action is needed. In most cases, based on previously funded projects, the preparation of environmental data is not usually required. Certain categories of actions are excluded from the requirements of NEPA.

In order for CSREES to determine whether any further action is needed with respect to NEPA, pertinent information regarding the possible environmental impacts of a particular project is necessary; therefore, Form CSREES–1234, NEPA Exclusions Form, must be included in the proposal indicating whether the applicant is of the opinion that the project falls within a categorical exclusion and the reasons therefor. If it is the applicant's opinion that the proposed project falls within the categorical exclusions, the specific exclusion must be identified. Form CSREES–1234 and supporting documentation should be the last page of the proposal.

Even though a project may fall within the categorical exclusions, CSREES may determine that an Environmental Assessment or an Environmental Impact Statement is necessary for an activity. This will be the case if substantial controversy on environmental grounds exists or if other extraordinary conditions or circumstances are present which may cause such activity to have a significant environmental effect. However, this rarely occurs.

(12) Applicant Peer Review Requirements

Subsection (c)(5) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. § 450i(c)), as amended by section 212 of the Agricultural Research, Extension, and Education Reform Act of 1998 ("1998 Act"), Pub. L. 105–185, requires applicants to conduct a scientific peer review of a proposed research project in accordance with regulations promulgated by the Secretary prior to the Secretary making a grant award under this authority. Regulations implementing this requirement currently are the subject of a proposed rule making (64 FR 14348, March 24, 1999). The statute requires promulgation of a final rule prior to award of a grant under this program. The proposed rule would impose the following requirements for scientific peer review by applicants of proposed research projects:

1. Credible and independent. Review arranged by the grantee must provide for a credible and independent assessment of the proposed project. A credible review is one that provides an appraisal of technical quality and relevance sufficient for an organizational representative to make an informed judgment as to whether the proposal is appropriate for submission for Federal support. To provide for an independent review, such review may include USDA employees, but should not be conducted solely by USDA employees.

2. Notice of completion and retention of records. A notice of completion of the review shall be conveyed in writing to CSREES either as part of the submitted proposal or prior to the issuance of an award, at the option of CSREES. The written notice constitutes certification by the applicant that a review in

compliance with these regulations has occurred. Applicants are not required to submit results of the review to CSREES; however, proper documentation of the review process and results should be retained by the applicant.

3. Renewal and supplemental grants. Review by the grantee is not automatically required for renewal or supplemental grants as defined in 7 CFR 3400.6. A subsequent grant award will require a new review if, according to CSREES, either the funded project has changed significantly, other scientific discoveries have affected the project, or the need for the project has changed. Note that a new review is necessary when applying for another standard or continuation grant after expiration of the grant term.

4. Scientific Peer Review. Scientific peer review is an evaluation of a proposed project for technical quality and relevance to regional or national goals performed by experts with the scientific knowledge and technical skills to conduct the proposed research work. Peer reviewers may be selected from an applicant organization or from outside the organization, but shall not include principal or co-principal investigators, collaborators or others involved in the preparation of the application under review.

Because of the nature of the rule making process, these requirements are subject to change based upon the comments received. Applicants whose proposals are recommended for funding must comply with the review requirements as promulgated in the final rule as a condition precedent to receiving an award under this RFP.

Part IV—Submission of a Proposal

A. What To Submit

An original and nine copies of the complete proposal must be submitted. Each copy of the proposal must be stapled in the upper left-hand corner. DO NOT BIND. In addition, submit 20 copies of the proposal's Project Summary. All copies of the proposal and Project Summary must be submitted in one package.

B. Where and When To Submit

Proposals must be received on or before July 30, 1999. Proposals that are hand-delivered, delivered by courier, or sent via overnight delivery services must be sent or delivered to: Special Research Grants Program, Citrus Tristeza Research; c/o Proposal Services Unit; Office of Extramural Programs; USDA/CSREES; Room 303, Aerospace Center; 901 D Street, SW; Washington, DC 20024; Telephone: (202)401–5048.

Note: Applicants are strongly encouraged to submit their completed proposals via overnight mail or delivery services to ensure timely receipt by the USDA.

Proposals sent via the U.S. Postal Service must be sent to the following address: Special Research Grants Program, Citrus Tristeza Research; c/o Proposal Services Unit; Office of Extramural Programs; USDA/CSREES; STOP 2245; 1400 Independence Avenue, SW; Washington, DC 20250–2245; Telephone: (202) 401–5048.

C. Acknowledgment of Proposals

The receipt of all proposals will be acknowledged in writing and by e-mail, therefore applicants are encouraged to provide e-mail addresses, where designated, on the Form CSREES–661. The acknowledgment will contain an identifying proposal number. Once your proposal has been assigned a proposal number, please cite that number in future correspondence.

Part V—Selection Process and Evaluation Criteria

A. Selection Process

Applicants should submit fully developed proposals that meet all the requirements set forth in this RFP.

Each proposal will be evaluated in a two-part process. First, each proposal will be screened to ensure it meets the requirements as set forth in this RFP. Proposals not meeting the requirements as set forth in this RFP will not be considered for funding. However, USDA retains the right to conduct discussions with applicants to resolve technical and/or budget issues as it deems necessary. Second, each proposal that meets the requirements will be technically evaluated by a peer review panel.

The individual peer panel members will be selected from among those recognized as specialists who are uniquely qualified by training and experience in their respective fields to render expert advice on the merit of proposals being reviewed. The individual reviews of the panel members will be used to determine which proposals should be recommended to the Administrator (or his designee) for final funding decisions.

There is no commitment by USDA to fund any particular proposal or to make a specific number of awards. Care will be taken to avoid actual, potential, and/or the appearance of conflicts of interest among reviewers. Evaluations will be confidential to USDA staff members, peer reviewers, and the principal investigator(s), to the extent permitted by law.

B. Evaluation Criteria

The evaluation of proposals will be based on the following criteria, weighted relative to each other as noted in the parentheses following each criteria listed.

(1) Overall scientific and technical quality of the proposal(15 points);

(2) Scientific and technical quality of the approach (10 points);

(3) Relevance and importance of proposed research to solution of specific areas of inquiry, and application of expected results for States in which the grantee resides and will perform the work (30 points);

(4) Feasibility of attaining objectives; adequacy of professional training and experience, facilities and equipment (40 points);

(5) The appropriateness of the level of funding requested (5 points).

Part VI—Supplementary Information

A. Access To Review Information

Copies of summary reviews will be sent to the applicant principle investigator automatically, as soon as possible after the review process has been completed. The identity of the individual peer reviewers will not be provided.

B. Grant Awards

(1) General

Within the limit of funds available for such purpose, the awarding official of CSREES shall make grants to those responsible, eligible applicants whose proposals are judged most meritorious under the procedures set forth in this request for proposals. The date specified by the Administrator as the effective date of the grant shall be no later than September 15 of the Federal fiscal year in which the project is approved for support and funds are appropriated for such purpose, unless otherwise permitted by law. It should be noted that the project need not be initiated on the grant effective date, but as soon thereafter as practical so that project goals may be attained within the funded project period. All funds granted by CSREES under this request for proposals shall be expended solely for the purpose for which the funds are granted in accordance with the approved application and budget, the regulations, the terms and conditions of the award, the applicable Federal cost principles, and the Department's assistance regulations (parts 3015, 3016, and 3019 of 7 CFR).

(2) Organizational Management Information

Specific management information relating to an applicant shall be submitted on a one-time basis as part of the responsibility determination prior to the award of a grant identified under this part if such information has not been provided previously under this or another program for which the sponsoring agency is responsible. Copies of forms recommended for use in fulfilling the requirements contained in this section will be provided by the sponsoring agency as part of the preaward process.

(3) Grant Award Document and Notice of Grant Award

The grant award document shall include at a minimum the following:

(a) Legal name and address of performing organization or institution to whom the Administrator has awarded a grant under the terms of this request for proposals;

(b) Title of project;

(c) Name(s) and address(es) of principal investigator(s) chosen to direct and control approved activities;

(d) Identifying grant number assigned by the Department;

(e) Project period, specifying the amount of time the Department intends to support the project without requiring recompetition for funds;

(f) Total amount of Departmental financial assistance approved by the Administrator during the project period;

(g) Legal authority(ies) under which the grant is awarded;

(h) Approved budget plan for categorizing allocable project funds to accomplish the stated purpose of the grant award; and

(i) Other information or provisions deemed necessary by CSREES to carry out its respective granting activities or to accomplish the purpose of a particular grant.

The notice of grant award, in the form of a letter, will be prepared and will provide pertinent instructions or information to the grantee that is not included in the grant award document.

CSREES will award standard grants to carry out this program. A standard grant is a funding mechanism whereby CSREES agrees to support a specified level of effort for a predetermined time period without additional support at a future date.

C. Use of Funds; Changes

(1) Delegation of Fiscal Responsibility

The grantee may not in whole or in part delegate or transfer to another person, institution, or organization the responsibility for use or expenditure of grant funds.

(2) Changes in Project Plans

(a) The permissible changes by the grantee, principal investigator(s), or other key project personnel in the approved project grant shall be limited to changes in methodology, techniques, or other aspects of the project to expedite achievement of the project's approved goals. If the grantee and/or the principal investigator(s) are uncertain as to whether a change complies with this provision, the question must be referred to the CSREES Authorized Departmental Officer (ADO) for a final determination.

(b) Changes in approved goals or objectives shall be requested by the grantee and approved in writing by the CSREES ADO prior to effecting such changes. In no event shall requests for such changes be approved which are outside the scope of the original approved project.

(c) Changes in approved project leadership or the replacement or reassignment of other key project personnel shall be requested by the grantee and approved in writing by the awarding official of CSREES prior to effecting such changes.

D. Applicable Federal Statutes and Regulations

This program is subject to the administrative provisions for the Special Research Grants Program found in 7 CFR Part 3400, which set forth procedures to be followed when submitting grant proposals, the processes regarding the awarding of grants, and regulations relating to the post-award administration of such grants. However, where there are differences between this RFP and the administrative provisions, this RFP shall take precedence to the extent that the administrative provisions authorize such deviations.

Several other Federal statutes and regulations apply to grant proposals considered for review and to project grants awarded under this program. These include but are not limited to:

7 CFR Part 1.1—USDA implementation of the Freedom of Information Act.

7 CFR Part 3—USDA implementation of OMB Circular No. A–129 regarding debt collection.

7 CFR Part 15, subpart A—USDA implementation of Title VI of the Civil Rights Act of 1964, as amended.

7 CFR Part 3015—USDA Uniform Federal Assistance Regulations, implementing OMB directives (i.e., Circular Nos. A–21 and A–122) and incorporating provisions of 31 U.S.C. 6301–6308 (formerly the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. No. 95–224), as well as general policy requirements applicable to recipients of Departmental financial assistance.

7 CFR Part 3016—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

7 CFR Part 3017—USDA implementation of Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants).

7 CFR Part 3018—USDA implementation of Restrictions on Lobbying. Imposes prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans.

7 CFR Part 3019—USDA implementation of OMB Circular A–110, Uniform Administrative Requirements for Grants and Other Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

7 CFR Part 3052—USDA implementation of OMB Circular No. A–133, Audits of States, Local Governments, and Non-profit Organizations.

7 CFR Part 3407—CSREES procedures to implement the National Environmental Policy Act of 1969, as amended.

29 U.S.C. 794 (section 504, Rehabilitation Act of 1973) and 7 CFR Part 15B (USDA implementation of statute)—prohibiting discrimination based upon physical or mental handicap in Federally assisted programs.

35 U.S.C. 200 *et seq.*—Bayh-Dole Act, controlling allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, in Federally assisted programs (implementing regulations are contained in 37 CFR Part 401).

E. Confidential Aspects of Proposals and Awards

When a proposal results in a grant, it becomes a part of the record of the Agency's transactions, available to the public upon specific request. Information that the Secretary determines to be of a privileged nature will be held in confidence to the extent permitted by law. Therefore, any information that the applicant wishes to have considered as privileged should be clearly marked as such and sent in a separate statement, two copies of which should accompany the proposal. The

original copy of a proposal that does not result in a grant will be retained by the Agency for a period of one year. Other copies will be destroyed. Such a proposal will be released only with the consent of the applicant or to the extent required by law. A proposal may be withdrawn at any time prior to the final action thereon.

F. Regulatory Information

For the reasons set forth in the final Rule-related Notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of the Executive Order 12372 which requires intergovernmental consultation with State and local officials. Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0524–0022.

Done at Washington, D.C., this 24 day of June 1999.

Charles W. Laughlin,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 99–16638 Filed 6–29–99; 8:45 am]

BILLING CODE 3410–22–P

federal register

Wednesday
June 30, 1999

Part V

Office of Management and Budget

Department of Commerce

Bureau of the Census

Procedures for Participating in the Census Bureau Reconciliation and the OMB Appeal Processes for the Development of the Census 2000 Address List; Notice

OFFICE OF MANAGEMENT AND BUDGET

DEPARTMENT OF COMMERCE

Bureau of the Census

Procedures for Participating in the Census Bureau Reconciliation and the OMB Appeal Processes for the Development of the Census 2000 Address List

AGENCY: Office of Information and Regulatory Affairs, Office of Management and Budget, and Bureau of the Census, U.S. Department of Commerce.

ACTION: Final notice.

SUMMARY: As part of their implementation of the Census Address List Improvement Act of 1994 (Pub. L. 103–430), the Office of Management and Budget (OMB) and the Bureau of the Census (Bureau) requested in a March 27, 1998, **Federal Register** Notice (63 FR 14978–14981) public comment on proposed processes for developing the address list information that will be used in conducting the 2000 Decennial Census of Population and Housing (Census 2000). In that Notice, the Bureau proposed a Reconciliation process that would seek to resolve disagreements between the Bureau and participating local or tribal governments, or their designated representatives, regarding specific addresses or groups of addresses. For any disagreements that could not be resolved, OMB proposed an Appeal process that would be available to local and tribal governments, or their designated representatives, that wish to appeal the decisions made by the Bureau with respect to their suggestions for the Census 2000 address list. No public comments were received in response to the March 1998 Notice.

This Notice provides information about the final procedures and schedule for the timely completion of the Local Update of Census Addresses (LUCA) program (Exhibit 1) and the Appeal process for the development of the Census 2000 address list. This Notice also announces the establishment of the Census Address List Appeals Office outside the Department of Commerce. This temporary Federal office, rather than a consortium of Federal agencies as originally proposed in the March 1998 Notice, will administer the Appeal process described in Exhibit 2.

ADDRESSES: Any correspondence about the final Reconciliation procedures should be sent to: John H. Thompson, Associate Director for Decennial Census, Bureau of the Census, Washington, DC 20233. Any correspondence about the final Appeal procedures should be sent to: Katherine K. Wallman, Chief Statistician, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Electronic Availability and Addresses: This **Federal Register** Notice is available electronically from the OMB web site: http://www.whitehouse.gov/OMB/fedreg/index.html. **Federal Register** Notices also are available electronically from the U.S. Government Printing Office web site: <<http://www.access.gpo.gov/su_docs/aces/aces140.html>> Questions about accessing the **Federal Register** online via GPO Access may be directed to telephone (202) 512–1530 or toll free at (888) 293–6498; to fax (202) 512–1262; or to e-mail <<gpoaccess@gpo.gov>>.

FOR FURTHER INFORMATION CONTACT: For information about the Bureau's Reconciliation process, contact Robert W. Marx, Chief, Geography Division, Bureau of the Census, Washington, DC 20233; telephone: (301) 457–2131; fax (301) 457–4710. For information about the Appeal process, contact Dr. Philip N. Fulton, Director, Census Address List Appeals Office, 1730 K Street, NW, Suite 418, Washington, DC 20006; telephone (202) 208–4613.

SUPPLEMENTARY INFORMATION:

The Census Address List Improvement Act of 1994

The Census Address List Improvement Act of 1994 (Pub. L. 103–430) changed the Bureau's decennial census address list development procedures. The intent of the Act is threefold: (1) to improve the overall completeness and locational accuracy of the Bureau's housing unit address information; (2) to ensure a complete Census 2000; and (3) to resolve disagreements that local and tribal governments have concerning the completeness and locational accuracy of the Bureau's housing unit address information for their jurisdictions prior to taking Census 2000. (The term "housing unit," as used in this Notice, conforms with the definition of this term adopted for Census 2000, as follows: "A house, an apartment, a mobile home or trailer, a group of rooms or a single room occupied as a separate living quarters or, if vacant, intended for occupancy as a separate living quarters. Separate living quarters are those in which the occupants live separately from any other individuals in this building and which have direct access from outside the building or through a common hall. For vacant units, the criteria of separateness and direct access are applied to the intended occupants whenever possible. If that information cannot be obtained, the criteria are applied to the previous occupants.")

The Act changed the Bureau's procedures in three significant ways: First, to develop the Census address list for the most numerous type of addresses (city-style, used for mail delivery), Section 4 requires that the United States Postal Service (Postal Service) provide to the Bureau the address information it collects and updates to operate its mail delivery service. Second, to increase the role of local and tribal governments in the development of the Bureau's list of housing unit addresses, Section 2 requires that the Bureau develop a process under which it will provide to participating governments their respective portions of the Bureau's housing unit address list and then receive, review, and respond to suggestions regarding needed additions and corrections. Third, to ensure that participating governments have a means to appeal the Bureau's determinations, Section 3 requires that the Administrator of OMB's Office of Information and Regulatory Affairs (OIRA), acting through the Chief Statistician and in consultation with the Bureau, develop an Appeal process to resolve any disagreements that may remain after participating governments receive the Bureau's Detailed Feedback/Final Determination materials.

On March 27, 1998, OMB and the Bureau requested comment on proposed address list procedures (63 FR 14978–14981). No comments were received on the proposals. This Notice issues final procedures, which reflect changes resulting from subsequent experience and further consideration of the issues. This Notice also announces the establishment of the Census Address List Appeals Office outside the Department of Commerce to administer the Appeal process described in Exhibit 2.

The Bureau's Address List Review Processes

As part of implementing the Census Address List Improvement Act of 1994, the Bureau developed specific components of an address list review process, known as the Local Update of Census Addresses (LUCA) program. The Bureau is using the LUCA program to help develop the housing unit address information that it needs to conduct Census 2000. The Bureau made the LUCA program available to all local and tribal governments (or their designated representatives) in areas for which it

develops a housing unit address list in advance of Census 2000. In early 1998, the Bureau mailed letters and related information inviting local and tribal governments to participate. For the 17,540 governments that have chosen to participate (as of March 26, 1999), the LUCA program provides an opportunity for them to review the Bureau-compiled housing unit address list for their respective jurisdictions.

During the past year, the Bureau reviewed the LUCA process originally proposed in the March 1998 Notice in light of experience in the Census 2000 Dress Rehearsal and other factors. This review of the Dress Rehearsal experiences provided information about how the LUCA process might work in areas with different types of mail delivery and address numbering systems, and how the Bureau could most effectively use these different types of addresses and delivery systems in its various Census 2000 enumeration methodologies. Based on experience to date, the Bureau identified several operations that required modification of the LUCA Review, Detailed Feedback, Reconciliation, and Final Determination processes originally proposed. These modifications are described below.

(1) The Bureau decided that the LUCA Review process for areas that use predominantly house-number and street-name (city-style) addresses for mail delivery should be separate from the LUCA Review process for areas that use predominantly other types of addresses, such as rural route, post office box number, or general delivery addresses for mail delivery. The Bureau made this decision based on the procedural complexity, and resulting participant confusion, of trying to implement review procedures for both types of areas simultaneously. In addition, the time required for the creation of the Census 2000 address list for the two types of areas precluded simultaneous review without seriously delaying the review process for the vast majority of addresses.

(2) Based on the experience gained during the Census 2000 Dress Rehearsal, as indicated in item (1) above, the Bureau determined that it should implement the LUCA program using two different procedures, depending on the Census 2000 enumeration methodology planned for specific census blocks. These differing enumeration methodologies frequently do not conform to the boundaries of individual jurisdictions (the enumeration methodologies are determined on a census block-by-census block basis). Approximately 2,560 of the 17,540 local and tribal governments in the United States that chose to participate in the LUCA program as of March 26, 1999, will need to use two different review procedures for their territory. The two distinct LUCA procedures for Census 2000—LUCA 1998 and LUCA 1999—will operate on separate schedules. Both procedures are described in more detail below.

(3) The Bureau realized that it is not be possible to provide a separate review process for areas in which the Census 2000 address list will not be compiled in advance of Census 2000 (List/Enumerate and Remote Alaska areas). The Bureau made this decision because it will not have any address list to provide to local or tribal governments in these areas before Census 2000. As of March 26, 1999, there were 669 functioning governments that are completely in this category and an additional 546 governments that are partially in this category that also contain territory eligible for either the LUCA 1998 or LUCA 1999 program (or both). Thus, approximately 1,200 governments will be affected by this situation.

(4) The Bureau learned that neither participants nor Bureau staff could make determinations about the accuracy of individual housing unit addresses in areas where the Census 2000 address list uses descriptive addresses plus map spot location annotations on the accompanying maps, in contrast to participant records that use other forms of housing unit identification, such as tax lot numbers or E–911 emergency service addresses. For these areas, the Bureau has decided that the most effective review process would be for the governments to review only the count (total number) of housing unit addresses in each census block. The Bureau will continue to provide the detailed Census 2000 address list and related maps to participating governments, solely as a reference. (See LUCA 1999 below.)

(5) The Bureau determined, after two thorough and detailed operational reviews, that it could not complete the full range of operations related to all components of the Census 2000 address list development process, incorporate LUCA responses from participants, complete the required field checks of differences, process those results, and provide the Final Determination materials on the schedule originally outlined in the March 1998 Notice. This analysis resulted in the revised, but more realistic, schedule for the operational steps described below. In light of the simpler (or streamlined) LUCA 1999 review process, the Bureau decided to limit the address list review period for participants in LUCA 1999 to 42 calendar days rather than the 3 months allocated for participants in LUCA 1998. This change is necessary to ensure that participant suggestions and the subsequent review activities can be completed in time to meet the questionnaire printing and address labeling schedule for Census 2000. To streamline the process for LUCA 1998 areas, where the review began much earlier, the Bureau determined that it would eliminate a very time-constrained review burden on local and tribal participants (a separate process formerly called Detailed Feedback) and include that Detailed Feedback information with the Final Determination materials. Thus, the Bureau will routinely recheck all differences between participant suggestions and its initial field check, rather than only the limited set of differences disputed by participants.

During 1998, the Bureau worked on developing the Census 2000 address list in cooperation with the Postal Service and through various field operations. As governments notified the Bureau of their desire to participate in one or both of the LUCA programs, the Bureau generated and delivered appropriate address lists and other review materials, along with procedural information to help participants understand and complete the review process. The review materials provide each participating local and tribal government (or their designated representative) information documenting the number of housing unit addresses in each census block within the jurisdiction, a list of the individual housing unit addresses recorded in the Census 2000 address list for each of these census blocks, a copy of the Bureau maps that display the streets and census block numbers within and near the jurisdiction, and other related materials.

The list used for questionnaire address labeling and delivery will reflect additions, deletions, and corrections to housing unit addresses that were suggested by LUCA participants once those addresses are confirmed by the field check component of the Reconciliation process or mandated by the Appeal process. Inclusion of an address on the Census 2000 address list at this stage does not mean that a housing unit will be found at the time of Census 2000, that any inhabitants will be found at the address, or that the address will be included in the final Census 2000 data summaries. The census-taking process, including the update/leave operation (in LUCA 1999 areas), rural update/enumerate, and the nonresponse follow-up and

other coverage improvement operations (in both LUCA 1998 and LUCA 1999 areas), will determine the final inclusion status of each address; i.e., whether or not there is actually a housing unit at the address as of April 1, 2000, and the number of people, if any, residing at each address existing on that date.

LUCA 1998

The LUCA 1998 program is for jurisdictions or portions of jurisdictions in which the Postal Service uses house-number and street-name (city-style) addresses for most mail delivery. There were more than 9,000 local and tribal governments participating in LUCA 1998 as of March 26, 1999. These governments include more than 90 percent of the housing unit addresses eligible for review during LUCA 1998. Most performed their review of the appropriate portion of the Census 2000 address list and related Bureau maps during late 1998 and early 1999. Under the LUCA 1998 procedures, they provided to the Bureau specific, detailed housing unit address suggestions, including corrections, additions, deletions, and address location changes.

Although most housing units in LUCA 1998 areas use city-style addresses for mail delivery, there may be a few housing units with other types of addresses or other types of mail delivery, such as rural route and box number. The Bureau issued its standards for city-style addresses in a November 27, 1995, **Federal Register** Notice (60 FR 58326—58329). These standards describe the components of acceptable city-style addresses, including apartment designations for each housing unit in a multi-unit building, current 5-digit ZIP Codes, and distinction between residential and commercial addresses.

In Census 2000, the Bureau will use the mail-out/mail-back methodology to enumerate most housing units and their occupants in areas eligible for LUCA 1998. (The Bureau may enumerate some housing units in areas eligible for LUCA 1998 using other methodologies, based on operational determinations made during various Census 2000 preparatory activities.) To ensure a uniformly complete Census 2000 address list in areas eligible for LUCA 1998, to ensure that each housing unit address in these areas is assigned to the correct census block regardless of whether a local or tribal government agreed to review its portion of the Census 2000 address list (or equivalent computer-readable file), and to ensure that all locatable housing unit addresses in these areas are included on the Census 2000 address list, temporary Bureau staff will update and verify the existence and census block location of every housing unit address that exists in early 1999 as part of a field check operation called block canvassing. This field check will cover approximately 94 million housing units and will be conducted in three waves, each lasting approximately 6 weeks. The first wave began in mid-January 1999, and the third wave was completed in late May 1999.

Each government that notified the Bureau by November 28, 1998, of its intent to participate in LUCA 1998 had 3 months during which to conduct its Census 2000 housing unit address list and related Bureau map review once it received its review materials. Under this review schedule, the Bureau received most of the completed LUCA 1998 review materials by March 15, 1999. (An exception to the March 15, 1999, receipt date was made only when the Bureau did not deliver review materials in a timely fashion to participants who entered the program by November 28, 1998. For approximately 600 of these governments, the Bureau determined that its Census 2000 address list would not be suitable for review until after completion of its field check operation.) Governments that entered the LUCA 1998 program after November 28, 1998, were not allowed 3 months for their review. Since they, also, were required to return their completed LUCA 1998 review materials on a schedule that ensured receipt by the Bureau by no later than March 15, 1999, the time allowed for their review was determined by the date they notified the Bureau of their intent to participate. Governments participating in LUCA 1998 were notified that the Bureau would not accept any LUCA 1998 address additions, deletions, or corrections after March 15, 1999, except as noted above. Adhering to this deadline will ensure that the Bureau can complete all subsequent LUCA and other Census 2000 address list development steps in a timely manner.

Reconciliation Process

The Bureau will provide timely, written, Detailed Feedback/Final Determination materials to each local or tribal government that returned address additions, deletions, and/or corrections during the LUCA 1998 review phase. The Bureau will provide these materials after the following two processes have been completed. First, all participant-suggested address additions, deletions, and/or corrections will be reviewed and evaluated against the results of the early 1999 field check (block canvassing). To perform this evaluation, the Bureau will computer-match each participant-suggested addition, deletion, and correction to the addresses Bureau staff observed during the early 1999 field check. Second, for all participant-suggested addresses not accepted by the Bureau based on the initial field check (block canvassing), the Bureau will send staff into the field to conduct a second on-site check (Reconciliation) to determine which housing units actually exist at the time of this second field check and to ensure that each is assigned to the correct census block in the evolving Census 2000 address list. (The Bureau's procedure for the LUCA 1998 Reconciliation process follows as Exhibit 1A.) The goal of the LUCA 1998 Reconciliation process is to ensure accurate information when participating governments have identified specific addresses or groups of addresses that they believe are missing, incorrect, and/or not properly located, and to reach concurrence between the Bureau and each participating government regarding those addresses. This concurrence relates both to the existence and to the census block location of each such address.

Using the wave approach to the field check operation in all mail-out/mail-back areas during the period from mid-January to late May 1999 means that the Reconciliation process will begin in June 1999 for the first LUCA 1998 governments, and some LUCA 1998 governments will begin to receive their Detailed Feedback/Final Determination materials in August 1999. All participating LUCA 1998 governments will have received their Detailed Feedback/Final Determination materials by November 1999.

The Detailed Feedback/Final Determination materials will tell each participating government which of its additions, deletions, and/or corrections the Bureau found and which it did not find. These materials will include: (1) a Detailed Feedback/Final Determination Processing Report containing tallies of recommendations submitted by the participating government and tallies of actions taken by the Bureau for that government; (2) a Detailed Feedback/Final Determination list covering the specific address additions, deletions, and/or corrections submitted by the participant; (3) updated information documenting the number of housing unit addresses in each census block within the jurisdiction; (4) an updated list of all individual housing unit addresses in every census block within the jurisdiction, as recorded in the evolving Census 2000 address list; and

(5) a copy of the updated Bureau maps covering the jurisdiction.

The second on-site check (Reconciliation), described above, will conclude with delivery by the Bureau of written Detailed Feedback/Final Determination materials regarding the existence and the census block location of each disputed address. For each participating government, the Bureau's LUCA 1998 program for Census 2000 will be officially completed at the time the Bureau provides its Detailed Feedback/Final Determination materials.

Appeal Process

If, at the end of the Detailed Feedback/Final Determination processes, a participating government still disagrees with the Bureau's Final Determination regarding the existence or location of a specific address or group of addresses, the participating government may seek a formal review of the Bureau's Final Determination through the Appeal process described in Exhibit 2A of this Notice.

Only those local or tribal governments that participated in the LUCA 1998 review program and completed a review of the Detailed Feedback/Final Determination materials are eligible to file an Appeal. Appeals must be filed within 30 calendar days after receiving the Detailed Feedback/Final Determination materials. Appeals filed after the deadline will be denied.

To file an Appeal, each eligible government must provide the specific address(es) it believes to be missing or misrepresented, including for each address, the Census 2000 block number and the LUCA tracking number, as provided by the Bureau in the Detailed Feedback/Final Determination materials. Eligible governments may appeal only those addresses they submitted as additions or corrections as part of the LUCA review process that they still believe to be incorrectly represented on the Census 2000 address list when they receive their Detailed Feedback/Final Determination materials; they may not appeal other addresses that were not submitted previously as additions or corrections.

An eligible LUCA 1998 government may appeal to the Census Address List Appeals Office and must submit a duplicate copy of any additional evidence it provides at that time to the Bureau's Regional Census Center responsible for the jurisdiction. (After notification from the Appeals Office to the Bureau, the Bureau will have 15 calendar days to submit the evidence it has compiled concerning the Census 2000 address list for the area served by the appealing government to the Census Address List Appeals Office.) The Appeal process will be concluded by January 14, 2000.

Postal Service Updates

To ensure further that the Census 2000 address list is uniformly complete in all areas eligible to participate in LUCA 1998, the Bureau will use address information provided by the Postal Service in two separate operations. First, it will use address information provided in computer-readable format during the last quarter of 1999 to update the Census 2000 address list with addresses added after the Detailed Feedback/Final Determination process. Second, it will pay the Postal Service to have Postal Service letter carriers check the completeness of the Census 2000 address list in early 2000 in an operation called the Postal Service Address Validation Check. The Postal Service also will be responsible for delivering a Census 2000 questionnaire to each housing unit address on the resulting address list in March 2000 (the mail-out process). The occupants of each housing unit will be asked to complete the questionnaire and return it by mail (the mail-back process).

New Construction Program

The Bureau has developed a New Construction Program to ensure that addresses resulting from new construction that occurs between the completion of the Postal Service Address Validation Check and Census Day are included in Census 2000. All new construction addresses identified as a result of this program will be matched against the Census 2000 address list. Submissions that duplicate addresses that are already included in the Census 2000 address list will be removed. Enumerators will visit each remaining address during the Census 2000 Coverage Improvement Follow-up Operation and complete a questionnaire for each housing unit that exists at each new address as of Census Day. (The term "new construction" refers to housing units that have been built and occupied between January 2000 and Census Day, or to housing units being built, for which basic construction has been completed, closing the structure from the elements, but not occupied.)

The Bureau will offer the New Construction Program to all entities eligible to participate in LUCA 1998 (mainly the area in which the Postal Service uses house-number and street-name addresses for most mail delivery) regardless of whether they participated. In the remaining areas, the Bureau has developed enhanced procedures (update/leave, rural update/enumerate, and list/enumerate) to identify new construction.

New Construction Program participants that also participated in the LUCA 1998 program may not submit any addresses that they disputed during the LUCA program with the exception of those that were not found to exist during the LUCA program but have since completed basic construction, closing the structure from the elements.

The Bureau will provide copies of the Census 2000 address list and related maps as of late 1999 to New Construction Program participants. The Census 2000 address list provided will show only Basic Street Addresses (BSA) and will not contain individual housing unit addresses within multi-unit structures, but it will contain the number of housing units within a BSA.

New Construction Program participants must submit new addresses on a Census Bureau "add" worksheet (or in a computer-readable format specified by the Census Bureau). The worksheet will require participants to provide the census block number for each new address. If the new BSA address includes two or more housing units, then the full address for each housing unit, including the internal designation (apartment or unit number), must be submitted individually on the "add" worksheet (or in computer-readable format). If an existing multi-unit BSA has been remodeled or renovated to change the number of housing units at that BSA, then all of the housing units at that BSA must be supplied on the "add" worksheet (or in computer-readable format) with the full address for each housing unit, including the internal designation (apartment or unit number) of each. Additionally, the participants must draw the location of every new street along which new housing units are located, and label each with its street name, on the Bureau maps.

LUCA 1999

The LUCA 1999 program is for those jurisdictions and portions of jurisdictions in which the Postal Service uses rural route, post office box number, or general delivery addresses for most mail delivery, although these areas may include some housing units with city-style addresses. There were approximately 10,800 local and tribal governments participating in the LUCA 1999 program as of March 26, 1999. These governments include more than 60 percent of the housing unit addresses and/or location descriptions (addresses) eligible for review in LUCA 1999. They will perform their review of the

appropriate portion of the Census 2000 address list and related Bureau maps during January through mid-June 1999. In LUCA 1999 areas, participants may respond only by identifying those census blocks on the Census 2000 Block Housing Unit Summary List that appear to have too few or too many housing unit addresses and/or location descriptions in the Census 2000 address list (disputed blocks). Since the LUCA 1999 process is one of reviewing only housing unit address counts, the Bureau will not accept individual specific housing unit address additions and/or corrections from LUCA 1999 participants.

In Census 2000, the Bureau will use the update/leave methodology to enumerate most housing units and their occupants in areas eligible for LUCA 1999. (The Bureau may enumerate some housing units in areas eligible for LUCA 1999 using other methodologies, based on operational determinations made during various Census 2000 preparatory activities.) To ensure a uniformly complete Census 2000 address list in areas eligible for LUCA 1999, to ensure that each address is assigned to the correct census block regardless of whether a local or tribal government agreed to review its portion of the Census 2000 address list, and to ensure that all locatable addresses in these areas are included on the Census 2000 address list, temporary Bureau employees will verify the completeness and locational accuracy of each address on the list as they deliver a Census 2000 questionnaire to it in March 2000 (update/leave methodology). At that time, they will add to the Census 2000 address list any additional addresses they find, and make other needed corrections to the Census 2000 address list and related Bureau maps.

Each address in the portions of the Census 2000 address list covering areas eligible for LUCA 1999 will include a map spot number that is linked to a specific (approximate) housing unit location on the maps that the Bureau provides to governments participating in LUCA 1999. These "other addresses" on the Census 2000 address list will provide the most recent address available for each housing unit. The Bureau completed housing unit address listing activities to prepare the Census 2000 address list for these areas in early 1999. Because of the extensive area this address listing activity covered, the Bureau implemented this operation in three waves. This resulted in three waves of delivery for the review materials to governments participating in LUCA 1999. The Bureau began providing review materials to governments participating in LUCA 1999 in January 1999, and most remaining LUCA 1999 review materials were provided by the end of May 1999.

Each jurisdiction or portion of a jurisdiction with predominantly non-city-style addresses conducted its review of the address counts in its portion of the Census 2000 address list and related Bureau maps, from January through May 1999. Each government that notified the Bureau by March 12, 1999, of its intent to participate in LUCA 1999 had 42 calendar days to conduct its review once it received the materials. This review schedule ensured receipt by the Bureau of most of the completed LUCA 1999 review materials by May 12, 1999. (An exception to the May 12, 1999, receipt date was made only if the Bureau did not deliver review materials by March 31, 1999, to participants who entered the LUCA program by March 12, 1999; these participants still were allowed the full 42 calendar days for their review process.) Governments that entered the LUCA 1999 program after March 12, 1999, were not allowed 42 calendar days for their review. Since they, also, were required to return their completed LUCA 1999 review materials on a schedule that ensured receipt by the Bureau by no later than May 12, 1999, the time allowed for their review was determined by the date they notified the Bureau of their intent to participate. Governments participating in LUCA 1999 were notified that the Bureau would not accept any LUCA 1999 disputed address counts after May 12, 1999, except as noted above. Adhering to this deadline ensured that the Bureau could complete all subsequent LUCA and other Census 2000 address list development steps in a timely manner.

The review period was shortened from 3 months to 42 calendar days for the following three reasons: First, the total number of addresses for most of these jurisdictions is much smaller than for most LUCA 1998 jurisdictions. Second, the process of reviewing only counts of housing unit addresses in census blocks is a much simpler process than the detailed housing unit address reviews for LUCA 1998. Third, the Bureau plans to relist (Reconciliation process) all housing unit addresses and/or location descriptions in census blocks for which participants identify housing unit address count discrepancies (disputed blocks).

Reconciliation Process

After receiving from each participating local and tribal government the completed Census 2000 Block Housing Unit Summary List that identifies census blocks with housing unit address count discrepancies, the Bureau will update its maps with participant-supplied corrections and send staff into the field to recompile the Census 2000 address list in each disputed census block (Reconciliation process). Bureau staff will verify the existence and location of every housing unit in each disputed block, ensure that there is a complete address and/or location description for each, and enter a map spot for each on the Bureau maps for the disputed blocks. During this relisting (Reconciliation), they will determine which housing units actually exist at the time of this second field check and ensure that the address for each is assigned to the correct census block in the evolving Census 2000 address list. (The Bureau's procedure for the LUCA 1999 Reconciliation process follows as Exhibit 1B.) The goal of the LUCA 1999 Reconciliation process is to resolve disagreements regarding specific disputed housing unit address and/or location description counts, and to reach concurrence between the Bureau and each participating government regarding those housing unit address and/or location description counts in each census block.

The Bureau intends to complete all housing unit relisting (Reconciliation) field work for each jurisdiction within 21 calendar days, plus an additional 30 calendar days to process the results and produce the Detailed Feedback/Final Determination materials. The relisting (Reconciliation) process will conclude with delivery by the Bureau of written Detailed Feedback/Final Determination materials regarding the number of housing unit addresses and/or location descriptions in each disputed census block.

The Bureau will provide timely, written, Detailed Feedback/Final Determination materials to each government that returns a Census 2000 Block Housing Unit Summary List (or equivalent computer-readable file) with housing unit address and/or location description count corrections during the LUCA 1999 review phase. The Bureau will provide these materials after participant-disputed blocks have been relisted (the Reconciliation process) and the resulting housing unit address and/or location description information have/has been added to the evolving Census 2000 address list.

The wave approach to the housing unit relisting operation in LUCA 1999 areas will result in three waves of delivery for the Detailed Feedback/Final Determination materials to governments participating in LUCA 1999. These materials will include: (1) a report

covering the specific disputed census blocks identified by the participant and updated with information documenting the final number of addresses in each census block within the jurisdiction; (2) an updated list of all individual addresses for every housing unit in the disputed census blocks within the jurisdiction, as recorded in the evolving Census 2000 address list; and (3) a copy of updated Bureau maps covering the jurisdiction.

According to the LUCA 1999 timetable, the relisting (Reconciliation) process began in May 1999 for the first LUCA 1999 governments, and some LUCA 1999 governments will begin to receive their Detailed Feedback/Final Determination materials in June 1999. All participating LUCA 1999 governments will have received their Detailed Feedback/Final Determination materials by October 1999. For each participating government, the Bureau's LUCA 1999 program for Census 2000 will be officially completed at the time the Bureau provides its Detailed Feedback/Final Determination materials.

Appeal Process

If, at the end of the Detailed Feedback/Final Determination process, a participating government still disagrees with the Bureau's Final Determination regarding the number of housing unit addresses in one or more specific census blocks, the participating government may seek a formal review through the Appeal process described in Exhibit 2B of this Notice.

Only those local or tribal governments that participated in the LUCA 1999 review program, submitted their annotated Census 2000 Block Housing Unit Summary List with count discrepancies, and completed a review of the Detailed Feedback/Final Determination materials are eligible to file an Appeal. The Appeal may be filed only after the eligible government receives the Detailed Feedback/Final Determination materials from the Bureau, and the Appeal must be filed within 30 calendar days after that date. Appeals filed after the deadline will be denied.

An eligible government may Appeal the Detailed Feedback/Final Determination address count. To do so, each eligible government must provide the following two items of information for each specific address it believes is missing from the Census 2000 address list: (1) the specific address(es) or location description(s) of the housing unit(s) the participant believes to be missing, including for each address, the Census 2000 block number, and (2) the specific location of each "missing" address by adding a "map spot" in relation to the other map spots and an accompanying map spot number on the map that the Bureau provided with the Detailed Feedback/Final Determination materials. Eligible governments may not appeal address counts for other blocks included in their initial review that they did not dispute previously.

An eligible LUCA 1999 government may appeal to the Census Address List Appeals Office, and must submit a duplicate copy of its additional evidence to the Bureau's Regional Census Center responsible for the jurisdiction. (After notification from the Appeals Office to the Bureau, the Bureau will have 15 calendar days to submit its evidence concerning the appealing government to the Census Address List Appeals Office.) The Appeal process will be concluded by January 14, 2000.

Donald R. Arbuckle,

Acting Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.

Kenneth Prewitt,

Director, Bureau of the Census, Department of Commerce.

Exhibit 1—Census Bureau's Procedures for the Reconciliation Process

This exhibit describes the Reconciliation component of the Local Update of Census Addresses (LUCA) program. The goal of the Reconciliation process is to ensure accurate information when participating governments have identified specific addresses that they believe are missing, incorrect, or not properly located (in LUCA 1998 areas) or specific census blocks in which they dispute the counts of housing units (LUCA 1999 areas), and to reach concurrence between the Bureau of the Census (Bureau) and the participating government. This concurrence relates both to the existence and to the census block location of such housing unit addresses and housing unit counts.

A. Reconciliation Process for LUCA 1998 Areas—Areas in Which the Bureau Will Use the Mail-out/Mail-back Enumeration Methodology for Most Housing Units

This section provides information on how local and tribal governments that returned their annotated review materials participate in the Reconciliation process for LUCA 1998 areas.

1. What Governments Are Eligible for the Reconciliation Process in LUCA 1998?

Local and tribal governments that participate in the Bureau's 1998 Local Update of Census Addresses (LUCA 1998) program are eligible for the Reconciliation process if they returned review materials with specific address additions, deletions, or corrections. A second on-site check (Reconciliation) of all disputed addresses will be conducted by the Bureau for differences identified by the participating local or tribal government (or its designated representative).

2. What Is the Deadline for Submitting Materials for LUCA 1998 Reconciliation?

Participating local or tribal governments are eligible for the Reconciliation process if the Bureau was in receipt of their annotated review materials by the date specified by the Bureau. Eligibility for Reconciliation was determined by the date the annotated materials were postmarked or received by an overnight delivery service. The term "receipt," as used herein, shall be defined as the date the Bureau transmits the Detailed Feedback/Final Determination materials to the participating government plus 3 calendar days.

3. What Must a Participating Government Submit To Be Eligible for LUCA 1998 Reconciliation?

Participating governments must provide the annotated Census 2000 address list (or equivalent computer-readable file) from their review process showing the address(es) that they wish to dispute. The participating government must use Bureau procedures to identify addresses that: (a) the participating government believes exist but are not included on the Census 2000 address list; (b) the participating government believes do not exist but are included on the Census 2000 address list; (c) the participating government believes exist but are not correct as included on the Census 2000 address list; (d) the participating government believes exist but are not residential addresses as indicated on the Census 2000 address list, or (e) the participating government believes exist but are not located within its jurisdiction as indicated on the Census 2000 address list. The annotated Census 2000 address list (or equivalent computer-readable file) also must provide the specific missing, corrected, or deleted addresses and their Census 2000 block numbers.

4. Where Must a Participating Government Submit Its LUCA 1998 Review Materials?

Completed review materials must be submitted to the Bureau's Regional Census Center for the region in which the participating government is located. The Bureau will provide detailed procedures when it transmits the review materials to each participating government.

5. What Is the Bureau's Reconciliation Process for LUCA 1998 Areas?

The Bureau will attempt to computer-match all participant-suggested address additions, deletions, and/or corrections against the results of the early 1999 field check (block canvassing). For each address that does not match the results of the early 1999 field check, the Bureau will send staff into the field to conduct a second on-site check (the Reconciliation process) to determine which housing units actually exist at the time of this second field check and to ensure that each address is assigned to the correct census block in the evolving Census 2000 address list. Following this second field check, the participating government will be notified, in writing, of the Bureau's Detailed Feedback/Final Determination and the basis for it. The Census 2000 address list will be updated with additions, deletions, and corrections resulting from the LUCA review. The participating government also will be informed of its right to file an Appeal, notified of the procedure for when and where to file that Appeal, and what the Appeal must include, and may proceed to the Appeal stage if it is not satisfied with the resolution provided by the Bureau during the Reconciliation phase.

In conducting the Census 2000 enumeration, the Bureau will include all addresses added to, and/or corrected in, the Census 2000 address list as a result of the second field check (Reconciliation) and/or Appeal processes, using the same procedures it will use for all other addresses on the list. Inclusion of an address in the list does not mean that a housing unit will in fact be found to exist, that any inhabitants will actually be found at the address, or that the housing unit will be included in the final Census 2000 data summaries. The census-taking process will determine the inclusion status of the address—whether or not it actually is a housing unit, and the population total at that address.

6. How Much Time Is Allowed for the Completion of the LUCA 1998 Reconciliation Process?

The Census Bureau expects to begin the second field check (Reconciliation) process in June 1999 and complete the process in August 1999. Thus, it should begin providing Detailed Feedback/Final Determination materials in July 1999. All participating governments will be notified in writing of the Bureau's Detailed Feedback/Final Determination by no later than October 1999. From the date a participating government receives the Bureau's Detailed Feedback/Final Determination materials, it will have 30 calendar days in which it may file an Appeal regarding any or all of the address corrections not accepted by the Bureau (see Exhibit 2A for the Appeal process).

B. Reconciliation Process for LUCA 1999 Areas—Areas in Which the Bureau Will Use the Update/Leave Enumeration Methodology for Most Housing Units

This section provides information on how local and tribal governments that returned their annotated review materials participate in the Reconciliation process for LUCA 1999 areas.

1. What Governments Are Eligible for the Reconciliation Process in LUCA 1999?

Local and tribal governments that participate in the Bureau's 1999 Local Update of Census Addresses (LUCA 1999) program are eligible for the Reconciliation process if they returned their Census 2000 Block Housing Unit Summary List (or equivalent computer-readable file) and they disputed the housing unit address and/or location description count for one or more census blocks. Relisting (Reconciliation) of census blocks with disputed housing unit address counts will be conducted by the Bureau for blocks identified by the participating local or tribal government (or its designated representative).

2. What Is the Deadline for Submitting Materials for LUCA 1999 Reconciliation?

Each participating local or tribal government must submit its annotated Census 2000 Block Housing Unit Summary List within 42 calendar days after the receipt of the LUCA 1999 review materials from the Bureau to be eligible for the Reconciliation process. Eligibility for Reconciliation will be determined by the date the annotated materials are postmarked or received by an overnight delivery service. The Census 2000 Block Housing Unit Summary List identifying disputed census blocks must be in the form of a paper listing or a computer file, as requested by the participating government for the initial review. The term "receipt," as used herein, shall be defined as the date the Bureau transmits the Detailed Feedback/Final Determination materials to the participating government plus 3 calendar days. The participating government may transmit documents via Express mail or overnight delivery service, and must keep an accurate record of the date it transmits these materials.

3. What Must a Participating Government Submit To Be Eligible for LUCA 1999 Reconciliation?

Participating governments that wish to dispute the count of housing unit addresses for a specified census block must provide the annotated Census 2000 Block Housing Unit Summary List (or equivalent computer-readable file) for which the Census 2000 housing unit address and/or location description count is being disputed.

4. Where Must a Participating Government Submit Its LUCA 1999 Review Materials?

Completed review materials must be submitted to the Bureau's Regional Census Center for the region in which the participating government is located. The Bureau will provide detailed procedures when it transmits the review materials to each participating government.

5. What Is the Bureau's Reconciliation Process for LUCA 1999 Areas?

The Bureau will review the materials submitted by the participating government and prepare the detailed maps and address listings needed to perform a relisting (second field check) in each census block with a disputed housing unit address and/or location description count. Addresses and/or location descriptions for housing units will be added to, deleted from, and/or corrected in the evolving Census 2000 address list.

Following this relisting, the participating government will be notified, in writing, of the Bureau's Detailed Feedback/Final Determination for each disputed block. At this time, the participating government also will be informed of its right to file an Appeal, notified of the procedure for when and where to file that Appeal, and what the Appeal must include, and may proceed to the Appeal stage if it is not satisfied with the resolution provided

by the Bureau during the Reconciliation phase.

In conducting the Census 2000 enumeration, the Bureau will include all housing unit addresses and/or location descriptions added to and/or corrected in the evolving Census 2000 address list as a result of the relisting (Reconciliation) and/or Appeal processes, using the same procedures it will use for all other addresses on the list. Inclusion of a housing unit address and/or location description in the list does not mean that a housing unit will in fact be found to exist, that any inhabitants will actually be found at the address, or that the housing unit will be included in the final Census 2000 data summaries. The census-taking process will determine the inclusion status of the address—whether or not it actually is a housing unit, and the population total at that address.

6. How Much Time Is Allowed for the Completion of the LUCA 1999 Reconciliation Process?

The Census Bureau is using 21 calendar days as its standard for completing the relisting (Reconciliation) field check for a jurisdiction, plus an additional 30 calendar days to process the results and produce the Detailed Feedback/Final Determination materials. The standard should be achievable for all jurisdictions except those with a large number of blocks with disputed counts. The relisting (Reconciliation) operation will be completed and a participating government will be notified in writing of the Bureau's Detailed Feedback/Final Determination by August 1999. From the date a participating government is in receipt of the Bureau's Detailed Feedback/Final Determination materials, it will have 30 calendar days in which it may file an Appeal regarding any or all of the housing unit address corrections not accepted by the Bureau (see Exhibit 2B for the Appeal process).

Exhibit 2—OIRA Administrator's Procedure for the Appeal Process

This exhibit describes the procedures for the OIRA Administrator's Appeal process. Following receipt of the Census Bureau's (the Bureau) Detailed Feedback/Final Determination materials from the Reconciliation process, the participating local or tribal government, or its designated agent, may file an Appeal if it disagrees with the Bureau's Final Determination. The Appeal process will be based solely on a review of written documentation provided by the participating government and the Bureau.

A. Appeal Process for LUCA 1998 Areas B Areas in Which the Bureau Will Use the Mail-Out/Mail-Back Enumeration Methodology for Most Housing Units

This section provides information on how local and tribal governments that participated in LUCA 1998 can formally Appeal decisions provided in the Bureau's Detailed Feedback/Final Determination materials to the Census Address List Appeals Office.

1. What LUCA 1998 Governments Are Eligible To File an Appeal?

All local and tribal governments that participated in the Reconciliation process and have received their Detailed Feedback/Final Determination materials are eligible to file an Appeal.

2. What Is the Deadline for an Eligible Government To File an Appeal?

An Appeal must be filed by the eligible government within 30 calendar days after that government's receipt of the Bureau's Detailed Feedback/Final Determination materials from the Reconciliation process (see 5, below, regarding what documentation the participating government must file within 30 days). "Receipt" as used herein shall be defined as the date the Bureau transmits the Detailed Feedback/Final Determination materials to the eligible government plus 3 calendar days. The eligible government may transmit materials via Express mail or overnight delivery service, and must keep an accurate record of the date it transmits these materials. All Appeals filed after the deadline will be denied as untimely.

3. Who Will Review the Appeal?

The Appeal process will be administered by the Census Address List Appeals Office (Appeals Office), a temporary Federal office established outside the Department of Commerce. The Appeals Office will be directed by a senior executive on detail from a Federal agency that is not part of the Department of Commerce. The Office will be staffed by Appeal Officers who may be Federal employees on detail from other agencies outside the Department of Commerce, temporary Federal employees, or contractors. The Appeal Officers will be trained in the procedures for processing an Appeal and in the examination and analysis of address list information, locations of addresses and housing units, and supporting materials. For additional information on the review and decision process, see 8 below.

4. What Types of Final Determinations May Be Appealed?

An Appeal may be filed only with respect to addresses for which the eligible government had previously sought Bureau review during the LUCA 1998 Reconciliation process, which is described in Exhibit 1A of this Notice. Further, the eligible government may appeal only those Reconciliation determinations made by the Bureau that pertain to:

a. Addresses that the eligible government believes exist but are not included on the Census 2000 address list; and

b. Addresses that the eligible government believes exist but are not correct as included on the Census 2000 address list.

5. What Documentation Must an Eligible Government File with an Appeal?

The Appeal process will be based solely on a review of written documentation provided by the eligible government and the Bureau. Each Appeal submitted to the Appeals Office must be printed or typed. The Appeal documentation must include:

a. The name of the eligible government.

b. The name, mailing address, telephone number, fax number, and electronic mail address (if any), of that government's contact person.

c. The following information:

(1) A separate list of the addresses that the eligible government believes exist but are not *included* on the Census 2000 address list; for each address, identify the Census 2000 block number, the LUCA tracking number, the participant action code, and the Bureau's action code as provided by the Bureau in its Detailed Feedback/Final Determination materials; and

(2) A separate list of the addresses that the eligible government believes exist but are not *correct* as included on the Census 2000 address list; for each address, identify the Census 2000 block number, the LUCA tracking number, the participant action code, and the Bureau action code as provided by the Bureau in its Detailed Feedback/Final Determination materials.

d. An annotated copy of the Bureau's Detailed Feedback/Final Determination materials from the second on-site check (Reconciliation), with the portion(s) marked that specifically pertain(s) to the lists in item 5c above.

e. A written explanation that gives the eligible government's specific recommendations for how the address(es) and location(s) being appealed should appear on the Census 2000 address list.

f. A written statement that outlines the eligible government's position for why the Appeals Office should adopt its recommendations. The statement must specifically respond to the explanation that accompanied the Bureau's Detailed Feedback/Final Determination materials. This specific response to the Bureau's explanation is a critical part of the Appeal process; an Appeal is likely to be more persuasive to the extent that it provides a more pointed and evidence-based response to the Bureau's explanation, and is likely to be less persuasive to the extent that it provides a general and unfocused response.

g. For each housing unit address or group of addresses, or each location description of a housing unit being appealed, a reference to the location in the supporting documentation where the Appeal Officer can find specific evidence supporting the eligible government's position with respect to that housing unit address, or group of addresses, or location description, believed missing or incorrect.

h. Any other supporting documentary evidence for the position taken by the eligible government in its Appeal.

Two types of supporting evidence are recommended below. The first specifically reflects the validity of any address or map reference sources, and the second describes other useful sources of supporting evidence. The eligible government may submit any documentation it deems relevant in support of its Appeal.

a. Evidence supporting the quality of address or map reference sources.

(1) The date of the address source.

(2) How often the address source is updated.

(3) The methods used to update the source.

(4) Quality assurance procedure(s) that are used in maintaining the address source.

(5) How the address source is used by the eligible government and/or by the originator of the source.

b. Other useful supporting evidence.

(1) On-site inspection and/or interview of residents and/or neighbors.

(2) Issuance of recent occupancy permit for unit. (Building permits are not acceptable as they do not ensure that the units have been built and/or are occupied.)

(3) Provision of utilities (electricity, gas, sewer, water, telephone, etc.) to the residence. The utility record should show that this is not service to a commercial unit, or an additional service to an existing residence (such as a second telephone line).

(4) Provision of other governmental services (housing assistance, welfare, etc.) to residents of the unit.

(5) Aerial photography and/or standard photography.

(6) Land use maps.

(7) Local 911 emergency lists, if they distinguish residential from commercial units.

(8) Tax assessment records, if they distinguish residential from commercial units.

All Appeal documentation must be filed with the Appeals Office within 30 calendar days after the Bureau transmits its Detailed Feedback/Final Determination materials to the eligible government. At the same time, the eligible government must send a duplicate copy of all Appeal documentation to the Bureau's Regional Census Center responsible for the jurisdiction. The eligible government may not submit any materials to the Appeals Office after the 30-day period has lapsed.

6. Where Must Eligible Governments File an Appeal?

Appeals must be sent to: Dr. Philip N. Fulton, Director, Census Address List Appeals Office, 1730 K Street, NW, Suite 418, Washington, DC 20006; telephone (202) 208–4613. At the same time, a duplicate copy of all Appeal documentation must be filed with the Bureau's Regional Census Center responsible for the jurisdiction.

Upon receipt of an Appeal, the Appeals Office will send a written confirmation to the eligible government that its Appeal has been received. The Appeals Office also will notify the Bureau, in writing, that the Appeal has been filed.

7. What Written Documentation and Supporting Evidence May Be Submitted by the Bureau During the Appeal Process?

The Bureau does not need to respond to the Appeal or to provide any materials in support of its Reconciliation determination. Upon receipt of notification that an Appeal has been filed, the Bureau will have 15 calendar days in which it may (if the Bureau so chooses):

a. Submit to the Appeals Office written documentation briefly summarizing its position as well as any supporting evidence concerning the appealed addresses, or

b. Submit to the Appeals Office a written acceptance statement agreeing to the recommendation(s) in the Appeal.

If the Bureau submits any written documentation to the Appeals Office to support its position, the Bureau at the same time must send a copy of its submission to the eligible government. The Bureau may not submit any materials to the Appeals Office after the 15-day period has lapsed.

8. What Is the Appeal Review and Final Decision Process?

An Appeal Officer will review the Bureau's Detailed Feedback/Final Determination and the written documentation and supporting evidence submitted by the eligible government and the Bureau. No testimony or oral argument will be received by the Appeal Officer. Appeal Officers will apply the following principles in conducting their review:

a. The Appeal Officer shall consider the quality of the map or address reference source as the basis for determining the validity of an address (or group of addresses) and its (their) location(s).

b. For any address for which the Appeal Officer determines that the quality of the supporting evidence submitted by both parties is of equal weight, the Appeal Officer shall decide in favor of the eligible government.

At the conclusion of reviewing an appealed address (or group of addresses), the Appeal Officer will prepare a draft written determination. The draft written determination will be reviewed by a higher level official in the Appeals Office. The Director of the Appeals Office (or his designee) will then issue a final written determination to both the eligible government and the Bureau. The final written determination will include a brief explanation of the Appeals Office's decision, and will specify how the appealed address(es) or its (their) location(s) should appear on the Census 2000 address list. Each final written determination shall become part of the administrative record of the Appeal process.

The Appeals Office's decision is final. In conducting the Census 2000 enumeration, the Bureau will include all addresses added to, or corrected in, the Census 2000 address list as a result of the Appeal process, according to the same procedures used for all other addresses on the list. Inclusion of an address on the list does not mean that a housing unit or its inhabitants are actually at the address, or that the address will be included in the final Census 2000 data summaries. The census-taking process will determine the inclusion status of the address—whether or not it is actually a housing unit—and the final population and housing unit status for each address.

9. When Will the Appeal Process Be Completed?

Appeal reviews shall be completed and written determinations issued to the concerned parties as soon as possible, and in any event no later than January 14, 2000.

B. Appeal Process for LUCA 1999 Areas—Areas in Which the Bureau Will Use the Update/Leave Enumeration Methodology for Most Housing Units

This section provides information on how local and tribal governments that participated in LUCA 1999 can formally Appeal decisions provided in the Bureau's Detailed Feedback/Final Determination materials to the Census Address List Appeals Office.

1. What LUCA 1999 Governments Are Eligible To File an Appeal?

Local and tribal governments that notified the Bureau about the need to reconsider the count of all housing unit addresses in disputed blocks and have received their Detailed Feedback/Final Determination materials are eligible to file an Appeal.

2. What Is the Deadline for an Eligible Government To File an Appeal?

An Appeal must be filed by the eligible government within 30 calendar days after that government's receipt of the Bureau's Detailed Feedback/Final Determination materials (see 5, below, regarding what the eligible government must file within 30 days). "Receipt" as used herein shall be defined as the date the Bureau transmits the Detailed Feedback/Final Determination materials to the participating government plus 3 calendar days. The eligible government may transmit materials via Express mail or overnight delivery service and must keep an accurate record of the date it transmits these materials. All Appeals filed after the deadline will be denied as untimely.

3. Who Will Review the Appeal?

The Appeal process will be administered by the Census Address List Appeals Office (Appeals Office), a temporary Federal office established outside the Department of Commerce. The Appeals Office will be directed by a senior executive on detail from a Federal agency that is not a part of the Department of Commerce. The Office will be staffed by Appeal Officers who may be Federal employees on detail from other agencies outside the Department of Commerce, temporary Federal employees, or contractors. The Appeal Officers will be trained in the procedures for processing an Appeal and in the examination and analysis of address list information, locations of addresses and housing units, and supporting materials. For additional information on the review and decision process, see 8 below.

4. What Types of Final Determinations May Be Appealed?

An Appeal may be filed only with respect to the count of housing unit addresses in one or more specific census blocks for which the eligible government had previously sought Bureau review during the LUCA 1999 Reconciliation process, which is described in Exhibit 1B of this notice.

5. What Documentation Must the Eligible Government File With an Appeal?

The Appeal process will be based solely on a review of written documentation provided by the eligible government and the Bureau. Each Appeal submitted to the Appeals Office must be printed or typed. The Appeal documentation must include:

a. The name of the eligible government.

b. The name, mailing address, telephone number, fax number, and electronic mail address (if any) of that government's contact person.

c. The following information for each specific address being appealed:

(1) The specific address or location description of the housing unit the eligible government believes is missing; for each address, identify the Census 2000 block number; and

(2) The specific location of the missing address by adding a "map spot" in relation to the other map spots and an accompanying map spot number on the map that the Bureau provided with its Detailed Feedback/Final Determination materials.

d. An annotated copy of the Bureau's Detailed Feedback/Final Determination materials from the Reconciliation process, with those portions marked that specifically pertain to the information in item 5c above.

e. A written explanation that gives the eligible government's specific recommendations for how the address(es) and location(s) being appealed should appear on the Census 2000 address list.

f. A written statement that outlines the eligible government's position for why the Appeals Office should adopt its recommendations. The statement must specifically respond to the explanation that accompanied the Bureau's Detailed Feedback/Final Determination materials. This specific response to the Bureau's explanation is a critical part of the appeal process; an appeal is likely to be more persuasive to the extent that it provides a more pointed and evidence-based response to the Bureau's explanation, and is likely to be less persuasive to the extent that it provides a general and unfocused response.

g. For each housing unit address or group of addresses, or each location description of a housing unit being appealed, a reference to the location in the supporting documentation where the Appeal Officer can find specific evidence supporting the eligible government's position with respect to that housing unit address, or group of addresses, or location description, believed missing or incorrect.

h. Any other supporting documentary evidence for the position taken by the eligible government in its Appeal.

Two types of supporting evidence are recommended below. The first specifically reflects the validity of any address or map reference sources, and the second describes other useful sources of supporting evidence. The eligible government may submit any documentation it deems relevant in support of its Appeal.

a. Evidence supporting the quality of address or map reference sources.

(1) The date of the address source.

(2) How often the address source is updated.

(3) The methods used to update the source.

(4) Quality assurance procedure(s) that are used in maintaining the address source.

(5) How the address source is used by the eligible government and/or by the originator of the source.

b. Other useful supporting evidence.

(1) On-site inspection and/or interview of residents and/or neighbors.

(2) Issuance of recent occupancy permit for unit. (Building permits are not acceptable as they do not ensure that the units have been built and/or are occupied.)

(3) Provision of utilities (electricity, gas, sewer, water, telephone, etc.) to the residence. The utility record should show that this is not service to a commercial unit, or an additional service to an existing residence (such as a second telephone line).

(4) Provision of other governmental services (housing assistance, welfare, etc.) to residents of the unit.

(5) Aerial photography and/or standard photography.

(6) Land use maps.

(7) Local 911 emergency lists, if they distinguish residential from commercial units.

(8) Tax assessment records if they distinguish residential from commercial units.

All Appeal documentation must be filed with the Appeals Office within 30 calendar days after the Bureau transmits its Detailed Feedback/Final Determination materials to the eligible government. At the same time, the eligible government must send a duplicate copy of all Appeal documentation to the Bureau's Regional Census Center responsible for the jurisdiction. The eligible government may not submit any materials to the Appeals Office after the 30-day period has lapsed.

6. Where Must Eligible Governments File an Appeal?

Appeals must be sent to: Dr. Philip N. Fulton, Director, Census Address List Appeals Office, 1730 K Street, NW—Suite 418, Washington, DC 20006; telephone (202) 208–4613. At the same time, a duplicate copy of all Appeal documentation must be sent to the Bureau's Regional Census Center responsible for the jurisdiction.

Upon receipt of an Appeal, the Appeals Office will send a written confirmation to the eligible government that its Appeal has been received. The Appeals Office also will notify the Bureau, in writing, that the Appeal has been filed.

7. What Written Documentation and Supporting Evidence May Be Submitted by the Bureau During the Appeal Process?

The Bureau does not need to respond to the Appeal or to provide any materials in support of its Reconciliation determination. Upon receipt of notification that an Appeal has been filed, the Bureau will have 15 calendar days in which it may (if the Bureau so chooses):

a. Submit to the Appeals Office written documentation briefly summarizing its position as well as any supporting evidence concerning the appealed addresses, or

b. Submit to the Appeals Office a written statement agreeing to the recommendation(s) in the Appeal.

If the Bureau submits any written documentation to the Appeals Office to support its position, the Bureau at the same time must send a copy of its submission to the eligible government. The Bureau may not submit any materials to the Appeals Office after the 15-day period has lapsed.

8. What is the Appeal Review and Final Decision Process?

An Appeal Officer will review the Bureau's Detailed Feedback/Final Determination and the written documentation and supporting evidence submitted by the eligible government and the Bureau. No testimony or oral argument will be received by the Appeal Officer. Appeal Officers will apply the following principles in conducting their review:

a. The Appeal Officer shall consider the quality of the map or address reference source as the basis for determining the validity of an address (or group of addresses) and its (their) location(s).

b. For any address for which the Appeal Officer determines that the quality of the supporting evidence submitted by both parties is of equal weight, the Appeal Officer shall decide in favor of the eligible government.

At the conclusion of reviewing an appealed address (or group of addresses), the Appeal Officer will prepare a draft written determination. The draft written determination will be reviewed by a higher level official in the Appeals Office. The Director of the Appeals Office (or his designee) will then issue a final written determination to both the eligible government and the Bureau. The final written determination will include a brief explanation of the Appeals Office's decision, and will specify how the appealed address(es) or its (their) location(s) should appear on the Census 2000 address list. Each final written determination shall become part of the administrative record of the Appeal process.

The Appeals Office's decision is final. In conducting the Census 2000 enumeration, the Bureau will include all addresses added to, or corrected in, the Census 2000 address list as a result of the Appeal process, according to the same procedures used for all other addresses on the list. Inclusion of an address on the list does not mean that a housing unit or its inhabitants are actually at the address, or that the address will be included in the final Census 2000 data summaries. The census-taking process will determine the inclusion status of the address—whether or not it is actually a housing unit—and the final population and housing unit status for each address.

9. When Will the Appeal Process be Completed?

Appeal reviews shall be completed and written determinations issued to the concerned parties as soon as possible, and in any event no later than January 14, 2000.

[FR Doc. 99–16688 Filed 6–29–99; 8:45 am]
BILLING CODE 6820–46–U

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

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H.R. 435/P.L. 106–36
Miscellaneous Trade and Technical Corrections Act of 1999 (June 25, 1999; 113 Stat. 127)

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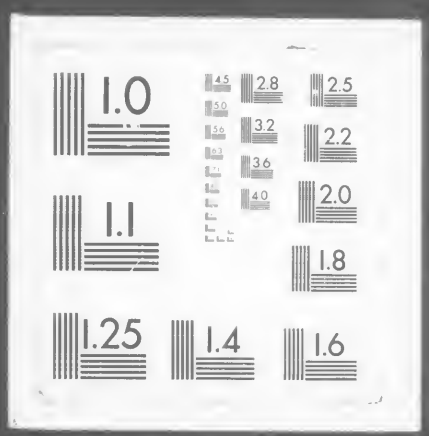
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